

## CITY COUNCIL MEETING NO. 11-2010

The Regular Meeting of City Council was held on Tuesday, April 6, 2010, and was called to order at 6:15 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:20 pm to 7:20 pm in the Councillors' Lounge.

**(Council Chamber)**

### ROLL CALL

Present: Mayor Rosen, Councillor Foster (withdrew at 10:17 pm), Councillor Garrison (arrived 7:30 pm), Councillor Gerretsen (arrived 7:00 pm), Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane (withdrew at 7:20 pm), Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (13)

Absent: (0)

**(Councillors' Lounge)**

### Administrative Staff Present:

Ms. P. Burns, Director, Human Resources and Organization Development  
Mrs. C. Downs, City Clerk

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### COMMITTEE OF THE WHOLE "IN CAMERA"

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

THAT Council resolve itself into the Committee of the Whole "In Camera" to consider the following item(s):

- (a) Personal matters about an identifiable individual, including municipal or local board employees – CAO Goals and Evaluation

**CARRIED**

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**(Council Chamber)**

### Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability and Growth  
Mr. J. Bolognone, Deputy City Clerk  
Ms. K. Brown, Project Engineer, Infrastructure, Engineering  
Ms. A. Bryan, Firefighter, Fire and Rescue  
Mr. G. Bullock, Deputy Fire Chief, Fire and Rescue  
Mrs. C. Downs, City Clerk  
Mr. J. Hale, Driver/Laborer, Public Works  
Mr. G. Hunt, Chief Administrative Officer  
Ms. L. Hurdle, Director, Recreation and Leisure Services  
Mr. J. Johnson, Manager, Facilities, Corporate Asset Operations  
Mr. S. Kanellos, Director, Real Estate and Construction Services  
Mr. J. Keech, President and CEO, Utilities Kingston  
Mr. R. Kidd, Assistant Fire Chief/Director of Fire Prevention, Fire and Rescue  
Mr. D. Leger, Commissioner, Corporate Services  
Mr. H. Linscott, Director, Legal Services  
Mr. B. McCurdy, Director, Cultural Services  
Mr. N. Murphy, Deputy Fire Chief, Fire and Rescue  
Ms. J. Reichstein, Research and Policy Analyst, Office of the CAO

**Administrative Staff Present (continued):**

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Mr. R. Steele, Manager, Fleet, Corporate Asset Operations  
Mr. H. Tulk, Fire Chief  
Mr. C. Wiginton, Manager, Cultural Services  
Mr. T. Willing, Acting Commissioner, Community Development Services

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**REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"**

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

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

**CARRIED**

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**DISCLOSURE OF PECUNIARY INTEREST**

Councillor Hector declared a possible pecuniary interest in the matter of Clauses 7, 8, 10, 14 and 15 of Report No. 52 of the Kingston Municipal Heritage Committee (LACAC) as she has a contract with Hughes Downey Architects.

Councillor Hutchison declared a possible pecuniary interest in the matter of Clauses 14 and 15 of Report No. 52 of the Kingston Municipal Heritage Committee (LACAC) as his employer, Kingston Co-operative Homes, may be applying for funding under the DOORS program and/or Affordable Housing program.

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**PRESENTATIONS**

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**DELEGATIONS**

- (1) Ms. Stephanie Nairn was present and spoke to Council regarding the City Park public safety issue.  
(See Motion No. (2), Page No. 25)

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**BRIEFINGS**

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**PETITIONS**

- (1) A petition bearing approximately 123 signatures was presented by Councillor Gerretsen and referred to the President and CEO of Utilities Kingston and reads as follows:

"There were a number of assaults in and around Queen's Campus (Kingston, Ontario, Canada) at the beginning of the '09 semester. The most recent attack occurred at 7 p.m. on Court Street. A woman was attacked from behind and pulled to the ground. Fortunately, she was able to fight off her attacker and subsequently reported the incident to the police.

City Park and the surrounding area (including Court Street) are extremely DARK in the evening hours. At the very least, in order to prevent further incidents, the park and surrounding area should be outfitted with more lighting!

**PETITIONS (CONTINUED)**

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It is the City of Kingston's responsibility to protect its citizens' rights to liberty and security of the person! Please sign the following petition if you are interested in preventing further attacks and/or assaults on Kingston's citizens via, **at the very least**, installing more lighting in the park and surrounding area!!! Let us begin to open up the public space that is City Park and the surrounding area to make it more friendly and welcoming to all!"

REFERRED TO THE PRESIDENT AND CEO OF UTILITIES KINGSTON

- (2) A petition bearing approximately 86 signatures was presented by Councillor Gerretsen and referred to the President and CEO of Utilities Kingston and reads as follows:

"There have been a number of assaults in and around Queen's Campus (Kingston, Ontario, Canada) at the beginning of the '09 semester. The most recent attack occurred at 7 p.m. on Court Street. A woman was attacked from behind and pulled to the ground. Fortunately, she was able to fight off her attacker and subsequently reported the incident to the police.

City Park and the surrounding area (including Court Street) are extremely DARK in the evening hours. At the very least, in order to prevent further incidents, the park and surrounding area should be outfitted with more lighting!

It is the City of Kingston's responsibility to protect its citizens' rights to liberty and security of the person! Please sign the following petition if you are interested in preventing further attacks and/or assaults on Kingston's citizens via, at the very least, installing more lighting in the park and surrounding area!!!"

REFERRED TO THE PRESIDENT AND CEO OF UTILITIES KINGSTON

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## MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motions of Condolence (3) through (5).

### Motions of Congratulations

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

**THAT** the congratulations of Kingston City Council be extended to the Kingston and District Agricultural Society for being designated the most improved fair in Ontario in 2009 by World's Finest Shows (formerly Conklin's) at the February 19, 2010, meeting of the Ontario Association of Agricultural Societies. Dr. Janine Handforth, President of the Kingston and District Agricultural Society, was present to accept the award on behalf of the Kingston and District Agricultural Society.

### Motions of Condolence

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

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of Grant Timmins, who passed away on March 23, 2010. Mr. Timmins served as an Alderman with the City of Kingston from 1969 to 1985. He also enjoyed a lengthy professional career with Canadian Locomotive Works and Alcan before his retirement in 1984. Mr. Timmins remained a close follower of Kingston City Council, right up to his final days and he will be sorely missed in our community.

## MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

- (2) Moved by Mayor Rosen

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Seconded by Councillor Hector

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of James Keenleyside, who passed away on March 23, 2010. Mr. Keenleyside was a naval veteran of World War II. He became a local champion of numerous veterans affairs events in Kingston, through his volunteer work as master of ceremonies at the annual Remembrance Day ceremony and his long-time involvement in the local branch of the Burma Star Association, to name only a couple. Mr. Keenleyside served as an Alderman on Kingston City Council from 1967 to 1976, and was Canada's longest serving returning officer for federal elections, from 1972 to 2006. Mr. Keenleyside's presence in our community will be sorely missed. We are most grateful and humbled by his commitment to serving our city and our country.

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

**THAT** the sincere condolences of Kingston City Council be extended to Janice Moran, Clerk's Department, and Shiela Thompson, Rideaucrest Home, and their families, on the passing of their mother, Gertrude Kenehan.

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

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of Dr Richard Milne, who died Monday evening, April 5. Kingston born and raised, Dr Milne was a well known and highly respected family general practitioner here and in the region. He helped establish a family medical clinic in Parham more than forty years ago. This was followed by a clinic at Northbrook. He was active in both the Ontario Medical Association and the College of Physicians and Surgeons of Ontario. While a student at Queen's University he was the president of the Alma Mater Society. Among his many interests he was also a strong supporter of the geology museum at Queen's.

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

**THAT** the sincere condolences of Kingston City Council be extended to the family, friends, and colleagues of Dr. Charles Sorbie, who died tragically on March 29, 2010. Dr. Sorbie was a professor emeritus and head of orthopaedic surgery at Queen's University for 11 years. He established what is now known as the Human Mobility Centre, where he designed the Sorbie Questor elbow replacement. He was a fine doctor and teacher, and will be sadly missed on the Queen's campus and in our community.

**CARRIED**

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## REPORTS

### Report No. 48 the Chief Administrative Officer (Consent)

Moved by Councillor Gerretsen

Seconded by Councillor Matheson

**THAT** Report No. 48 of the Chief Administrative Officer (Consent) be received and adopted.

### Report No. 48

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) 2010 Tax Ratios

1. **THAT** Council approve the 2010 tax ratios as follows:

- a. the residential and new multi-residential property classes be set at 1.0;
- b. the farm and managed forest property classes be set at 0.25;
- c. the industrial property classes be set at 2.63;
- d. the commercial property class be set at 1.98;
- e. the multi-residential property class be set at 2.547257; and,
- f. the pipeline property class be set at 1.1728;

- and further -

2. **THAT** a by-law be presented and given three readings, "A By-Law To Establish The 2010 Tax Ratios", in order to establish the 2010 tax ratios.

(The Report of the Deputy Treasurer (10-089) was attached as Schedule Pages 1-6)

(File No. CSU-F22-000-2010)

(See By-Law No. (2), 2010-70)

#### (b) Ontario Transportation Demand Management (TDM) Municipal Grant Program Funding Agreement

**THAT** Council approve the development of a transportation demand management plan to encourage cycling, walking, public transit and car-pooling in order to reduce daily vehicle kilometres travelled by single-occupant vehicles in the City of Kingston;

- and further -

**THAT** Council authorize the Mayor and Clerk to sign a funding agreement, satisfactory to the Director of Legal Services, in the amount of \$20,000 with the Ontario Ministry of Transportation under the Ontario Transportation Demand Management Municipal Grant Program in order to implement this program;

- and further -

**THAT** Council approve an amount of up to \$20,000 representing the City's share of cost for the transportation demand management plan to be funded from the Working Fund Reserve;

- and further -

## REPORTS (CONTINUED)

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**Report No. 48 the Chief Administrative Officer (Consent)**

**THAT** Council give all three readings to the draft by-law in order to meet the funding agreement deadlines.  
(The Report of the Commissioner of Corporate Services (10-098) was attached as Schedule Pages 7-11)  
(File No. CSU-F11-000-2010)  
(See By-Law No. (3), 2010-71)

**(c) Award of RFP for the Purchase of One 2010 Half-Ton 4x2 Pickup Truck to Edwards Ford Limited**

**THAT** the RFP F31-CS-FL-2010-05 for the purchase of one half-ton 4x2 pickup truck be awarded to Edwards Ford Limited for the purchase price of \$17,973 plus applicable taxes.  
(The Report of the Commissioner of Corporate Services (10-108) was attached as Schedule Pages 12-14)  
(File No. CSU-F31-000-2010)

**(d) Award of RFP for the Purchase of One 60" Upfront Mower to G.C. Duke**

**THAT** the RFP F31-CS-FL-2010-06 for the purchase of one 60" upfront mower be awarded to G.C. Duke for the purchase price of \$16,388 plus applicable taxes.  
(The Report of the Commissioner of Corporate Services (10-111) was attached as Schedule Pages 15-17)  
(File No. CSU-F31-000-2010)

**(e) Award of RFP for the Purchase of One 2010 Half-Ton 4x4 Pickup Truck to Edwards Ford Limited**

**THAT** the RFP F31-CS-FL-2010-04 for the purchase of one half-ton 4x4 pickup truck be awarded to Edwards Ford Limited for the purchase price of \$23,951 plus applicable taxes.  
(The Report of the Commissioner of Corporate Services (10-112) was attached as Schedule Pages 18-20)  
(File No. CSU-F31-000-2010)

**(f) Postponement of Securities Registered on Title for Frontenac Community Mental Health Services**

**THAT** Council authorize the Mayor and Clerk to execute the required documents to postpone the securities registered on title of the property at 31 Lyons Street owned by Frontenac Community Mental Health Services in favour of a new first mortgage;

- and further -

**THAT** Council approve the postponement of securities currently registered in first and second position to second and third position in favour of the new first mortgage and in a form satisfactory to the Legal Services Division.  
(The Report of the Acting Commissioner of Community Development Services (10-118) was attached as Schedule Pages 21-24)  
(File No. CSU-F25-000-2010)

**REPORTS (CONTINUED)**

**Report No. 48 the Chief Administrative Officer (Consent)**

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(g) **Transfer of Federal Gas Tax Revenues**

**THAT** a by-law entitled "A By-Law To Authorize The Mayor And City Treasurer To Execute An Amended Municipal Funding Agreement For The Transfer Of Federal Gas Tax Revenues Under The New Deal For Cities And Communities" be presented and given three readings in order to receive a predictable and stable funding stream of \$7,190,649.46 annually over the next four years.

(The Report of the Deputy Treasurer (10-130) was attached as Schedule Pages 25-36)

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

(See By-Law No. (4), 2010-72)

**CARRIED**

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**Report No. 49 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Osanic

Seconded by Councillor Hector

**THAT** Report No. 49 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**Report No. 49**

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) **City/Queen's Joint Progress Report**

**THAT** Council authorize staff to develop a three to five year plan to enhance relationships, communications and policies among Queen's University and its students, the City of Kingston, and the community by addressing areas of common concern including: quality of life, community planning, student engagement and economic development.

(The Report of the Chief Administrative Officer (10-116) was attached as Schedule Pages 37-61)

(File No. CSU-R07-000-2010)

**CARRIED**

Council consented to the addition of the recommendation for Clause (2) of Report No. 49.

(2A) **STAFF BRIEFING – Ms. Cynthia Beach, Commissioner of Sustainability and Growth, was present and spoke to Council regarding the J.K. Tett Centre and Queen's Performing Arts Centre.**

(2) **Project Funding Approval – J.K. Tett Centre and Queen's Performing Arts Centre**

1. **THAT** a final capital project budget for J.K. Tett Centre, as part of the joint City/Queen's project, be established at \$11.5M, funded by a contribution from Queen's of \$8.5M and \$3.0M from the One Time Infrastructure reserve fund;

- and further -

2. **THAT** the City contribute \$6M to the Queen's Performing Arts Centre portion of the project, as a condition of securing the grants from upper levels of government;

- and further -

**REPORTS (CONTINUED)**

**Report No. 49 of the Chief Administrative Officer (Recommend)**

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3A. **THAT** the contribution from the City be conditional upon entering into an agreement with Queen's University in a form satisfactory to the Director of Legal Services setting out the project funding obligations of Queen's and the City as well as their mutual obligation to work together to ensure that the two sites are constructed to meet ongoing needs for a vibrant cultural cluster comprised of the City's J.K Tett Centre and the Queen's Performing Arts Centre;

- and further -

3B. **THAT** the contribution from the City be conditional upon the completion in a form satisfactory to the CAO and the Director of Legal Services of a memorandum of understanding on the integration (including operations and performance frequency) of the Queen's Performing Arts Centre into the community's cultural spectrum;

- and further -

4. **THAT** the Mayor and Clerk be authorized to sign the Agreement with Queen's University;

- and further -

5. **THAT** funding for the operations of the new arts cluster at the J.K. Tett Centre be budgeted in the 2011 operating budget.

Note: The Report of the Commissioner of Sustainability and Growth (10-133) was distributed separately from the agenda on Thursday, April 1, 2010.

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

**CARRIED AS AMENDED (12:0)**

**(See Recorded Vote No. 1)**

**(See Motion To Amend Which Was CARRIED)**

**(See Motion To Amend Which Was LOST)**

Moved by Councillor Glover

Seconded by Councillor Gerretsen

**THAT** Clause (2) of Report No. 49 of the Chief Administrative Officer (Recommend) be amended to renumber paragraph 3 as number 3A and to add the following as paragraph 3B:

"- and further -

**THAT** the contribution from the City be conditional upon the completion in a form satisfactory to the CAO and the Director of Legal Services of a memorandum of understanding on the integration (including operations and performance frequency) of the Queen's Performing Arts Centre into the community's cultural spectrum;"

**CARRIED (12:0)**

**(See Recorded Vote No. 2)**

Moved by Councillor Schmolka

Seconded by Councillor Osanic

**THAT** Clause 2 of Report No. 49 of the Chief Administrative Officer (Recommend) be amended by deleting the words "funded by a contribution from Queen's of \$8.5M and \$3.0M from the One Time Infrastructure reserve fund" in paragraph 1 and inserting the words "that staff return to negotiations with Queen's University to increase Queen's University's contribution to at least \$3M plus the City's \$6M contribution to the complex, equaling \$9M".

**LOST (6:6)**

**(See Recorded Vote No. 3)**

## REPORTS (CONTINUED)

### Report No. 49 of the Chief Administrative Officer (Recommend)

1. A Recorded Vote was requested by Councillor Smith

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

NAYS: (0)

ABSENT: Councillor MacLeod-Kane (1)

2. A Recorded Vote was requested by Councillor Gerretsen

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

NAYS: (0)

ABSENT: Councillor MacLeod-Kane (1)

3. A Recorded Vote was requested by Councillor Schmolka

YEAS: Councillor Gerretsen, Councillor Glover, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (6)

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

ABSENT: Councillor MacLeod-Kane (1)

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**Report No. 50 of the Chief Administrative Officer (Consider)**

Moved by Councillor Matheson

Seconded by Councillor Hutchison

**THAT** Report No. 50 of the Chief Administrative Officer (Consider) be considered.

**Report No. 50**

To the Mayor and Members of Council:

The Chief Administrative Officer reports and requests consideration as follows:

**Note:** Clause (1) below was previously Clause (1) of Report No. 41 of the Chief Administrative Officer (Consider) on the agenda for the meeting held on March 23, 2010. The motion of Councillors Glover and Matheson was deferred from the March 23 meeting in order to receive a staff report regarding the Church Athletic League negotiations.

(1A) **STAFF BRIEFING** – Ms. Lanie Hurdle, Director of Recreation and Leisure Services, was present and spoke to Council regarding the Church Athletic League home ice negotiations.

**REPORTS (CONTINUED)**

**Report No. 50 of the Chief Administrative Officer (Consider)**

(1) **Church Athletic League (CAL) Home Ice Negotiations**

Moved by Councillor Glover

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Seconded by Councillor Matheson

**THAT** Council direct staff to follow Option A, which reads as follows:

- A
- 1) **THAT** Council relocate the Church Athletic League's home ice to the Memorial Centre no later than the end of the 2010- 2011 hockey season;  
- and further -
  - 2) **THAT** Council direct staff to work with the Church Athletic League to implement upgrades and repairs at the Memorial Centre, to an upset limit of \$100,000, to accommodate the needs of the Church Athletic League relocation;  
- and further -
  - 3) **THAT** staff, in order to save at least \$200,000 in operating costs as outlined in the staff report, do everything possible to implement the upgrades and repairs at the Memorial Centre to accommodate the relocation of the Church Athletic League (CAL) for the beginning of the 2010-2011 season;  
- and further -
  - 4) **THAT** Council direct staff to initiate plans to relocate the Domino Theatre to the Harold Harvey arena in conjunction with the move of the Church Athletic League (CAL).

(The Report of the Commissioner of Sustainability and Growth (10-109) was attached as Schedule Pages 62-66)  
(File No. CSU-R05-000-2010)

**CARRIED AS AMENDED (11:1)**  
**(See Recorded Vote No. 1)**  
**(See Motions To Amend Which Were CARRIED)**

Moved by Councillor Smith

Seconded by Councillor Gerretsen

**THAT** paragraph 1) of Clause (1) of Report No. 50 of the Chief Administrative Officer (Consider) be amended by deleting the word "at" and inserting the words "no later than" in its place.

**CARRIED**

Moved by Councillor Smith

Seconded by Councillor Hector

**THAT** Clause (1) of Report No. 50 of the Chief Administrative Officer (Consider) be amended by deleting the words "of home ice at the end of the 2010-2011 hockey season" from paragraph 2);

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

- and further -

by re-numbering paragraph 3) to become paragraph 4) and deleting the words "in 2011 with a proposed opening of September 2011" and inserting the words "in conjunction with the move of the Church Athletic League (CAL)";

**CARRIED**  
**(Councillor Gerretsen Opposed)**

- and further -

## REPORTS (CONTINUED)

Report No. 50 of the Chief Administrative Officer (Consider)

by inserting a new paragraph 3) to read as follows:

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"THAT staff, in order to save at least \$200,000 in operating costs as outlined in the staff report, do everything possible to implement the upgrades and repairs at the Memorial Centre to accommodate the relocation of the Church Athletic League (CAL) for the beginning of the 2010-2011 season."

**CARRIED**

1. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (11)

NAYS: Councillor Garrison (1)

ABSENT: Councillor MacLeod-Kane (1)

2. A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Foster, Councillor Garrison, Councillor Glover, Councillor Hector, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (9)

NAYS: Councillor Gerretsen, Councillor Hutchison, Councillor Meers (3)

ABSENT: Councillor MacLeod-Kane (1)

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**Report No. 51 of the Arts, Recreation and Community Policies Committee**

Moved by Councillor Hutchison

Seconded by Councillor Osanic

**THAT** Report No. 51 of the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to the separation of Clauses 1, 2, and 3.

**Report No. 51**

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.

March 3, 2010

1. **Boys and Girls Club of Kingston & Area Capital Funding Request**

**THAT** a \$200,000 contribution, through a ten (10) year forgivable loan to the Boys and Girls Club of Kingston & Area for capital upgrades at Robert Meek Community Centre, to be completed by March 31, 2011, be approved subject to the provision of the following documents to the satisfaction of staff:

**REPORTS (CONTINUED)**

**Report No. 51 of the Arts, Recreation and Community Policies Committee**

- i. the most recent year audited statement;
- ii. a business plan projection for future operations or comparable forward looking document;
- iii. a construction elements schedule.

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(Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-019) was attached to the ARCP agenda as Schedule Pages 1-26. A new Exhibit 'C' to the report was attached to the ARCP addendum.)

(Note: Clause 1 appeared as Clause 3 of Report No. 45 of the Arts, Recreation and Community Policies Committee on the agenda for the meeting held on March 23, 2010, and was deferred due to lack of time.)

**CARRIED (10:2)**  
**(See Recorded Vote)**

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen (10)

NAYS: Councillor Schmolka, Councillor Smith (2)

ABSENT: (1)



Councillor Foster withdrew from the meeting at 10:17 pm.

March 25, 2010

2. **Master Fire Plan**

A) **THAT** the twenty (20) policy recommendations of the Fire Chief detailed in Part III of the Master Fire Plan Executive Summary report as listed below for inclusion in the final Master Fire Plan be adopted:

- 1) Implement an Assistant Chief Officer's position for volunteer firefighters in 2012.
- 2) Develop and deliver an operational hazardous materials program as a new part of the core services provided by Kingston Fire & Rescue (KFR).
- 3) Participate in the Municipal Performance measurement system with the Ontario Fire Marshal's Office (OFM).
- 4) Conduct detailed risk assessments in fire protection every five (5) years in consultation with the OFM.
- 5) Develop formal guidelines for Fire Prevention Programs in consultation with the OFM.
- 6) Develop formal policies for fire prevention public education by 2012. Kingston Fire & Rescue (KFR) in consultation with OFM.
- 7) Examine a staff position to perform Public Education Program delivery in 2012.
- 8) Implement alternative traffic management systems to minimize impacts until such time to be determined by Council that a third crossing of the Cataraqui River can be completed which will help to improve response times and increase efficiencies of emergency response in the future.
- 9) Continue service by volunteer firefighters at Gore Road Fire Station (#3) with support by career firefighters as set out in current response plans.
- 10) Retain Brock Street Fire Station (#4) in service.

**REPORTS (CONTINUED)**

**Report No. 51 of the Arts, Recreation and Community Policies Committee**

- 11) Construct a new fire substation on Elliott Street at Division Street in 2013/2014 and dispose of Railway Street Fire Station (#5).

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- 12) To develop and submit a business case for consideration of Council during 2012 Capital budget deliberations to build a new fire substation on Bayridge Drive at Henderson Blvd. on Airport site in 2013/2014 along with the closure of Days Road Fire Station (#10).
- 13) Identify performance measures on services provided by KFR and provide statistical data to report the performance of those services through an annual report.
- 14) Consolidate fire and property loss statistics for and reporting to Council through the annual reporting program.
- 15) Proceed to secure a twenty acre site in an undisclosed location for the development of a suitable centre of learning excellence for industrial and emergency services in Kingston and area.
- 16) Commence construction on the fire training facility on the centre of learning site in 2011 with the project to be debt financed and repaid out of the Fire Capital Reserve.
- 17) A repair facility to be considered on the training site in 2012/2013 site to accommodate repair of Emergency Vehicles for Emergency Services in Kingston and area. Estimated cost \$3,000,000 which is to be debt financed through fire Capital Reserve.
- 18) Employ a second emergency vehicle certified technician in 2010 to replace the retired Director of mechanical as is currently budgeted for, and provide for the inclusion of a third technician with a new \$100,000 for implementation within the 2011 budget.
- 19) Complete fire hydrant flow tests for KFR and Utilities Kingston (UK) to use the data to identify low flow areas; and review with UK any interim measures that may be actioned to mitigate risks in emergency response.
- 20) Develop contingency plans for areas identified with less than adequate water supplies for firefighting operations.

- and further -

- B) **THAT** all of the Operational Recommendations included in the Kingston Fire & Rescue (KFR) Fire Action Plan dated November 10, 2008 not form part of the Master Fire Plan and that they be referred to the Fire Chief for inclusion into Kingston Fire Rescue's Annual Work Plan;

- and further -

- C) **THAT** the Fire Chief is directed to submit to Council an Annual Report ensuring that Council is informed of internal and external organizational changes and accomplishments affecting Kingston Fire & Rescue commencing in 2011;

- and further -

- D) **THAT** the Master Fire Plan Executive Summary attached as Exhibit A to Report ARCP-10-022 be adopted;

- and further -

- E) **THAT** the KFR Master Fire Plan 2010-2015 attached as Exhibit B to Report ARCP-10-022 be adopted;

- and further -

- F) **THAT** the 10 year Capital Forecast be updated to reflect the recommendations in this report;

- and further -

## REPORTS (CONTINUED)

### Report No. 51 of the Arts, Recreation and Community Policies Committee

- G) **THAT** future Operating Budgets consider the recommendations in this report.

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(Note: The Report of the Commissioner, Community Development Services (ARCP-10-022) was attached as Schedule Pages 1-6 to the ARCP agenda. Exhibits 'A' and 'B' of the report were distributed separately. The report and schedules can presently be viewed at <http://www.cityofkingston.ca/cityhall/committees/community/agendas.asp>.)

**CARRIED**

3. **Aquatic Centre at INVISTA Centre Site Concept Plan and Budget**

**THAT** the Aquatic Facility Addition concept plan, dated February 12, 2010, attached as Exhibit A to Report No. ARCP-10-023 be endorsed;

- and further -

**THAT** staff be directed to amend the 10 year capital budget to reflect the construction of the indoor aquatic centre including Phase 1, 2 and 3; with Phase 1 and 2 to be planned for the period 2011 to 2014;

- and further -

**THAT** a financing plan for the project cost of \$32,000,000 be considered that:

- a) uses the maximum provided by development charges as detailed in the most recent background study (2009) estimated at \$3,000,000;
- b) introduces a surcharge sufficient to carry a minimum of \$2,000,000 in debt to user rates associated with the facility;
- c) incorporates the amount required to carry the tax supported debt, estimated at \$27,000,000 into the financing available from the municipal capital reserve fund (1% tax incremental policy);

or

provides for it as a dedicated tax increase over the construction period,

or

a combination of each, to be determined when the project is presented for budget approval;

- and further -

**THAT** staff consider a phase-in of the operating costs beginning with the 2011 operating budget through 2014;

- and further -

**THAT** staff be directed to pursue any grant opportunities that may be available for the construction;

- and further -

**THAT** staff be directed to prepare a detailed business plan including all costs and revenue opportunities including potential economic spin offs for the community;

- and further -

**THAT** staff be directed to prepare a report exploring the possible partnership and fundraising opportunities with various community user groups, including, but not limited to, the Seniors Association, Extend-A-Family and the aquatic user groups;

- and further -

**REPORTS (CONTINUED)**

**Report No. 51 of the Arts, Recreation and Community Policies Committee**

**THAT** the business plan and report on partnerships and fundraising opportunities be presented to Council in time for the budget deliberations for the 2011 Capital Budget.

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(Note: The Report of the Commissioner, Sustainability & Growth (ARCP-10-023) was attached to the ARCP agenda as Schedule Pages 7-38. Exhibit 'F' of the report was attached to the addendum for the meeting.

The report and schedules can presently be viewed at

<http://www.cityofkingston.ca/cityhall/committees/community/agendas.asp>.)

**CARRIED AS AMENDED**

**(See Motions To Amend Which Were CARRIED)**

Moved by Councillor Gerretsen

Seconded by Councillor Osanic

**THAT** Clause 3 of Report No. 51 of the Arts, Recreation and Community Policies Committee be amended by adding the following:

- and further -

**THAT** staff be directed to prepare a detailed business plan including all costs and revenue opportunities including potential economic spin offs for the community;

- and further -

**THAT** staff be directed to prepare a report exploring the possible partnership and fundraising opportunities with various community user groups, including, but not limited to, the Seniors Association, Extend-A-Family and the aquatic user groups;

- and further -

**THAT** the business plan and report on partnerships and fundraising opportunities be presented to Council in time for the budget deliberations for the 2011 Capital Budget.

**CARRIED AS AMENDED**

Moved by Councillor Matheson

Seconded by Councillor Hutchison

**THAT** the motion of Councillors Gerretsen and Osanic be amended by adding the words "and fundraising" following the word "partnership" in paragraph 2; and further by adding the words "and fundraising opportunities" following the word "partnerships" in paragraph 3.

**CARRIED (8:3)**

**(See Recorded Vote)**

A Recorded Vote was requested by Councillor Matheson

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (8)

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

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

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## REPORTS (CONTINUED)

### Report No. 52 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover

Seconded by Councillor Meers

**THAT** Report No. 52 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

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Council consented to the separation of Clauses 7, 8, 10, 14 and 15.

**Report No. 52**

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.

Note: The following report of the Kingston Municipal Heritage Committee (LACAC) appeared as Report No. 46 on the agenda for the meeting held on March 23, 2010, and was deferred due to lack of time.

March 8, 2010

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

1. **Request that Staff Review the Exterior of the Outer Montreal Street Train Station Regarding Possible Public Safety Concerns due to a Rapidly Deteriorating Façade and Report Back to KMHC**

THAT staff be requested to review the exterior of the Outer Montreal Street Train Station in regard to possible public safety concerns due to the rapidly deteriorating façade;

- and further -

THAT staff be requested to report back to the Kingston Municipal Heritage Committee in May 2010.

**RULED OUT OF ORDER  
BY MAYOR ROSEN**

2. **Approval of an Application for a Temporary Structure at 75 Mowat Avenue**

THAT Application P18-256-012-2010 for a property located at 75 Mowat Avenue requesting approval for a temporary structure **BE APPROVED** in accordance with details described within a submission filed January 27, 2010, and deemed complete by the Planning and Development Department February 1, 2010;

- and further -

THAT a Professional Engineer is required to confirm that the design conforms to Division B, Part 4 (Structural Design) of the Ontario Building Code;

- and further -

THAT this temporary roof for the porch be dismantled when the applicant moves out of the property in question and that the mortar be repaired as necessary.

**REPORTS (CONTINUED)**

**Report No. 52 of the Kingston Municipal Heritage Committee (LACAC)**

3. **Approval of an Application for Revisions to Existing Front Dormer, New Rear Dormer and Side and Rear Window Changes at 115 Gore Street**

THAT Application P18-147-013-2010 for a property located at 115 Gore Street requesting approval for revisions to existing front dormer, new rear dormer and side and rear window changes **BE APPROVED** in accordance with details

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described within a submission filed January 27, 2010, and deemed complete by the Planning and Development Department February 2, 2010;

- and further -

**THAT** it be understood that the dormers be finished with either siding or shingling and that the simple line be maintained;

- and further -

**THAT** a soldier course head be added over the proposed French doors, and a precast concrete stone sill added where the new window is located to match the other sills on the building.

4. **Approval of an Application for a Dormer and Basement Access at 103 Wellington Street**

**THAT** Application P18-389-014-2010 for a property located at 103 Wellington Street requesting approval for a dormer and basement access **BE APPROVED** in accordance with details described within a submission filed January 28, 2010, and deemed complete by the Planning and Development Department February 4, 2010;

- and further -

**THAT** proper drainage is to be maintained;

- and further -

**THAT**, if accessing the property from other than the driveway, proper/permission is required;

- 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.

5. **Approval of an Application for the Repair of Windows and a Door at 130 Johnson Street**

**THAT** Application P18-045-015-2010 for a property located at 130 Johnson Street requesting approval for the repair of double hung windows and west door **BE APPROVED** in accordance with details described within a submission filed January 28, 2010, and deemed complete by the Planning and Development Department February 4, 2010;

- and further -

**THAT**, if accessing property from other than driveway, proper permit/permission is required;

- and further -

## REPORTS (CONTINUED)

### Report No. 52 of the Kingston Municipal Heritage Committee (LACAC)

**THAT**, prior to commencement of the work, the applicant will be required to make application to the Engineering Department for a temporary encroachment permit in the event that the materials required to undertake the alteration encroach in the public right of way (i.e. scaffolding, dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk.

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6. **Approval of an Application for the Repair and Refurbishment of a Door and Windows at 80 Gore Road**

**THAT** Application P18-510-016-2010 for a property located at 80 Gore Road, Barriefield Village requesting approval for repair and refurbishment of door and windows **BE APPROVED** in accordance with details described within a submission filed January 28, 2010, and deemed complete by the Planning and Development Department February 4, 2010;

- and further -

**THAT**, if accessing property from other than driveway, proper permit/permission is required.

Councillor Hector withdrew from the meeting.

7. **Approval of an Application for the Installation of a Shielding System for the Ice Groomer Gazebo at 216 Ontario Street**

**THAT** Application P18-273-017-2010 for a property located at 216 Ontario Street also known as City Hall requesting approval for the installation of a shielding system for the ice groomer gazebo **BE APPROVED** in accordance with details described within a submission filed January 28, 2010, and deemed complete by the Planning and Development Department February 11, 2010;

- and further -

**THAT** a building permit will be required and in addition to the project being designed by a mechanical engineer, a structural engineer will be required for the design of attachment of the sound panels to the existing "ribs" specifically but not limited to wind loads;

- and further -

**THAT**, if accessing property from other than driveway, proper permit/permission is required;

- and further -

**THAT**, prior to commencement of the work, the applicant will be required to make application to the Engineering Department for a temporary encroachment permit in the event that the materials required to undertake the alteration encroach in the public right of way (i.e. scaffolding, dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk.

**CARRIED**

8. **Approval of an Application for the Restoration of a Porch at 1 Emily Street**

**THAT** Application P18-141-018-2010 for a property located at 1 Emily Street requesting approval for the restoration of a porch **BE APPROVED** in accordance with details described within a submission filed January 29, 2010, and deemed complete by the Planning and Development Department February 4, 2010.

**CARRIED**

Councillor Hector returned to the meeting.

## REPORTS (CONTINUED)

### Report No. 52 of the Kingston Municipal Heritage Committee (LACAC)

9. **Approval of the Installation of Solar Panels at 220 Green Bay Road, Barriefield Village**

**THAT** Application P18-720-019-2010 for a property located at 220 Green Bay Road, Barriefield Village requesting approval for the installation of solar panels **BE APPROVED** in accordance with details described within a submission filed January 29, 2010, and deemed complete by the Planning and Development Department February 4, 2010;

- and further -

**THAT**, if accessing property from other than driveway, proper permit/permission is required;

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- and further -

THAT, prior to commencement of the work, the applicant will be required to make application to the Engineering Department for a temporary encroachment permit in the event that the materials required to undertake the alteration encroach in the public right of way (i.e. scaffolding, dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk. The encroachment application can be found in the City's website at <http://www.cityofkingston.ca/business/development/engineeringfees.asp>.

Councillor Hector withdrew from the meeting.

10. **Approval of an Application for the Reconstruction of a Roof at 218 King Street East**

THAT Application P18-720-020-2010 for a property located 218 King Street East requesting approval for the reconstruction of a roof **BE APPROVED** in accordance with details described within a submission filed January 29, 2010, and deemed complete by the Planning and Development Department February 4, 2010.

**CARRIED**

Councillor Hector returned to the meeting.

11. **Approval of an Application for an Electrical Service Upgrade at 6 Princess Street**

THAT Application P18-282-021-2010 for a property located at 6 Princess Street requesting approval for an electrical service upgrade **BE APPROVED** in accordance with details described within a submission filed March 1, 2010 and deemed complete by the Planning and Development Department March 1, 2010;

- and further -

THAT it be understood that the preference is that the power source go right into the building at ground or below grade level, and that it not be located on the face of the building.

12. **Reaffirmation of Approval for the Replacement of Asphalt Shingles at 73 Sydenham Street**

THAT Application P18-361-011-2010(EMG) for a property located at 73 Sydenham Street which received an Emergency Approval for the replacement of black asphalt shingles **BE REAFFIRMED** in accordance with details described within a submission filed January 28, 2010 and deemed complete by the Planning and Development Department February 1, 2010.

13. **Final Approval for a Heritage Property Grant for the Costs of Work to be Done for the Repair and Replacement of Various Windows, and Re-Building of Two Brick Chimneys at 76 Mowat Avenue**

WHEREAS the owner of 76 Mowat Avenue has requested final approval for Heritage Grant Application HG-015-2009; and,

**REPORTS (CONTINUED)**

**Report No. 52 of the Kingston Municipal Heritage Committee (LACAC)**

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;

**THEREFORE BE IT RESOLVED THAT** Heritage Property Grant HG-015-2009 for 76 Mowat Avenue **BE APPROVED** for the costs of work done for the repair and replacement of various windows, and re-building of two brick chimneys;

- 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'.

**CARRIED**

Note: The following items appeared as Clauses 2 and 3 of Report No. 11 of the Kingston Municipal Heritage Committee (LACAC) on the agenda for the Council meeting held on December 15, 2009 and were deferred until Council made a decision on the proposed Barriefield affordable housing project. Council has provided direction with regard to Barriefield and therefore these motions are being brought forward.

Councillors Hector and Hutchison withdrew from the meeting.

14. **Request for Staff Review of Current Zoning with respect to Natural and Cultural Heritage for Department of National Defence Land in Barriefield Village**

**WHEREAS** the Barriefield Heritage Conservation District Plan has not been reviewed since 1992;

**THEREFORE BE IT RESOLVED THAT** the Heritage Committee recommend to Council that staff be directed to review the zoning with respect to natural and cultural heritage on the Department of National Defence land in Barriefield;

- and further -

**THAT** should it be deemed desirable to amend the current zoning, that the process for doing so also be examined;

- and further -

**THAT** staff report back to the March meeting of the Heritage Committee on the zoning and Heritage District Plan recommendation;

- and further -

**THAT** the Planning Committee be advised of this direction to staff.

**DEFERRED**  
**(See Motion To Defer Which Was CARRIED)**

15. **Updating the Barriefield Heritage Conservation District Plan**

**WHEREAS** the Ontario Heritage Act requires Heritage Conservation District Plans to be updated; and,

**WHEREAS** a review of the Barriefield Heritage Conservation District Plan has been schedule for 2011; and,

**WHEREAS** the Barriefield Heritage Conservation District has changed significantly since the previous review in 1992;

**REPORTS (CONTINUED)**

**Report No. 52 of the Kingston Municipal Heritage Committee (LACAC)**

**THEREFORE BE IT RESOLVED THAT** the Kingston Municipal Heritage Committee request that Council give consideration to the urgency of updating the Barriefield Heritage Conservation District Plan.

**DEFERRED**  
**(See Motion To Defer Which Was CARRIED)**

Moved by Councillor Glover  
Seconded by Councillor Garrison

**THAT** Clauses 14 and 15 of Report No. 52 of the Kingston Municipal Heritage Committee (LACAC) be deferred to the April 20, 2010, Council meeting.

**CARRIED**

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Councillors Hector and Hutchison returned to the meeting.

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**Report No. 53 of the Municipal Accessibility Advisory Committee**

Moved by Councillor Gerretsen  
Seconded by Councillor Meers

**THAT** Report No. 53 of the Municipal Accessibility Advisory Committee be received and adopted.

Council consented to the separation of Clause 4.

**Report No. 53**

To the Mayor and Members of Council:  
The Municipal Accessibility Advisory Committee reports and recommends as follows:

Note: The following report of the Municipal Accessibility Advisory Committee appeared as Report No. 47 on the agenda for the meeting held on March 23, 2010, and was deferred due to lack of time.

March 4, 2010

1. **Approval of the Accessibility Consultation Process Policy**

**THAT** Council approve the Accessibility Consultation Process Policy, attached as Exhibit "A" to Report No. MAAC-10-001.

(Note: The Report of the Commissioner of Sustainability and Growth Group (MAAC-10-001) was attached as Schedule Pages 67-76)

2. **Approval of Municipal Accessibility Advisory Committee (MAAC) Working Group Mandates**

**THAT** Council approve the mandates of the three (3) MAAC working groups.

(Note: Copies of the mandates were attached as Schedule Pages 77-79)

**REPORTS (CONTINUED)**

**Report No. 53 of the Municipal Accessibility Advisory Committee**

3. **Accessibility Statement**

**THAT** Council adopt "Committed to Accessibility for All" as the City of Kingston Accessibility Statement;

- and further -

**THAT** staff be directed to report back to MAAC on where this statement could be used including associated costs.

**CARRIED**



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Note: Clause 4 was deferred at the Council meeting held on August 4, 2009, and referred to staff for an appropriate interpretation on the declaration of all parallel transit as an essential service including implications to the City. (See Information Report No. (6), Page No. 24)

4. **Approval of Motion Regarding Declaration of Parallel Transit as Essential Service**

**WHEREAS** the Municipal Accessibility Advisory Committee (MAAC) recommends solutions to deal with the provision of goods and services as defined within the City Municipal Accessibility Advisory Committee mandate; and,

**WHEREAS** the City of Kingston has publicly committed to accessibility for all its citizens; and,

**WHEREAS** the City of Kingston operates Kingston Transit buses for its residents; and,

**WHEREAS** Kingston Access Services operates buses as a parallel transit to Kingston Transit for disabled residents; and,

**WHEREAS** the Access Bus is the only option for transportation for most people with disabilities; and,

**WHEREAS** accessibility to parallel transit was denied to citizens during the recent access bus strike;

**THEREFORE BE IT RESOLVED THAT** the Municipal Accessibility Advisory Committee (MAAC) request that City Council approve the following motion, and that a copy of the following motion be forwarded to the Premier Dalton McGuinty, Hon. John Gerretsen, M.P.P. for Kingston and the Islands, Association of Municipalities of Ontario (AMO) and all municipalities with a population of over 50,000, requesting that they also request the Provincial Government to declare all parallel transit an essential service:

**WHEREAS** the Access Bus is the only option for transportation for most people with disabilities; and,

**WHEREAS** accessibility to parallel transit was denied to citizens during a recent access bus strike;

**THEREFORE BE IT RESOLVED THAT** City Council request the Provincial Government to declare all parallel transit an essential service.

**DEFERRED**

Moved by Councillor Matheson

Seconded by Councillor Hutchison

**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.

**LOST**

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

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**REPORTS (CONTINUED)**

**Report No. 54 of the Nominations Advisory Committee**

**Report No. 54**

To the Mayor and Members of Council:

The Nominations Advisory Committee reports and recommends as follows:

March 29, 2010

1. **Appointment to the Municipal Accessibility Advisory Committee**

**THAT** Edward Kellar be appointed to the Municipal Accessibility Advisory Committee for a term ending November 30, 2010.

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2. Appointment to the FOCUS Kingston Steering Committee

**THAT** Genevieve Landis be appointed to the FOCUS Kingston Steering Committee for a term ending November 30, 2010.

**DEFERRED**

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**INFORMATION REPORTS**

(1) **Statement of Remuneration and Expenses Paid to Council Members for 2009**

The purpose of this report is to provide an itemized statement on remuneration and expenses paid in 2009 to each member of Council.

(The Report of the Deputy Treasurer (10-070) was attached as Schedule Pages 80-84)  
(File No. CSU-F16-000-2010)

(2) **2010 Municipal Debt Limits**

The purpose of this report is to provide the annual report to Council with respect to the municipality's existing levels of long-term debt as well as the additional long-term borrowings that could be available as per the provincial guidelines.

(The Report of the Deputy Treasurer (10-071) was attached as Schedule Pages 85-92)  
(File No. CSU-F11-000-2010)

(3) **Green Fleet Policy Information Report**

The purpose of this report is to update Council on the implementation of the Green Fleet Policy during the first two years, 2008 and 2009.

(The Report of the Commissioner of Corporate Services (10-079) was attached as Schedule Pages 93-98)  
(File No. CSU-V00-000-2010)

**INFORMATION REPORTS (CONTINUED)**

(4) **K-Rock Centre 2009 Annual Report**

The purpose of this report is to allow Arcturus/SMG (ASMG) the opportunity to provide its year-end review of operations, and the corresponding financial results, for the twelve months ending December 31, 2009, relative to the expected results based on their 2009 budget submission.

(The Report of the Commissioner of Corporate Services (10-082) was attached as Schedule Pages 99-114)  
(File No. CSU-R05-001-2010)

(5) **Description of City Activities for Earth Hour 2010**

The purpose of this report is to update Council regarding the activities held in the City of Kingston on Saturday, March 27, 2010 as part of the Earth Hour event.

(The Report of the Commissioner of Sustainability and Growth (10-106) was attached as Schedule Pages 115-121)  
(File No. CSU-E05-000-2010)

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(6) **Proposal to Request the Province to Declare All Parallel Transit an Essential Service**

The purpose of this report is to follow up on a recommendation from the Council meeting held on August 4, 2009, that was deferred and referred to City staff for an appropriate interpretation of the terms used in the motion and any other implications to the Corporation that would be the outcome of this motion.

(The Report of the Director of Legal Services and the Commissioner of Sustainability and Growth (10-113) was attached as Schedule Pages 122-126)

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

(See Clause 4, Report No. 53, Page No. 22)

(7) **Priority Status Matrix 2010**

The purpose of this report is to provide a list of projects and initiatives assigned to staff by Council through Standing Committees and Council resolutions.

(The Report of the Chief Administrative Officer (10-107) was attached as Schedule Pages 127-135)

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

(8) **2009 Thousand Islands Poker Run Economic Impact Assessment**

The purpose of this report is to provide information on the economic impact of the Poker Run, as directed by Council at the meeting held on February 2, 2010.

(The Report of the Chief Administrative Officer (10-107) was attached as Schedule Pages 136-160)

(File No. CSU-D02-000-2010)

(9) **Chown Parking Garage – Progress Update on Finalization of Agreements**

The purpose of this report is to update Council regarding the progress of the contract completion for the sale of the Chown Parking Garage and the lease of the lands.

(Note: The Report of the Director of Legal Services (10-131) was distributed separately from the agenda.)

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

DEFERRED

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**MISCELLANEOUS BUSINESS**

- (1) **THAT**, as requested by the Ukrainian Canadian Club of Kingston, Council designate the Lviv, Ukraine, pavilion at Regiopolis Notre Dame Catholic High School, 130 Russell Street, in conjunction with Folklore 2010 on June 11 to 13, as a Community Festival of Municipal Significance to which special occasion permits may be issued by the Liquor Licence Board.

(File No. CSU-P09-000-2010)

(See Communication No. 10-160)

DEFERRED

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**MOTIONS**

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

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**WHEREAS** the resolution that calls for Council members to be reimbursed for legal opinions of pecuniary interest was established in May of 1999; and,

**WHEREAS** this resolution has never been reviewed since its inception;

**THEREFORE BE IT RESOLVED THAT** Council direct staff to review the by-law to determine whether it is still appropriate or should be discontinued, or whether the current \$1,000 limit per calendar year should be altered and whether other changes are necessary and bring back a report with recommendations to the Administrative Policies Committee by the last meeting in May, 2010.

**DEFERRED**

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

**WHEREAS** City Park is a landmark in Kingston's history; and,

**WHEREAS** in recent years more university students are living east of City Park; and,

**WHEREAS** pedestrian travel through City Park is necessary for all people living east of the park travelling to and from the University; and,

**WHEREAS** City Park is heavily used during the evening hours by many people; and,

**WHEREAS** serious concerns regarding proper lighting in City Park have been identified by members of the community; and,

**WHEREAS** the number of reports of assaults in this areas continues to be of concern; and,

**WHEREAS** the City of Kingston actively encourages the use of its park by all citizens; and

**WHEREAS** Kingston City Council has received a petition requesting more lighting in City Park;

**THEREFORE BE IT RESOLVED THAT** staff be instructed to prepare a report outlining the costs associated with increasing the lighting in City Park specifically on the routes travelled by pedestrians;

- and further -

**THAT** this report be forwarded to Council for consideration in its 2011 Capital Budget.

**DEFERRED**

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**NOTICES OF MOTION**

\*\*\*\*\*

**MINUTES**

- Moved by Councillor Smith  
Seconded by Councillor Glover

**THAT** the Minutes of City Council Meeting No. 07-2010, held Tuesday, February 16 and Wednesday, February 17, 2010, Meeting No. 09-2010, held Tuesday, March 2, 2010, and Meeting No. 10-2010, held Tuesday, March 23, 2010 be confirmed. (Meeting 07-2010 and 09-2010 - Distributed to all Members of Council on Friday, March 12, 2010) (Meeting 10-2010 - Distributed to all Members of Council on Thursday, April 1, 2010)

**CARRIED**

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City Council Meeting No. 11-2010  
Minutes  
Tuesday, April 6, 2010

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**TABLING OF DOCUMENTS**

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**COMMUNICATIONS**

Council consented to the addition of Communication No. 11-202.

**Filed**

- 11-190 From the City of Peterborough, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.  
(File No. CSU-P03-000-2010)
- 11-191 From the Regional Municipality of Durham, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.  
(File No. CSU-P03-000-2010)
- 11-192 From the Office of the Prime Minister, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.  
(File No. CSU-P03-000-2010)
- 11-193 From the Corporation of the City of Brantford, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.  
(File No. CSU-P03-000-2010)
- 11-194 From the Committee of Adjustment, a Notice of Decision for the following applications:  
  
EXPAND AN EXISTING LEGAL NON-CONFORMING USE – In respect of an application to expand an existing legal non-conforming use (residential on the ground floor) within the existing walls of a vacant commercial unit at the rear of the structure for the property at 85 Queen Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 12, 2010.  
  
MINOR VARIANCE – In respect of an application requesting relief from Zoning By-Law No. 8499 for the property at 36 Beverley Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 12, 2010.

**COMMUNICATIONS (CONTINUED)**

- MINOR VARIANCE – In respect of an application requesting relief from Zoning By-Law No. 8499 for the property at 34 Alma Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 12, 2010.
- MINOR VARIANCE – In respect of an application requesting relief from Zoning By-Law No. 32-74 for the property at 144 Barrett Court, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 12, 2010.
- MINOR VARIANCE – In respect of an application requesting relief from Zoning By-Law No. 32-74 for the property at 1119 Innovation Drive, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 12, 2010.
- MINOR VARIANCE – In respect of an application requesting relief from Zoning By-Law No. 76-26 for the property at 805 Development Drive, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 12, 2010.
- CONSENT – In respect of an application for consent to create a six (6) metre wide sanitary sewer easement across the frontage of the property at 897 Sir John A. Macdonald Boulevard, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is April 12, 2010.

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

- 11-198 From ParaSport Ontario, congratulating and thanking the City of Kingston for hosting a most successful 2010 Ontario ParaSport Winter Games, which were held January 22 to 24.  
(File No. CSU-M02-000-2010)
- 11-200 From Residence Inn by Marriott Kingston Water's Edge, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 7 Earl Street.  
(File No. CSU-P09-000-2010)

**Referred to All Members of Council**

- 11-181 From the Ontario Public Service Employees Union (OPSEU), providing information regarding a number of issues at the Municipal Property Assessment Corporation (MPAC) that they believe will have a negative impact on the quality of assessments.  
(File No. CSU-F22-000-2010)
- 11-182 From the Ontario Good Roads Association (OGRA), providing information regarding the Municipal DataWorks (MDW) project and asking municipalities to support and endorse this initiative.  
(File No. CSU-A01-000-2010)
- 11-186 From Donna Stover, Parking Manager for Queen's University, requesting the approval of Council to appoint Mike Harnden as a By-Law Enforcement Officer for the purpose of issuing tickets under By-Law No. 99-166 on the properties of Kingston Collegiate & Vocational Institute and Queen's University.  
(File No. CSU-P01-003-2010)  
**(See By-Law No. (1), 2010-69)**
- 11-187 From the Great Lakes and St. Lawrence Cities Initiative, providing information regarding the "Pharmaceuticals and Personal Products Framework", which is an effort to keep pharmaceuticals and personal care products (PPCPs) out of our waterways.  
(File No. CSU-E05-000-2010)

**COMMUNICATIONS (CONTINUED)**

- 11-188 From the Canadian Commission for UNESCO, providing further information regarding the Third Meeting of the Canadian Coalition of Municipalities against Racism and Discrimination (CMARD), to be held in Toronto on May 31, 2010.  
(File No. CSU-R08-000-2010)

**Referred to the Awards Committee**

- 11-183 From the Ontario Chair of Cabinet Minister without Portfolio, Responsible for Seniors, providing information regarding the 2010 Senior of the Year Award, which gives each municipality the opportunity to honour one outstanding local senior.  
(File No. CSU-M11-000-2010)
- 11-184 From the Institute of Public Administration of Canada (IPAC), providing information regarding the 2010 IPAC Innovative Management Award, which celebrates innovation and excellence in the public sector in Canada.  
(File No. CSU-H13-000-2010)

**Referred to the President and CEO of Utilities Kingston**

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- 11-185 From the Quinte St. Lawrence Building and Construction Trades Council, expressing concerns regarding the pre-qualification process for the expansion of the Water Treatment Plant behind INVISTA on Front Road as it relates to contractors that will hire local trades people.  
(File No. CSU-E03-000-2010)

**Referred to the City Clerk**

- 11-189 From Child Find Ontario, asking that Council proclaim May 2010 as "Missing Children's Month" in the City of Kingston.  
(File No. CSU-M10-000-2010)
- 11-195 From the United Way serving KFL&A, asking that Council proclaim May 8 to 15, 2010, as "United Way Success By 6 Week" in the City of Kingston.  
(File No. CSU-M10-000-2010)
- 11-196 From the Ontario East Transplant Support Group, asking that Council proclaim April 18 to 25, 2010, as "National Organ and Tissue Donor Awareness Week" in the City of Kingston.  
(File No. CSU-M10-000-2010)
- 11-197 From the Coaches Association of Ontario, asking that Council proclaim April 17 to 25 as "Ontario Coaches Week" in the City of Kingston.  
(File No. CSU-M10-000-2010)
- 11-199 From Derek Ochej, Public Education and Promotion Coordinator, asking that Council proclaim May 15 to 22, 2010, as "Public Works Week" in the City of Kingston.  
(File No. CSU-M10-000-2010)

**COMMUNICATIONS (CONTINUED)**

**Referred to the Commissioner of Sustainability and Growth**

- 11-202 From the Board of Directors of the Church Athletic League (CAL) of Kingston, advising that, at their meeting on March 30, 2010, they passed a motion that the CAL relocate to the Kingston Memorial Centre no later than at the end of the 2010-2011 hockey season; and that the CAL continue to work with City staff to implement upgrades and repairs at the Memorial Centre, beyond normal safety and maintenance, to accommodate the needs of the CAL in making the Memorial Centre the new home of the CAL.  
(File No. CSU-R05-000-2010)  
**(See Clause (1), Report No. 50)**

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**BY-LAWS**

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

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

**CARRIED**

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

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THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (2) to (4) three readings.

**CARRIED**

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

THAT By-Laws (2) through (11) be given their third reading.

**CARRIED**

- (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 The Local Board" (Add Mike Harnden – Kingston Collegiate & Vocational Institute and Queen's University)  
FIRST AND SECOND READINGS PROPOSED NO. 2010-69  
(See Communication No. 11-186)
- (2) A By-Law To Establish The 2010 Tax Ratios  
THREE READINGS PROPOSED NO. 2010-70  
(See Clause (a), Report No. 48)
- (3) A By-Law To Designate The Mayor And Clerk As Signing Officers For The Ontario Transportation Demand Management Municipal Grant Program To Approve The Execution Of This Agreement  
THREE READINGS PROPOSED NO. 2010-71  
(See Clause (b), Report No. 48)

**BY-LAWS (CONTINUED)**

- (4) A By-Law To Authorize The Mayor And City Treasurer To Execute An Amended Municipal Funding Agreement For The Transfer Of Federal Gas Tax Revenues Under The New Deal For Cities And Communities  
THREE READINGS PROPOSED NO. 2010-72  
(See Clause (g), Report No. 48)
- (5) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, April 6, 2010  
THREE READINGS PROPOSED NO. 2010-73  
(City Council Meeting No. 11-2010)
- (6) A By-Law To Amend By-Law 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 The Local Board" (Add Matt MacKay, Clarke Elston, Cole Moulton, Shane Henderson, Josh Overdulve, Les Madigan, Erin McCoy, Nadine Drapeau, Terry Wright, Agnes Lewandowski, Falin Darling and Ashley Ross; Delete Kevin Andress, Dan Dempster, Allan Good, Chris Howe, Alexandra Lewis, Michael Revenboer, Joe Schreuer, Mike Seeley, Chris Shaw, Melanie Sutherland, Ryan Tremblay, Mike Turner, Laura Walsh, Brad Gleeson, Dave Giroux, Falin Brygman and Ashley Gow - Community Support Services, Providence Care, Mental Health Services, 525 Montreal Street)  
THIRD READING PROPOSED NO. 2010-55  
(See Communication No. 10-163)

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- (7) A By-Law To Amend By-Law 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 The Local Board" (Add Matt MacKay, Clarke Elston, Cole Moulton, Shane Henderson, Josh Overdulve, Les Madigan, Erin McCoy, Nadine Drapeau, Terry Wright, Agnes Lewandowski, Falin Darling, and Ashley Ross; Delete Kevin Andress, Dan Dempster, Allan Good, Chris Howe, Alexandra Lewis, Michael Revenboer, Joe Schreuer, Mike Seeley, Chris Shaw, Melanie Sutherland, Ryan Tremblay, Mike Turner, Laura Walsh, Brad Gleeson, Dave Giroux, Falin Brygman and Ashley Gow - Hotel Dieu Hospital)

THIRD READING

PROPOSED NO. 2010-56

(See Communication No. 10-163)

- (8) A By-Law To Amend By-Law 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 The Local Board" (Add Matt MacKay, Clarke Elston, Cole Moulton, Shane Henderson, Josh Overdulve, Les Madigan, Erin McCoy, Nadine Drapeau, Terry Wright, Agnes Lewandowski, Falin Darling and Ashley Ross; Delete Allan Good, Chris Howe, Alexandra Lewis, Joe Schreuer, Mike Seeley, Chris Shaw, Ryan Tremblay, Mike Turner, Brad Gleeson, Falin Brygman, and Ashley Gow - Kingston General Hospital)

THIRD READING

PROPOSED NO. 2010-57

(See Communication No. 10-163)

### BY-LAWS (CONTINUED)

- (9) A By-Law To Amend By-Law 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 The Local Board" (Add Matt MacKay, Clarke Elston, Cole Moulton, Shane Henderson, Josh Overdulve, Les Madigan, Erin McCoy, Nadine Drapeau, Terry Wright, Agnes Lewandowski, Falin Darling and Ashley Ross; Delete Dan Dempster, Allan Good, Chris Howe, Alexandra Lewis, Michael Revenboer, Joe Schreuer, Mike Seeley, Chris Shaw, Melanie Sutherland, Ryan Tremblay, Mike Turner, Laura Walsh, Brad Gleeson, Dave Giroux, Falin Brygman, and Ashley Gow - Kingston Psychiatric Hospital (Mental Health Services, 752 King Street West))

THIRD READING

PROPOSED NO. 2010-58

(See Communication No. 10-163)

- (10) A By-Law To Amend By-Law 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 The Local Board" (Add Matt MacKay, Clarke Elston, Cole Moulton, Shane Henderson, Josh Overdulve, Les Madigan, Erin McCoy, Nadine Drapeau, Terry Wright, Agnes Lewandowski, Falin Darling and Ashley Ross; Delete Kevin Andress, Dan Dempster, Allan Good, Chris Howe, Alexandra Lewis, Michael Revenboer, Joe Schreuer, Mike Seeley, Chris Shaw, Melanie Sutherland, Ryan Tremblay, Mike Turner, Laura Walsh, Brad Gleeson, Dave Giroux, Falin Brygman, and Ashley Gow - Providence Manor, 275 Sydenham Street)

THIRD READING

PROPOSED NO. 2010-59

(See Communication No. 10-163)

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- (11) A By-Law To Amend By-Law 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 The Local Board" (Add Matt MacKay, Clarke Elston, Cole Moulton, Shane Henderson, Josh Overdulse, Les Madigan, Erin McCoy, Nadine Drapeau, Terry Wright, Agnes Lewandowski, Falin Darling and Ashley Ross; Delete Allan Good, Chris Howe, Alexandra Lewis, Michael Revenboer, Joe Schreuer, Mike Seeley, Chris Shaw, Ryan Trembley, Mike Turner, Laura Walsh, Brad Gleeson, Dave Giroux, Falin Brygman, and Ashley Gow - St. Mary's of the Lake Hospital)  
THIRD READING PROPOSED NO. 2010-60  
(See Communication No. 10-163)

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**ADJOURNMENT**

Moved by Councillor Glover  
Seconded by Councillor Garrison

**THAT** Council do now adjourn.

**CARRIED**

Council adjourned at 10:59 pm.

(Signed)

Carolyn Downs  
City Clerk

Harvey Rosen  
Mayor