

CITY COUNCIL MEETING NO. 12-2010

The Regular Meeting of City Council was held on Tuesday, April 20, 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 (arrived at 7:30 pm), Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (12)

Absent: Councillor Hutchison (1)

(Councillors' Lounge)

Administrative Staff Present:

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 Foster
Seconded by Councillor Smith

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

- (a) Litigation or potential litigation affecting the municipality or local board – Ravensview Waste Water Treatment Plant

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Ms. P. Carrol, Manager, Taxation and Revenue, Financial Services

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

Mrs. C. Downs, City Clerk

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

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

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

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

Ms. D. Krakow, Project Manager, Real Estate and Construction Services

Mr. D. Leger, Commissioner, Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. B. McCurdy, Director, Cultural Services

Administrative Staff Present (continued):

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Mr. R. McKelvie, Chief Information Officer
Mr. A. McLeod, Senior Legal Counsel
Mr. J. Sawarna, Capital Projects, Real Estate and Construction Services
Mr. R. Steele, Manager, Fleet, Corporate Asset Operations
Mr. M. Van Buren, Director, Engineering
Mr. G. Wallace, Director, Planning and Development
Mr. T. Willing, Acting Commissioner, Community Development Services

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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 (3) of Report No. 56 of the Chief Administrative Officer (Recommend) and Clause 1 and 10 of Report No. 59 of the Kingston Municipal Heritage Committee (LACAC) as she has a contract with Hughes Downey Architects.

PRESENTATIONS

DELEGATIONS

Council consented to the addition of the following Delegations:

- (1) Ms. Susan Belyea, Coordinator of Loving Spoonful, was present and spoke to Council regarding the Community Garden Network Partnership.
(See Clause (i), Report No. 55, Page No. 7)
- (2) Mr. Gary Poupore was present and spoke to Council regarding the report on Stage 1 of the Environmental Assessment of the Third Crossing of the Cataraqui River.
(See Clause (2), Report No. 56, Page No. 9)
- (3) Mr. Ken Linseman was present and spoke to Council regarding the report on Stage 1 of the Environmental Assessment of the Third Crossing of the Cataraqui River.
(See Clause (2), Report No. 56, Page No. 9)

BRIEFINGS

PETITIONS

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of the Motion of Condolence (2).

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Doug Wilkinson, who passed away on April 10, 2010. Doug was a member of the City Parks and Recreation tree crew for over 30 years.

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

THAT the sincere condolences of Kingston City Council be extended to Bill Cartwright, Engineering Technologist, on the recent passing of his mother, Nancy.

CARRIED

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REPORTS

Report No. 55 the Chief Administrative Officer (Consent)

Moved by Councillor Matheson
Seconded by Councillor Osanic

THAT Report No. 55 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clauses (b), (c), (d), (g), (h), and (i) and to the amendment of Clause (h) as requested by the Clerk, by amending Schedule 'A' to By-Law No. 2010-75 by adding the word "may" at the end of Clause 3 c); deleting Clause 3 d) in its entirety; and changing Clause 8 so that it reflects that meetings will be held in a manner consistent with the Municipal Act and the Procedural By-Law.

Report No. 55

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) **Capital Budget Amendment to Add the Permanent Married Quarters (PMQs) at CFB Kingston to the Green Bin Program**

THAT a capital budget amendment in the amount of \$15,000 from the Solid Waste and Recycling reserve fund for the purchase and distribution of green bins, kitchen containers and promotional material for the permanent married quarters at CFB Kingston be approved.

(The Report of the President and CEO of Utilities Kingston (10-115) was attached as Schedule Pages 1-3)
(File No. CSU-E07-000-2010)

(b) **Award of RFP for the Purchase of Two 16-foot Rotary Rough Mowers (Batwing) to Turf Care Products Canada**

THAT the RFP F31-CS-FL-2010-08 for the purchase of two 16-foot rotary rough mowers be awarded to Turf Care Products Canada for the total purchase price of \$134,210 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (10-124) was attached as Schedule Pages 4-6)
(File No. CSU-F31-000-2010)

CARRIED

(c) **Award of RFP for the Purchase of Three 11-foot Rotary Rough Mowers (Batwing) to Turf Care Products Canada**

THAT the RFP F31-CS-FL-2010-07 for the purchase of three 11-foot rotary rough mowers be awarded to Turf Care Products Canada for the total purchase price of \$122,973 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (10-125) was attached as Schedule Pages 7-9)
(File No. CSU-F31-000-2010)

CARRIED

REPORTS (CONTINUED)

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Report No. 55 the Chief Administrative Officer (Consent)

(d) **Award of RFP for the Purchase of One 7-Reel Tow-Behind Gang Mower to Turf Care Products Canada**

THAT the RFP F31-CS-FL-2010-09 for the purchase of one 7-reel tow-behind gang mower be awarded to Turf Care Products Canada for the purchase price of \$23,480 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (10-126) was attached as Schedule Pages 10-12)

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

CARRIED

(e) **Award of RFP for the Purchase of Three 2010 Three-Quarter Ton Cargo Vans to Jerome D. Taylor Chevrolet Oldsmobile Cadillac**

THAT the RFP F31-CS-FL-2010-11 for the purchase of three 2010 three-quarter ton cargo vans be awarded to Jerome D. Taylor Chevrolet Oldsmobile Cadillac for the total purchase price of \$73,372 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (10-129) was attached as Schedule Pages 13-14)

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

(f) **Approval of an Energy Management Demand Response Agreement with EnerShift**

THAT Council authorize the Mayor and Clerk to enter into a demand response agreement with EnerShift for a term of three years ending May 31, 2013, in a form satisfactory to the Director of Legal Services;

- and further -

THAT Council give staff delegated authority to extend, amend or add other facilities to the agreement as required and as opportunities arise.

(The Report of the Commissioner of Corporate Services (10-138) was attached as Schedule Pages 15-18)

(File No. CSU-E11-000-2010)

(Clauses (a), (e), and (f))

(g) **Community Adjustment Fund Intake Two – Letter of Offer**

1. **THAT** Council authorize the Mayor and Clerk to sign a Letter of Offer, and any other agreements necessary, satisfactory to the Director of Legal Services, with the Government of Canada to receive funding in the amount of \$3,102,012 under the terms and conditions of the Community Adjustment Fund (CAF) program (Intake Two);

- and further -

2. **THAT** Council authorize a budget amendment for the capital project Catarauqui Phase 3-Stage 1 Fortune Crescent approved originally by By-Law No. 2009-124 by an increased project amount of \$1,225,680 with a funding change to increase federal grant funding by \$2,408,112, the development charge contribution by \$300,000 and to decrease the contribution from the City's Industrial Land Reserve fund by \$1,482,432;

- and further -

3. **THAT** Council authorize an amendment to capital budget By-Law No. 2009-124 for a new capital project to upgrade the servicing within the St. Lawrence Business Park in the amount of \$771,000 to be funded by a federal grant contribution in the amount of \$693,900 and \$77,100 from the Industrial Land reserve fund;

- and further -

REPORTS (CONTINUED)

Report No. 55 the Chief Administrative Officer (Consent)

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4. **THAT** Council delegate authority to the Director of Real Estate & Construction Services to expedite the procurement of all necessary professional services to complete the CAF Intake 2 employment land projects within the timelines mandated by Industry Canada through the use of section 4.6(i) of the Purchasing By-Law which delegates the authority to issue contracts on a Time Sensitive basis where the time available to follow normal procedures is insufficient, including to ensure a sequence of contracts meets an overall timetable. All contracts issued under this authority shall be in a form satisfactory to both the Director of Real Estate & Construction Services and the Director of Legal Services and also shall be reported to Council on a bi-monthly basis;

- and further -

5. **THAT** Council authorize the Mayor and Clerk to schedule special meetings of the Planning Committee and Council if necessary to facilitate the timelines required to approve the projects within full accordance of the Planning Act;

- and further -

6. **THAT** Council authorize the purchase of approximately 0.5 acres of land owned by Hydro One Networks Inc. described as part of Lot 3, Concession 13, at a purchase price based on fair market value determined by appraisal in accordance with Hydro One Networks policy, and authorize the Mayor and Clerk to sign an Agreement of Purchase and Sale, and any other agreements necessary to access the lands prior to purchase, in forms satisfactory to the Director of Legal Services;

- and further -

7. **THAT** Council authorize the Mayor and Clerk to sign all agreements necessary with Trans-Northern Pipelines Inc. (TNPI) for approval to cross the pipeline in accordance with the Pipeline Crossing Regulations, in a form satisfactory to the Director of Legal Services;

- and further -

8. **THAT** Council authorize the Mayor and Clerk to sign all agreements necessary with Hydro One to facilitate the extension of electrical servicing into the St. Lawrence Business Park, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (10-142) was attached as Schedule Pages 19-26)

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

CARRIED

(h) **Establishment of a Municipal Election Compliance Audit Committee for the 2010 Municipal Election**

THAT a by-law be presented to amend By-Law No. 2004-360, in order to establish a Compliance Audit Committee prior to October 1, 2010, as required according to the *Municipal Elections Act, 1996, as amended*;

- and further -

THAT the mandate as set out in Schedule 'A' to the draft by-law attached to Report No. 10-146 and amended by Council be adopted, it being understood that the Committee shall be delegated all of the responsibilities, powers and functions under Section 81 of the *Municipal Elections Act, 1996*, in respect of compliance audit applications;

- and further -

THAT pursuant to the *Municipal Elections Act, 1996*, as amended, (Section 81(13)) the municipality shall pay the auditor's costs of performing the audit and (Section 81.1(5)) Council shall pay all costs in relation to the Committee's operation and activities;

- and further -

REPORTS (CONTINUED)

Report No. 55 the Chief Administrative Officer (Consent)

THAT the City Clerk be authorized to contact representatives of the Limestone District School Board and the Algonquin and Lakeshore Catholic District School Board to determine if they wish to partner with the City of Kingston's

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Compliance Audit Committee, it being noted that each of the Boards are also required under the amended legislation to appoint Compliance Audit Committees to review applications for compliance audit of School Board Trustee candidates;

- and further -

THAT, in addition to the normal advertisements placed in the paper seeking volunteers to serve on Committees, the City Clerk be authorized to solicit interest from auditors, accountants, lawyers and academics and that the list of potential candidates be submitted to the Nominations Committee for consideration and recommendation to Council.

(The Report of the City Clerk (10-146) was attached as Schedule Pages 27-33)

(File No. CSU-C07-000-2010)

(See By-Law No. (1), 2010-75)

CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)
(See Note at Beginning of Report No. 55)

Moved by Councillor Glover

Seconded by Councillor Foster

THAT Clause (h) of Report No. 55 of the Chief Administrative Officer (Consent) be amended by deleting the words "auditor or accountant" and inserting the word "individual" in Clause 5 of Schedule "A" to By-Law No. 2010-75.

CARRIED

(i) Community Garden Network Partnership and Grant Application

THAT Council authorize the Clerk and Mayor to sign a grant application to the Healthy Communities Fund in partnership with the Loving Spoonful and Urban Agriculture Kingston to establish a community garden network;

- and further -

THAT Council authorize staff to establish a partnership agreement, to the satisfaction of the Director of Legal Services, with the Loving Spoonful to provide access to the Memorial Centre for office space and other logistical support to a maximum of \$11,000 in in-kind services and \$6,000 in cash, to be funded from the capital budget, as part of the partnership and grant application.

(The Report of the Commissioner of Sustainability and Growth (10-148) was attached as Schedule Pages 34-38)

(File No. CSU-F25-000-2010)

CARRIED

Report No. 56 of the Chief Administrative Officer (Recommend)

Moved by Councillor Gerretsen

Seconded by Councillor Smith

THAT Report No. 56 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to the addition of the recommendation for Clauses (1) and (5) through (7) of Report No. 56 of the Chief Administrative Officer (Recommend) and of Clause (1A).

Report No. 56

REPORTS (CONTINUED)

Report No. 56 of the Chief Administrative Officer (Recommend)

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

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Moved by Councillor Smith
Seconded by Councillor Gerretsen

THAT Clause (7) of Report No. 56 of the Chief Administrative Officer (Recommend) be advanced and considered as the first item of business.

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

Moved by Councillor Hector
Seconded by Councillor Gerretsen

THAT Clauses (3), (4), (5), and (6) of Report No. 56 of the Chief Administrative Officer (Recommend) be deemed of a time sensitive nature and be advanced and considered immediately following Clause (7).

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

(1A) **BRIEFING** - Mr. Denis Leger, Commissioner of Corporate Services, was present and spoke to Council regarding the Municipal Accommodations – New Administration Centre Contract.

(1) **Municipal Accommodation**

THAT Council direct the Mayor and Clerk to enter into a contract with ABNA Investments Ltd., in a form satisfactory to the Director of Legal Services, arising from Request for Proposal F31-RCS-2009-1B, City of Kingston New Administrative Centre, for the design, construction and sale to the City of a new administrative complex at 27 Princess Street in the former S & R building at a cost of \$15,399,455;

- and further -

THAT Council approve a capital budget amendment of \$4.1 million, increasing the total New Administration Centre budget to \$18.9M, with the additional amount being funded by the Municipal Capital Reserve Fund -- Debt.

(The Report of the Commissioner of Corporate Services (10-145) was distributed separately from the agenda on Friday, April 16, 2010.)

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

LOST (6:6)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

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

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

ABSENT: Councillor Hutchison (1)

REPORTS (CONTINUED)

Report No. 56 of the Chief Administrative Officer (Recommend)

(2A) **BRIEFING** - Mr. Dale Craig, Project Director, Mr. Dan Lalonde, Project Manager, Mr. Bryan Petzold, Senior Transportation Planner and Mr. Wes Paetkau, Assistant Project Manager, of J.L. Richards & Associates were present and spoke to Council regarding Stage 1 of the Environmental Assessment of the Third Crossing of the Cataraqui River.

DEFERRED

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(See Motion To Defer Which Was CARRIED)

(2) **Report on Stage 1 of the Environmental Assessment (EA) of the Third Crossing of the Cataraqui River**

THAT Council authorize staff to continue to Stage Two, the completion of the EA process with the previously approved engineering services contract award to J.L. Richards/Associated Engineering Joint Venture for the Environmental Assessment of the Third Crossing of the Cataraqui River.

(The Report of the Commissioner of Corporate Services (10-135) was attached as Schedule Pages 39-57)

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

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Hector

Seconded by Councillor Glover

THAT consideration of Clauses (2A) and (2) of Report Report No. 56 of the Chief Administrative Officer (Recommend) be deferred to the next meeting of Council.

CARRIED

Councillor Hector withdrew from the meeting.

(3) **Award of RFP for Consultancy on Potential Acquisition of Federal Surplus Land in Barriefield Village to MHBC Planning Ltd.**

THAT Request for Proposal #F31-CDS-CFS-2010-1, Consultancy on Potential Acquisition of Federal Surplus land in Barriefield Village, be awarded to MHBC Planning Ltd., the proponent with the higher evaluation score based on the predetermined criteria;

- and further -

THAT the Mayor and Clerk be authorized to enter into a contract with MHBC Planning Ltd. to the satisfaction of the Director of Legal Services, for the Consultancy on Potential Acquisition of Federal Surplus land in Barriefield Village. (The Report of the Acting Commissioner of Community Development Services (10-147) was attached as Schedule Pages 58-61)

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

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Foster

Seconded by Councillor Gerretsen

THAT Clause (3) of Report No. 56 of the Chief Administrative Officer (Recommend) be deferred to the May 4, 2010, Council meeting in order to allow the Barriefield Resident Association an opportunity to confer with staff with respect to the possibility of a land swap being a practical alternative solution for affordable housing.

CARRIED (7:4)

(See Recorded Vote)

REPORTS (CONTINUED)

Report No. 56 of the Chief Administrative Officer (Recommend)

A Recorded Vote was requested by Councillor Garrison

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

NAYS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers (4)

ABSENT: Councillor Hector, Councillor Hutchison (2)

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Councillor Hector returned to the meeting.

(4) 2010 Budget Update - Agencies and Boards

1. **THAT** the final budget requests for those agencies and boards reported herein be received and approved;
- and further -
2. **THAT** the 2009 surplus (estimated at \$400,000) associated with services provided by the County of Frontenac be allocated to the 2010 operating budget to close the identified funding gap for land ambulance and Fairmount Home related services;
- and further -
3. **THAT** an amount of \$102,988 be allocated in 2010 from the working fund reserve to offset the budget gaps of the CRCA (\$50,633) and Kingston Access Services (\$52,355).
(The Report of the Chief Administrative Officer (10-152) was attached as Schedule Pages 62-69)
(File No. CSU-F05-000-2010)

CARRIED

(5) Issuance of Debenture under OIPC Loan Agreement 5140

THAT, for the purposes of financing specific capital projects, Council give three readings to By-Law No. 2010-74 of the Corporation of the City of Kingston to authorize the borrowing upon amortized debentures in the principal amount of \$38,500,000 towards the cost of certain capital works of the Corporation of the City of Kingston.
(The Report of the Deputy Treasurer (10-132) was distributed separately from the agenda on Friday, April 16, 2010.)
(File No. CSU-F11-000-2010)
(See By-Law No. (5), 2010-74)

CARRIED

(6) 2010 Final Tax Rates

THAT Council pass a by-law to:

1. set the tax rates to be levied upon the assessment in each property class to raise the amounts required by taxation:

a.	General Municipal Levy	\$ 141,178,258
b.	Special Area Levies	
	i) Fire Central	\$ 13,248,308
	ii) Fire West	\$ 6,686,708
	iii) Fire East	\$ 1,058,332
	iv) Garbage Disposal	\$ 1,325,330
c.	Business Improvement Area Levies	
	i) Operating Levy	\$ 948,540
	ii) Capital Levies	\$ 158,625

REPORTS (CONTINUED)

Report No. 56 of the Chief Administrative Officer (Recommend)

- and further -
2. establish the necessary provisions to enable preparation and collection of 2010 final taxes.
(The Report of the Deputy Treasurer (10-134) was distributed separately from the agenda on Friday, April 16, 2010.)
(File No. CSU-F22-000-2010)
(See By-Law No. (11), 2010-83)

CARRIED

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Council consented to the addition of Clause (7A).

(7A) **BRIEFING** – Mr. Rob Carnegie and Mr. Ken Thompson, KEDCO, spoke to Council regarding the 2012 Scotties Tournament of Hearts National Women's Championship Partnership.

(7) **2012 Scotties Tournament of Hearts National Women's Championship Partnership**

THAT Council provide in-kind contributions equivalent to \$65,000 which partially offsets facility rent, set-up and staffing costs for City operated facilities and approve a further \$35,000 cash costs for a total of \$100,000 to the 2012 Scotties Tournament of Hearts event should the City of Kingston be selected as the successful host in 2012;

- and further -

THAT a total of \$100,000 for the 2012 Scotties Tournament of Hearts be incorporated in the 2012 municipal operational budget and be entirely funded by the Working Fund Reserve.

(The Report of the Commissioner of Sustainability and Growth (10-141) was distributed separately from the agenda on Friday, April 16, 2010.)

(File No. CSU-A21-000-2010)

CARRIED

Report No. 57 of the Planning Committee

Moved by Councillor Schmolka

Seconded by Councillor Glover

THAT Report No. 57 of the Planning Committee be received and adopted.

Report No. 57

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.

April 1, 2010

1. **Application for a Zoning By-Law Amendment for the Property Located at 1305 Princess Street**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-174-2010) submitted by R. Neil and Sunni Rideout for the property municipally known as 1305 Princess Street, **BE APPROVED.**

REPORTS (CONTINUED)

Report No. 57 of the Planning Committee

AND FURTHER 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. That Zone Map No. 12 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from 'A1' to 'C2.391' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-79.

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1.2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

"391. Notwithstanding the provisions of Section 22 hereof to the contrary, on the approximately 0.078 hectare parcel of land known municipally as 1305 Princess Street, and zoned 'C2.391' on Zoning Map No. 12 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

- a) Minimum Front Yard: 9.61 metres
- b) Minimum Side Yard when abutting an open space zone, residential zone, or a street: 7.43 metres.

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

(See By-Law No. (6), 2010-79)

(Note: A copy of the draft by-law was attached as Schedule Pages 70-71)

2. **Application for a Zoning By-Law Amendment for the Property Located at Lots 167 to 195 on Registered Plan 13M-58 (1191 to 1235 Crossfield Avenue and 686 to 700 Augusta Drive)**

THAT the application for Zoning By-Law Amendment (Our File No. D14-171-2009) submitted by Geertsma Homes Ltd., for the properties located at Lots 167 to 195, Registered Plan 13M-58 (1191 to 1235 Crossfield Avenue and 686 to 700 Augusta Drive), **BE APPROVED.**

- and further -

THAT the Cataraqui North Zoning By-Law No. 97-102, as amended, be further amended as follows:

1. **THAT** the Zone Map of Zoning By-Law No. 97-102, as amended, is hereby further amended by changing the zone symbol of the subject site from 'MDR*1' to 'MDR*4' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-80.

2. **THAT** the following be **added** as Section 7.11 of the By-Law:

"7.11 MDR*4 (Geertsma Homes Ltd.), Lots 167 to 195, Registered Plan 13M-58

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*4' shall be used and developed in accordance with the following provisions:

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
- (ii) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (iii) The minimum front yard depth for a single detached dwelling on a lot accessed by a rear lane shall be 3 metres.

REPORTS (CONTINUED)

Report No. 57 of the Planning Committee

- (iv) At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. However for Lots 181, 182, 183, 187, 188 and 189 only, at least 70% of the front wall of the first storey of the main building shall be located within 4.0 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
- (v) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
- (vi) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres

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- (vii) The minimum required interior side yard for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
 - (viii) The minimum required exterior side yard setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
 - (ix) The minimum required rear yard setback shall be 14.5 metres. However, at the transition between the enclosed walkway and the rear of the main dwelling, the dwelling may project a maximum of 1.2 metres from the rear wall of the main dwelling.
 - (x) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
 - (xi) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
 - (xii) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.
 - (xiii) No air conditioner may be located within 1.2 metres of a rear lot line or required front yard. An air conditioner is permitted within the 1.2 metres of a side yard in a location between the midpoint of the dwelling and the rear of the dwelling only.
 - (xiv) Enclosed walkways shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls. However, at the transition between the enclosed walkway and the rear of the main dwelling a width of up to 3.95 metres is permitted for a maximum of 1.2 metres from the rear wall of the main dwelling.

3. That Section 5.3.1.8(2)b) of the By-Law shall be **deleted** and **replaced** with the following:

- b) If the enclosed walkway is located on a corner lot, no portion of the wall facing the exterior side lot line shall be located closer than 4.5 metres to the exterior side lot line.

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

(See By-Law No. (7), 2010-80)

(Note: A copy of the draft by-law was attached as Schedule Pages 71-72)

CARRIED

Report No. 58 of the Administrative Policies Committee

Moved by Councillor Hector

Seconded by Councillor Foster

THAT Report No. 58 of the Administrative Policies Committee be received and adopted.

REPORTS (CONTINUED)

Report No. 58 of the Administrative Policies Committee

Council consented to the separation of Clause 3.

Report No. 58

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

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

April 8, 2010

1. **Information Technology Vision and Strategic Technology Plan**

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1. **THAT** Council endorse the IT Vision and Strategic Technology Plan as the foundation from which the City's future information systems and technology vision and priorities will be developed in concert with the City's Corporate Strategic Plan;

- and further -

2. a) **THAT** Council approve a capital budget amendment to allocate \$467,400 of previously unallocated IT budget envelope to the following initiatives that have been identified as key in the IT Vision and Strategic Technology Plan:

- Enterprise GIS initiatives \$105,000;
- IT Process and Organizational Developments \$184,000;
- IT Security Improvements \$100,000;
- Project Management/Staffing \$155,500;
- Intranet/Internet (\$77,100); and,

b) **THAT** Council approve a capital budget amendment to reallocate \$300,000 which had been identified as \$150,000 for server, telecom and email upgrades and \$150,000 for audio/video equipment improvements to items which are more directly aligned with the IT Vision and Strategic Technology Plan as follows:

- ERP (Peoplesoft financial and human resources systems) \$264,000;
- Project Management/Staffing \$36,000.

2. **Community Geographic Information System**

1. **THAT** Council approve that the City of Kingston's Information Systems and Technology Department proceed in conjunction with KFL&A Public Health, Queen's University and Utilities Kingston with a detailed analysis in order to validate, confirm and analyze Community GIS objectives, conduct stakeholder analysis, identify the Key Performance Indicators (KPIs) and determine Critical Success Factors (CSFs) in order to complete a formal business plan for a community based approach for GIS and that the City's share of costs up to a maximum of \$90,000 be funded from the City's Municipal Capital Reserve Fund;

- and further -

2. **THAT** Council direct staff to include a further amount currently estimated in the vicinity of \$375,000 for the preparation of shared infrastructure components, subject to refinement based on the completion of the analysis and business plan, in the City's 2011 capital budget submission for its consideration.

CARRIED

REPORTS (CONTINUED)

Report No. 58 of the Administrative Policies Committee

3. **Code of Conduct for Council and Committee Members**

THAT Council approve the Code of Conduct for Council and Committee Members.

(A copy of the Code of Conduct was attached as Schedule Page 74-77)

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Glover

Seconded by Councillor Gerretsen

THAT Clause 3 of Report No. 58 of the Administrative Policies Committee be deferred and referred to the Chief Administrative Officer for comment by senior staff and to all Committees to which Council appoints residents as members;

- and further -

THAT all comments be returned to the City Clerk not later than 4:30 p.m. on Friday, May 28, 2010;

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- and further -

THAT the Administrative Policies Committee report back to Council on June 22, 2010, with either an interim or final report.

CARRIED

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

Council consented to the amendment of Clause 3 and the withdrawal of Clause 9.

Report No. 59

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: Clauses 1 and 2 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. The items then appeared as Clauses 14 and 15 of Report No. 52 on the agenda for the Council meeting held on April 6, 2010, and were deferred to this agenda for consideration.

1. **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;

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

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.

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

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

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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;

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.



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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.

3. **Update to the Designation By-Law for Newcourt House (889 King Street West)**

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

WHEREAS the Ontario Heritage Act requires the Council of a municipality to service Notice of Intention to Designate a property as having cultural heritage value and interest; and,

WHEREAS when the Council of a municipality has appointed a Municipal Heritage Committee, the Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee; and,

WHEREAS the Kingston Municipal Heritage Committee recommended to Council to serve Notice of Intention to Amend the Designation By-Law for Newcourt House under the Ontario Heritage Act on November 2, 2009; and,

WHEREAS the Council of the Corporation of the City of Kingston approved serving Notice of Intention to Amend the Designation By-Law for Newcourt House on November 17, 2009, and the Notice was published in the Kingston Whig Standard on December 1, 2009; and,

WHEREAS no notices of objection were received;

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

THEREFORE BE IT RESOLVED THAT Council adopt the updated Designation By-Law under the Ontario Heritage Act for the property located at 889 King Street West (Part Lot 17 Concession 1 City of Kingston, Being Parts 1, 2, 3, 4, 5 and 6 on Plan 13R 19655, Being Part of PIN 36004-0397 (R)) also known as Newcourt House;

- and further -

THAT the draft by-law attached hereto as Exhibit 'A' be adopted;

- and further -

THAT the entry in the City of Kingston Heritage Properties Register for the property located at 889 King Street West (Part Lot 17 Concession 1 City of Kingston, Being Parts 1, 2, 3, 4, 5 and 6 on Plan 13R 19655, Being Part of PIN 36004-0397 (R)) be amended to reflect the updated designation of the property;

- and further -

THAT, as required under the Ontario Heritage Act, the Clerk of the municipality shall ensure a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property shall be served in accordance with the requirements of Section 67 of the Ontario Heritage Act on the owner of the property and on the Ontario Heritage Trust, and to be registered against the property affected in the proper Land Registry Office;

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- and further -

THAT, as required under the Ontario Heritage Act, the Clerk of the municipality shall ensure that notice of the passing of the Designation By-Law be published in a newspaper having general circulation in the municipality and that this notice shall include: an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; and a statement that further information respecting the Designation By-Law is available from the municipality.

(Note: The Report of the Commissioner of Sustainability and Growth (KMHC-10-007) was distributed with the April 12, 2010, KMHC agenda as Schedule Pages 5-17. A copy of the draft by-law was attached as Schedule Pages 78-86)

(See By-Law No. (2), 2010-76)

DEFERRED AS AMENDED

4. **Designation Recommendation – Denyes Monument**

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

WHEREAS the Ontario Heritage Act requires the Council of a municipality to service Notice of Intention to Designate a property as having cultural heritage value and interest; and,

WHEREAS when the Council of a municipality has appointed a Municipal Heritage Committee, the Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee; and,

WHEREAS the Kingston Municipal Heritage Committee recommended to Council to serve Notice of Intention to Designate under the Ontario Heritage Act on November 2, 2009; and,

WHEREAS the Council of the Corporation of the City of Kingston approved serving Notice of Intention to Designate under the Ontario Heritage Act on November 17, 2009, and the notice was published in the Kingston Whig Standard on December 1, 2010; and,

WHEREAS no notices of objection were received;

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

THEREFORE IT IS RECOMMENDED THAT Council designate under Section 29 of the Ontario Heritage Act the property located at Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Catarauqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R), also known as the Denyes Monument;

- and further -

THAT the draft by-law attached hereto as Exhibit 'A' be adopted;

- and further -

THAT the property located at Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW

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Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Catarauqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R), also known as the Denyes Monument, be added to the City of Kingston Heritage Properties Register;

- and further -

THAT as required under the Ontario Heritage Act, the Clerk of the municipality shall ensure a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property shall be served in accordance with the requirements of Section 67 of the Ontario Heritage Act on the owner of the property and on the Ontario Heritage Trust, and to be registered against the property affected in the proper Land Registry Office;

- and further -

THAT as required under the Ontario Heritage Act, the Clerk of the municipality shall ensure that notice of the passing of the Designation By-Law be published in a newspaper having general circulation in the municipality and that this Notice shall include: an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; and a statement that further information respecting the Designation By-Law is available from the municipality.

(Note: The Report of the Commissioner of Sustainability and Growth (KMHC-10-008) was distributed with the April 12, 2010 KMHC agenda as Schedule Pages 18-27. A copy of the draft by-law was attached as Schedule Pages 87-88) (See By-Law No. (3), 2010-77)

5. **Non-Approval of an Application for the Removal of a Skylight from the Roof of MacMorraine (Parish) Hall, Framing of the Opening and Covering with Black Asphalt Shingles when the Roof is Re-shingled at 10 Union Street also known as St. James Anglican Church**

WHEREAS the removal of the skylight at 10 Union Street was considered by the Kingston Municipal Heritage Committee (KMHC) in 2007 and an opportunity to save the feature was identified; and,

WHEREAS Application P18-368-068-2007 to remove the skylight was denied by Council November 6, 2007; and,

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

WHEREAS an application and the following recommendation for removal of the skylight was considered at the April 12, 2010, KMHC meeting;

THEREFORE BE IT RESOLVED THAT the Kingston Municipal Heritage Committee recommends that the following recommendation **NOT BE APPROVED**:

*THAT Application P18-368-033-2010 for a property located at 10 Union Street also known as St. James Anglican Church requesting approval for the removal of skylight from the roof of MacMorraine (Parish) Hall, framing of the opening and covering with black asphalt shingles when the roof is re-shingled **BE APPROVED** in accordance with details described within a submission filed March 5, 2010, and deemed complete by the Planning and Development Department March 19, 2010;*

- and further -

THAT the applicant applies for a building permit for the work;

- and further -

THAT if accessing property from location other than driveway proper permit/permission is required, contact Brad Morton at 613-546-4291 ext. 3147;

- and further -

THAT, prior to commencement of the work the contractor 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

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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;

- and further -

THAT the skylight's current condition and removal be completely documented through photos, and submitted to the City of Kingston for its files;

- and further -

THAT the skylight's removal be a reversible change;

- and further -

THAT the skylight be carefully removed and stored in the roof space directly below its location with as much glazing as possible following the removal.

6. **Approval of an Application for the Addition of a Second Storey to the Existing Addition at 32 Simcoe Street**

THAT Application P18-353-034-2010 for a property located at 32 Simcoe Street requesting approval to add a second storey to the existing addition **BE APPROVED** in accordance with details described within a submission filed March 5, 2010, and deemed complete by the Planning and Development Department March 19, 2010;

- and further -

THAT a copy of the design of the railing for the addition be submitted to Heritage staff for the record;

- and further -

THAT the applicant is required to apply for and meet the requirements for a Building Permit;

- and further -

THAT if the applicant needs to access the property other than the driveway, a proper permit/permission is required.

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

7. **Approval of an Application for Repointing and Brick Replacement on Coping Wall at 192 Ontario Street also known as Woodenheads Restaurant**

THAT Application P18-268-035-2010 for a property located at 192 Ontario Street also known as Woodenheads Restaurant requesting approval for repointing and brick replacement on coping wall **BE APPROVED** in accordance with details described within a submission filed March 5, 2010, and deemed complete by the Planning and Development Department March 19, 2010;

- and further -

THAT a letter of permission/agency from the property owner be provided regarding the work to be done;

- and further -

THAT, prior to commencement of the work, the contractor 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;

- and further -

THAT it be understood that the work will be done in accordance with Heritage Masonry Guidelines and masonry units suggested by the applicant.

8. **Approval of an Application to Repair and Rebuild Solarium Unit 2 at 131-133 King Street East**

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THAT Application P18-181-036-2010 for a property located at 131-133 King Street East requesting approval to repair and rebuild solarium unit 2 **BE APPROVED** in accordance with details described within a submission filed March 5, 2010, and deemed complete by the Planning and Development Department March 19, 2010;

- and further -

THAT the applicant will be required to obtain a building permit and a full permit review will be done at that time subject to Part 9 of the OBC, and that once the old solarium is removed the new one has to meet code;

- and further -

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

- and further -

THAT, prior to commencement of the work, the contractor 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. dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk.

9. **Approval of an Application for the Construction of a New House at 250 Main Street, Barriefield Village**

THAT Application P18-519-037-2010 for a property located at 250 Main Street, Barriefield Village requesting approval to construct a new house **BE APPROVED** in accordance with details described within a submission filed March 5, 2010, and deemed complete by the Planning and Development Department March 17, 2010;

- and further -

THAT it be understood that the proposed masonry cladding is **not approved**, and that it is recommended that this area be covered with siding with the foundation coming up to around 10 inches above grade or even up to the sills of the windows on the lower level.

WITHDRAWN

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

10. **Approval of an Application for the Replacement of All Windows at 218 King Street East**

THAT Application P18-196-041-2010 for a property located at 218 King Street East requesting approval for the replacement of all windows **BE APPROVED** in accordance with details described within a submission filed March 26, 2010, and deemed complete by the Planning and Development Department March 26, 2010;

- and further -

THAT it be understood that it is strongly recommended that the existing two over two windows be retained;

- and further -

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

- and further -

THAT, prior to commencement of the work, the contractor 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.

11. **Approval of an Application for the Installation of New Eavestroughs and Downpipes at 230 James Street, Barriefield Village**

THAT Application P18-445-026-2010 for a property located at 230 James Street, Barriefield Village requesting approval for installation of new eavestroughs and downpipes **BE APPROVED** in accordance with details described

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within a submission filed March 1, 2010, and deemed complete by the Planning and Development Department March 18, 2010;

12. **Approval of an Application for the Repair of the Veranda Floor, Repainting and Replacement of Elements in Kind, and Repair of Mortar Joints and Brick at 237 Johnson Street**

THAT Application P18-163-038-2010 for a property located at 237 Johnson Street requesting approval for the repair of the veranda floor, repainting and replacement of elements in kind, and repair of mortar joints and brick **BE APPROVED** in accordance with details described within a submission filed March 10, 2010, and deemed complete by the Planning and Development Department March 29, 2010;

- and further -

THAT a permit will be required for this as there are porch support issues and the existing deck and guards require replacement;

- and further -

THAT, in regard to the proposal for repairing mortar joints and brick, a site visit be arranged to meet with the mason in order to view the brick work and discuss the procedure with a report back to the Committee, with the understanding that the work to be done is included within the general outline within the submission;

- and further -

THAT it be understood that the masonry repair of the brick and re-pointing use 1:2:9 mortar mix, using a chisel to remove mortar. Any brick replacement and mortar must be matched in colour and size; preference is for vintage brick (suitable for exterior use) or "John Price" brick.

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

13. **Approval of an Application for Repainting and Minor Repair of Wooden Surfaces and Trim and Provisional Approval for a Heritage Grant Application for a Property Located 230 James Street, Barriefield Village**

THAT Application P18-445-027-2010 for a property located at 230 James Street, Barriefield Village requesting approval for repainting and minor repair of wooden surfaces and trim **BE APPROVED** in accordance with a submission filed March 2, 2010, and deemed complete by the Planning and Development Department March 15, 2010;

- and further -

THAT Application HG-03-2010 for this property **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

14. **Approval of an Application for Replacement of a Steel Roof and Provisional Approval for a Heritage Grant Application for a Property Located at 948 Highway 2 East**

THAT Application P18-515-024-2010 for a property located at 948 Highway 2 East requesting approval for the replacement of a steel roof **BE APPROVED** in accordance with a submission filed March 1, 2010, and deemed complete by the Planning and Development Department March 1, 2010;

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- and further -

THAT it be understood that preference be given to the re-installation of a batten roof;

- and further -

THAT Application HG-01-2010 for this property **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000 with the understanding that the grant be approved for the re-installation of a batten roof only;

- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

15. **Approval of an Application for Re-Pointing and Installation of Two Chimney Caps and Provisional Approval for a Heritage Grant Application for a Property Located at 249 Main Street, Barriefield Village**

THAT Application P18-427-025-2010 for a property located at 249 Main Street, Barriefield Village requesting approval for re-pointing and installation of two chimney caps **BE APPROVED** in accordance with a submission filed March 1, 2010, and deemed complete by the Planning and Development Department March 15, 2010, with the understanding that consideration be given to lowering the height of the rooflet above the screen;

- and further -

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

THAT Application HG-02-2010 for this property for masonry repairs **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

16. **Approval of an Application for Restoration, Repair and Replacement Where Needed of Five Sash Windows, Fascia and Eavestroughing and Provisional Approval for a Heritage Grant Application for a Property Located at 215 Main Street, Barriefield Village**

THAT Application P18-420-028-2010 for a property located at 215 Main Street, Barriefield Village requesting approval to restore, repair and replace where needed five sash windows, fascia and eavestroughing **BE APPROVED** in accordance with a submission filed March 2, 2010, and deemed complete by the Planning and Development Department March 17, 2010;

- and further -

THAT Application HG-04-2010 for this property for the repair and replacement of five sash windows **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

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THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

17. **Approval of an Application to Repoint and/or Replace Deteriorating Brick and Provisional Approval for a Heritage Grant Application for a Property Located 50 Montreal Street**

THAT Application P18-540-029-2010 for a property located at 50 Montreal Street requesting approval to repoint and/or replace deteriorating brick **BE APPROVED** in accordance with a submission filed March 4, 2010, and deemed complete by the Planning and Development Department March 18, 2010;

- and further -

THAT the repair of the brickwork be done with the understanding that an investigation will be undertaken regarding the condition of the brick below grade, that the area below grade will have a moisture inhibiting masonry unit and a damp proof course will be installed above grade, that the selection of brick and mortar will match in size and colour as closely as possible to the brick;

- and further -

THAT Application HG-05-2010 for this property **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

18. **Approval of an Application for Repointing the Foundation and West Stone Wall, Installation of Concrete Formed Caps, and Replacement of Two Window Sills and Provisional Approval for a Heritage Grant Application for a Property Located at 85 Queen Street**

THAT Application P18-303-030-2010 for a property located at 85 Queen Street requesting approval to repoint the foundation and west stone wall, install concrete formed caps, and replace two window sills **BE APPROVED** in accordance with a submission filed March 4, 2010, and deemed complete by the Planning and Development Department March 18, 2010;

- and further -

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

- and further -

THAT, prior to commencement of the work, the contractor 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;

- and further -

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THAT Application HG-06-2010 for this property to repaint the stone wall **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

19. **Approval of an Application for Restoration of Windows and Front Doors and Exterior Painting and Provisional Approval for a Heritage Grant Application for a Property Located at 185 William Street**

THAT Application P18-407-031-2010 for a property located at 185 William Street requesting approval for the restoration of windows and front doors and exterior painting **BE APPROVED** in accordance with a submission filed March 5, 2010, and deemed complete by the Planning and Development Department March 19, 2010;

- and further -

THAT Application HG-07-2010 for this property **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

REPORTS (CONTINUED)

Report No. 59 of the Kingston Municipal Heritage Committee (LACAC)

20. **Approval of an Application for Removal and Reinstallation of Bricks and Repointing as Necessary, and Repair/Replacement of Damaged Wood on Soffit and Facia as Required and Provisional Approval for a Heritage Grant Application for a Property Located at 37-43 Brock Street**

THAT Application P18-074-032-2010 for a property located at 37-43 Brock Street requesting approval to remove and reinstall bricks and repoint as necessary, and repair/replace damaged wood on soffit and fascia as required **BE APPROVED** in accordance with a submission filed March 5, 2010, and deemed complete by the Planning and Development Department March 18, 2010;

- and further -

THAT it be understood that brick repairs will not be painted as the whole building will be have the paint removed in due time and loose paint will be brushed off at this time in the repair area;

- and further -

THAT proper permit/permission may be required for accessing property, contact Brad Morton at 613- 546-4291 ext. 3147;

- and further -

THAT, prior to commencement of the work, the contractor 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;

- and further -

THAT Application HG-08-2010 for this property **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

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- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

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

THAT Application P18-361-022-2010(EA) for a property located at 73 Sydenham Street requesting approval for the replacement of black asphalt shingles **BE REAFFIRMED** in accordance with a submission filed March 4, 2010, and deemed complete by the Planning and Development Department March 8, 2010.

DEFERRED

Report No. 60 of the Nominations Advisory Committee

Moved by Councillor MacLeod-Kane

Seconded by Councillor Schmolka

THAT Report No. 60 of the Nominations Advisory Committee be received and adopted.

Report No. 60

REPORTS (CONTINUED)

Report No. 60 of the Nominations Advisory Committee

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.

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.

CARRIED

Note: This report originally appeared as Report No. 54 on the agenda for the Council meeting held on April 6, 2010, and was deferred due to lack of time.

Report No. 61 of the Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and 2004-360 Composition and Terms of Reference for Committees

Moved by Councillor Gerretsen

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Seconded by Councillor Meers

THAT Report No. 61 of the Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and 2004-360 Composition and Terms of Reference for Committees be received and adopted.

Report No. 61

To the Mayor and Members of Council:

The Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and 2004-360 Composition and Terms of Reference for Committees reports and recommends as follows:

April 12, 2010

1. Approval of the Pump House Steam Museum Committee Mandate and Appointments

THAT a by-law be presented to Council to amend By-Law No. 2004-360, as amended, being "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston", in order to include the mandate of the Pump House Steam Museum Committee;

- and further -

THAT, notwithstanding the composition for the Committee as outlined in the mandate, three Members of Council be appointed to, and comprise the Pump House Steam Museum Committee for the term to expire November 30th, 2010, it being understood the Committee composition of four members of the public and one City Councillor will be effective for the new term of Council.

REPORTS (CONTINUED)

Report No. 61 of the Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and 2004-360 Composition and Terms of Reference for Committees

(See By-Law No. (4), 2010-78)

(See Miscellaneous Business Item (3))

(Note: A copy of the Pump House Steam Museum Committee mandate was attached as Schedule Page 89)

CARRIED

Moved by Councillor Hector

Seconded by Councillor Foster

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

LOST

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

Report No. 62 of the Municipal Accessibility Advisory Committee

Council consented to the addition of Report No. 62.

Report No. 62

To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

Note: The following clause 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

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the City. It then appeared as Clause 4 of Report No. 53 of the Municipal Accessibility Advisory Committee on the agenda for the Council meeting held on April 6, 2010, and was deferred due to lack of time.
(See Information Report No. (6), Page No. 29, attached to the addeds as Schedule Pages 109-113)

1. **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:

REPORTS (CONTINUED)

Report No. 62 of the Municipal Accessibility Advisory Committee

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

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 distributed with the April 6 agenda.)

(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 distributed with the April 6 agenda.)

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

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

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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 distributed with the April 6 agenda.)

(File No. CSU-V00-000-2010)

(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 distributed with the April 6 agenda.)

(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 distributed with the April 6 agenda.)

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

INFORMATION REPORTS (CONTINUED)

(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 distributed with the April 6 agenda.)

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

(See Clause 1, Report No. 62, Page No. 27)

(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 distributed with the April 6 agenda.)

(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 (10-128) was distributed with the April 6 agenda.)

(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.

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(Note: The Report of the Director of Legal Services (10-131) was distributed with the April 6 agenda.)
(File No. CSU-L15-000-2010, CSU-L19-000-2010)

(10) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Months of January and February 2010**

The purpose of this report is to advise Council of tenders/RFPs approved and contracts awarded greater than \$50,000 that meet the established criteria of delegated authority for the months of January and February 2010 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the months of January and February 2010.

(The Report of the Deputy Treasurer (10-069) was attached as Schedule Pages 90-96)
(File No. CSU-F18-000-2010)

INFORMATION REPORTS (CONTINUED)

(11) **K-Rock Centre Audited Financial Statements as at December 31, 2009**

The purpose of this report is to provide Council with a copy of the Audited Financial Statements for the K-Rock Centre as at December 31, 2009.

(The Report of the Commissioner of Corporate Services (10-149) was attached as Schedule Pages 97-108)
(File No. CSU-F10-000-2010)

DEFERRED

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

(2) **THAT**, as requested by the East Region of the CNIB, Council proclaim May 27, 2010, as "CNIB Shades of Fun Day" in the City of Kingston.

(See Communication No. 12-214)

DEFERRED

(3) Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT Councillors Glover, Matheson and Schmolka be appointed to the Pump House Steam Museum Committee for a term to expire on November 30, 2010.

(See Clause 1, Report No. 61)

CARRIED

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MOTIONS

Council consented to the addition of Motions (4) through (6).

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

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

MOTIONS (CONTINUED)

- (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

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

WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction; and,

WHEREAS FCM's National Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government; and,

WHEREAS the 73rd FCM Annual Conference is from May 28 to 31, 2010, during which the Annual General Meeting

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will be held and followed by the election of FCM's National Board of Directors; and,

WHEREAS FCM requires that every nominee for election to the board provide prior to 8 May 2010 a resolution of their council that authorizes them to stand, and states that the council is prepared to meet the cost of their attending meetings of the FCM's National Board of Directors;

THEREFORE BE IT RESOLVED THAT Council of the City of Kingston endorse Councillor Dorothy Hector to stand for election on FCM's National Board of Directors;

- and further -

THAT Council assume all costs associated with Councillor Dorothy Hector attending FCM's National Board of Directors meetings.

DEFERRED

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

WHEREAS the Safer Communities – 1,000 Officers Partnership Program was introduced by the provincial government as an initiative to add 1,000 front-line police officers in Ontario; and,

MOTIONS (CONTINUED)

WHEREAS the provincial government has implemented a grant program that will pay 50 percent of each additional police officer's annual salary, overtime, and payroll benefits to a maximum of \$35,000 per year; and,

WHEREAS the Kingston Police hired 10 new officers between October 2003 and August 2006 to meet the criteria for funding under this initiative; and,

WHEREAS a renewed two-year contractual agreement is required to enable the municipality and the police service to receive grant monies under this program for the period April 1, 2010, to March 31, 2012;

THEREFORE BE IT RESOLVED THAT the City of Kingston approves entering into an agreement with the Ministry of Community Safety and Correctional Services and the Kingston Police Services Board to extend the Safer Communities – 1,000 Officers Partnership Program to March 31, 2012;

- and further -

THAT the Mayor and City Clerk be authorized to execute the agreement on behalf of the City of Kingston.
(See Communication No. 12-218)

CARRIED

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

WHEREAS the Community Policing Partnerships Program was introduced by the provincial government in 1998 as an initiative to add 1,000 front-line police officers in Ontario; and,

WHEREAS the provincial government implemented a grant program that would pay 50 percent of each additional police officer's annual salary, overtime, and payroll benefits to a maximum of \$30,000 per year; and,

WHEREAS the Kingston Police, under this initiative, have hired 13 new officers over the authorized sworn complement as at June 15, 1998; and,

WHEREAS the Community Policing Partnerships Program has been extended and a renewed two-year contractual agreement is required to enable the municipality and the police service to receive grant monies under this program for the period April 1, 2010, to March 31, 2012;

THEREFORE BE IT RESOLVED THAT the City of Kingston approves entering into an agreement with the Ministry of Community Safety and Correctional Services and the Kingston Police Services Board to extend the Community Policing Partnerships Program to March 31, 2012;

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- and further -

THAT the Mayor and City Clerk be authorized to execute the agreement on behalf of the City of Kingston.
(See Communication No. 12-219)

CARRIED

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

WHEREAS in a unanimous decision on 15 April the Supreme Court of Canada clearly and unequivocally stated that the federal government and its Crown Corporations must pay for the services municipalities provide in the same way private owners pay;

THEREFORE BE IT RESOLVED THAT Kingston City Council urges the government of the Province of Ontario to follow this decision, with respect to all properties for which it makes payments in lieu of taxes;

- and further -

MOTIONS (CONTINUED)

THAT a copy of this resolution be sent to John Gerretsen, MPP for Kingston and the Islands, and to all Ontario university towns that likewise receive the 1987 "heads and beds" payment.

DEFERRED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 11-2010, held Tuesday, April 6, 2010 be confirmed.
(Distributed to all Members of Council on April 16, 2010)

DEFERRED

TABLING OF DOCUMENTS

Council consented to the addition of Document 2010-44.

2010-42 Kingston Frontenac Public Library Board
Minutes – Regular Meeting #2010-02 – February 17, 2010
 (File No. CSU-R02-000-2010)

2010-43 Cataraqui Source Protection Committee
Agenda – April 8, 2010
 (File No. CSU-D03-000-2010)

2010-44 Kingston Frontenac Public Library Board
Annual Report 2009
 (File No. CSU-R02-000-2010)

COMMUNICATIONS

Council consented to the addition of Communications 12-218 through 12-222.

Filed

12-203 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application for consent to sever the property at 563 Princess Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is April 21, 2010.

CONSENT – In respect of an application for consent to sever the property at 569 Princess Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is April 21, 2010.

COMMUNICATIONS (CONTINUED)

CONSENT – In respect of an application for consent to sever the property at 3260 Princess Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 3, 2010.
(File No. CSU-D19-000-2010)

12-204 From Niji, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 168 Division Street.
(File No. CSU-P09-000-2010)

12-205 From the Municipal Property Assessment Corporation (MPAC), providing an update regarding their negotiations with the Ontario Public Service Employees Union (OPSEU) to renew their collective agreement.
(File No. CSU-H07-000-2010)

12-208 From the Department of Finance Canada, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)

12-209 From the County of Simcoe, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)

12-217 From the Corporation of the County of Grey, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)

Referred to All Members of Council

12-210 From the Ontario Association of Fire Chiefs (O AFC), providing information regarding the Municipal Politicians Seminar: Firefighting 101, which will be held in Toronto on May 2 and 3, 2010.
(File No. CSU-A04-000-2010)

12-211 From the Limestone District School Board, providing a copy of the report on Trustee Determination and Distribution for the upcoming 2010 election.
(File No. CSU-C07-000-2010)

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- 12-212 From the Algonquin and Lakeshore Catholic District School Board, providing a copy of the report on Trustee Determination and Distribution for the upcoming 2010 election.
(File No. CSU-C07-000-2010)
- 12-213 From the Frontenac Detachment of the Ontario Provincial Police (OPP), requesting a letter from the municipality to the Ministry of Transportation (MTO) in support of the dedication of the Gardiners Road/Road 38 Bridge over the 401 in the memory of fallen OPP officer, Constable John Flagg.
(File No. CSU-T05-000-2010)
- 12-214 From the East Region of the CNIB, asking that Council proclaim May 27, 2010, as "CNIB Shades of Fun Day" in the City of Kingston.
(File No. CSU-M10-000-2010)
(See Miscellaneous Business Item No. 2)
(Distributed to all Members of Council on April 9, 2010)

COMMUNICATIONS (CONTINUED)

- 12-215 From Jan Arp, requesting that the fee for an application for a minor variance at the property located at 35 Rudd Avenue be waived.
(File No. CSU-D19-000-2010)
- 12-218 From S.J. Tanner, Chief of Police, asking Council pass a resolution to approve entering into a further two-year grant agreement so that the community may continue to benefit from the "Safer Communities – 1,000 Officers Partnership Program", through which the City can expect to receive approximately \$700,000 in provincial government funding.
(File No. CSU-P17-000-2010)
- 12-219 From S.J. Tanner, Chief of Police, asking Council pass a resolution to approve entering into a further two-year grant agreement so that the community may continue to benefit from the "Community Policing Partnerships Program", through which the City can expect to receive approximately \$780,000 in provincial government funding.
(File No. CSU-P17-000-2010)
- 12-220 From Sergeant Carla Borel, Kingston Police, asking that the standard rental fee be waived for the usage of the facilities at the Portsmouth Olympic Harbour for the Kids' Perch Derby Day to be held on Saturday, May 29, 2010,
(File No. CSU-A21-000-2010)
- 12-221 From Bruce Todd, expressing his opinions regarding the Third Crossing.
(File No. CSU-E05-000-2010)
- 12-222 From J.T. Drynan, expressing his opinions regarding the Third Crossing.
(File No. CSU-E05-000-2010)

Referred to the City Clerk

- 12-206 From the Kingston General Hospital, asking that Council proclaim the week of May 10 to 16, 2010, as "Nursing Week" in the City of Kingston.
(File No. CSU-M10-000-2010)
- 12-216 From Shri Sathya Sai Centre of Kingston, asking that Council proclaim June 5, 2010, as "Walk for Values Day" in the City of Kingston.
(File No. CSU-M10-000-2010)

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Referred to the Commissioner of Sustainability and Growth

- 12-207 From J.L. Richards & Associates Limited, advising that they have been retained to assist Loyalist Township to complete a Schedule B Municipal Class Environmental Assessment (EA) Study to identify a preferred solution for improvements to the headworks and disinfection systems at the Bath Sewage Treatment Plant, that the study has now been completed, and providing a copy of the Notice of Completion.
(File No. CSU-E08-000-2010)

BY-LAWS

Council consented to the addition of By-Law (11) and to the amendment of By-Laws (2) and (3).

- (A) Moved by Councillor Foster
Seconded by Councillor Glover
THAT By-Laws (1) and (4) through (11) be given their first and second reading. **CARRIED**
- (B) Moved by Councillor Smith
Seconded by Councillor Meers
THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (5) three readings. **CARRIED**
- (C) Moved by Councillor Schmolka
Seconded by Councillor Gerretsen
THAT By-Laws (5) through (10) be given their third reading. **CARRIED**
- (1) A By-Law To Amend By-Law No. 2004-360, "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston" (add 2010 Compliance Audit Committee)
FIRST AND SECOND READINGS PROPOSED NO. 2010-75
(See Clause (h), Report No. 55)
- (2) A By-Law To Amend By-Law No. 9360A, "A By-Law To Designate Certain Properties Within The Municipality To Be Of Historic Or Architectural Value Or Interest" (to reflect the cultural heritage value and interest of Newcourt House (889 King Street West))
FIRST AND SECOND READINGS PROPOSED NO. 2010-76
(See Clause (3), Report No. 59) **WITHDRAWN**
(Note: A copy of the revised draft by-law was attached to the addends as Schedule Pages 114-122)
- (3) A By-Law To Designate The Denyes Monument (Princess Street), To Be Of Cultural Heritage Value And Interest Pursuant To The Provisions Of The *Ontario Heritage Act* (R.S.O. 1990, Chapter 0.18)
FIRST AND SECOND READINGS PROPOSED NO. 2010-77
(See Clause (4), Report No. 59) **WITHDRAWN**

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(Note: A copy of the revised draft by-law, which includes Schedule "A", was attached to the addends as Schedule Pages 123-128)

- (4) A By-Law To Amend By-Law No. 2004-360, "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston" (add Pump House Steam Museum Committee mandate)
FIRST AND SECOND READINGS PROPOSED NO. 2010-78
(See Clause (1), Report No. 61)

BY-LAWS (CONTINUED)

- (5) A By-Law To Authorize The Borrowing Upon Amortizing Debentures In The Principal Amount Of \$38,500,000.00 Towards The Cost Of Certain Capital Works Of The Corporation Of The City Of Kingston
THREE READINGS PROPOSED NO. 2010-74
(See Clause (5), Report No. 56)
- (6) 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 A1 to C2.391, 1305 Princess Street)
THREE READINGS PROPOSED NO. 2010-79
(See Clause (1), Report No. 57)
- (7) A By-Law To Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law" (Zone Change from Medium Density Residential (MDR*1) to Medium Density Residential (MDR*4), Lots 167 to 195, Registered Plan 13M-58 (1191 to 1235 Crossfield Avenue and 686 to 700 Augusta Drive))
THREE READINGS PROPOSED NO. 2010-80
(See Clause (2), Report No. 57)
- (8) A By-Law To Exempt Certain Lands On Registered Plan 13M-82 From The Provisions Of Section 50 (5) Of The *Planning Act*, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 55, River Park Subdivision)
THREE READINGS PROPOSED NO. 2010-81
(Delegated Authority)
- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, April 20, 2010
THREE READINGS PROPOSED NO. 2010-82
(City Council Meeting No. 12-2010)
- (10) 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)
THIRD READING PROPOSED NO. 2010-69
(See Communication No. 11-186)

City Council Meeting No. 12-2010

Minutes

Tuesday, April 20, 2010

- (11) A By-Law To Establish General Municipal, Fire, Garbage, And Special Tax Rates For The Year 2010 To Provide For A Final Tax Levy; To Provide For Late Payment Charges To Be Charged On Unpaid Taxes; And To Provide For Payment Of Taxes By Instalment
FIRST AND SECOND READINGS
(See Clause (6), Report No. 56)

PROPOSED NO. 2010-83

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Gerretsen

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:00 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor