

CITY COUNCIL MEETING NO. 16-2010

The Regular Meeting of City Council was held on Tuesday, June 1, 2010, and was called to order at 6:00 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 6:05 pm to 7:02 pm in the Councillors' Lounge.

There was a Kingston Municipal Non-Profit Housing (Town Homes Kingston) Annual General Meeting from 7:05 pm to 7:20 pm.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster (arrived at 6:08 pm), Councillor Garrison (arrived at 6:20 pm), Councillor Gerretsen (arrived at 6:30 pm), Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic, Councillor Schmolka, Councillor Smith (arrived at 6:08 pm) (12)

Absent: Councillor Meers (1)

(Councillors' Lounge)

Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability and Growth

Mrs. C. Downs, City Clerk

Mr. G. Hunt, Chief Administrative Officer

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

Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services

Mr. H. Linscott, Director, Legal Services

Mr. G. Wallace, Director, Planning and Development

COMMITTEE OF THE WHOLE "IN CAMERA"

Council consented to the addition of Item (b).

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

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

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board – Acquisition of Natural Lands
(b) Security of the property of the municipality – 1425 Midland Avenue

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability and Growth

Mrs. C. Downs, City Clerk

Ms. D. Green, Manager, Engineering

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

Mr. G. Hunt, Chief Administrative Officer

Mr. J. Johnson, Manager, Facilities

Administrative Staff Present (continued):

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- Mr. S. Kanellos, Director, Real Estate and Construction Services
- Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
- Mr. H. Linscott, Director, Legal Services
- Mr. J. Thompson, Committee Clerk
- Mr. M. Van Buren, Director, Engineering
- Mr. G. Wallace, Director, Planning and Development

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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 15 of Report No. 83 of the Kingston Municipal Heritage Committee (LACAC) as she has a contract with Hughes Downey Architects.

PRESENTATIONS

DELEGATIONS

BRIEFINGS

PETITIONS

- (1) A petition bearing approximately 40 signatures was presented by Councillor Matheson and referred to the President and CEO of Utilities Kingston and reads as follows:

"The undersigned are opposed to having the stop signs recently erected on Safari Drive (across from Heron Crt). We would however be in favor of speed bumps near the Safari Drive Park, or Children Playing or Slow sign.

REFERRED TO THE PRESIDENT AND CEO OF UTILITIES KINGSTON

- (2) A petition bearing approximately 30 signatures was presented by Councillor Matheson and referred to President and CEO of Utilities Kingston and reads as follows:

"The undersigned are opposed to the recently erected unwarranted stop sign at the intersection of Safari Drive and Heron Court and request its removal.

REFERRED TO THE PRESIDENT AND CEO OF UTILITIES KINGSTON

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Beth Israel Synagogue, which recently celebrated its 100th anniversary.

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

THAT Kingston City Council extends its warmest congratulations to Dr Mark Sirett, musical director of the Cantabile Choirs, for his award from the Association of Canadian Choral Communities for Outstanding Choral Composition. He wrote 'The Stars Point the Way' for the award-winning Cantillon Choirs of Edmonton under the direction of Heather Johnson. It will be aired on CBC's "Choral Concert" at a future date.

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

THAT Kingston City Council extends its warmest congratulations to all the members and volunteers of the Cantabile Choirs on the occasion of their being awarded the **Outstanding Choral Event** by the Association of Canadian Choral Communities for the opening concert of its current 2009-10 season, "Brown Eagle, Black Raven." In citing the award, the Association commended the Cantabile organization for its commitment to adventuresome repertoire, innovative programming and high standard of performance and in particular, for the effort to educate both choristers and audience on world cultures.

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

THAT the congratulations of Kingston City Council be extended to the "Ride for Dad" organizers and participants for this year's 2010 Ride for Dad, which took place this past Sunday, May 31st. This year's motorcycle ride to help beat prostate cancer set records in both the number of participants, as well as the amount of money raised, of over \$87,000 and counting. It was a fantastic day of camaraderie and a safe and fun time was had by all. The 10th Anniversary Cross Country "Ride for Dad Tour" begins in St. John's, Newfoundland, August 1st, 2010, with the Kingston leg of this tour happening August 12th, 2010. The tour is scheduled to finish up August 29th in Horseshoe Bay, Nanaimo, Duncan, Victoria, and CFB Esquimalt. Congratulations to all supporters for helping with this worthwhile cause.

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

THAT the congratulations of Kingston City Council be extended to Councillor Leonore Foster for her hard work representing the City of Kingston at the Federation of Canadian Municipalities for the past four years. This past weekend at the annual general meeting Councillor Foster was recognized by her colleagues from across the country and thanked with a standing ovation for her work on the Board of Directors and committees.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

- (6) Moved by Councillor Hector
Seconded by Councillor Matheson

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

THAT the congratulations of Kingston City Council be extended to Mr. Bob Trentadue, Chair of Town Homes Kingston, on his being awarded with the Gary Gilliam Award for Promoting Social Responsibility.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council and the City of Kingston be passed on to the family and friends of Susan (Susie) Collier, who died suddenly on Tuesday May 25, 2010. Susie was a 10 year former employee of the City of Kingston who worked as a Parking Lot Attendant at the Chown Parking Lot.

- (2) Moved by Mayor Rosen
Seconded by Councillor Smith

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Glenn Williams. "G" as he is widely known in the Kingston community and surrounding region, passed away on May 31, 2010, after a courageous battle with ALS. "G" was a program director and an on-air personality of a local radio station. He was also an energetic and tireless supporter of countless local events, fundraising initiatives and charities. "G" clearly loved living, working and promoting our great city and he will be sorely missed. Kingston has lost a tremendous community ambassador.

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

THAT the sincere condolences of Kingston City Council be extended to Patricia Burns, Director of Human Resources, and her family, on the recent death of her mother.

Motions of Speedy Recovery

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

THAT the best wishes of Kingston City Council for a full and speedy recovery be extended to Cheryl Dickson, one of Kingston's farmers.

CARRIED

City Council Meeting No. 16-2010
Minutes
Tuesday, June 1, 2010

REPORTS

Report No. 80 of the Chief Administrative Officer (Recommend)

Moved by Councillor Glover
Seconded by Councillor Matheson

THAT Report No. 80 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 80

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

(1) Single Source Procurement for the City Hall Roof

THAT Council authorize the Mayor and Clerk to enter into an agreement with McCormick Rankin Corporation, in a form satisfactory to the Director of Legal Services, for the procurement for all engineering services for Phase VII of the exterior restoration work to City Hall (which includes reroofing of both the north and south wings), for an amount of \$80,439 plus applicable taxes.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-181) was attached as Schedule Pages 1-3)
(File No. CSU-A19-000-2010)

CARRIED

(2) Requirements for 'Application for Alteration under the *Ontario Heritage Act* for 390 King Street West

1. **THAT** any 'Application for Alteration under the *Ontario Heritage Act* for 390 King Street West (also known as the Stella Buck Building and the Queen's University Performing Arts Centre) must include the results of a public meeting hosted by the Kingston Municipal Heritage Committee, a Heritage Impact Statement prepared by a qualified heritage consultant, and a structural engineers report to the satisfaction of the municipality, in addition to the information already required for an 'Application for Alteration under the *Ontario Heritage Act*;

- and further -

2. **THAT** the Committee be authorized to request additional information identified through submissions received at the Public Hearing necessary to make a decision on the application.

(The Report of the Commissioner of Sustainability and Growth (10-183) was attached as Schedule Pages 4-7)
(File No. CSU-P18-000-2010)

CARRIED

Report No. 81 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report No. 81 of the Planning Committee be received and adopted.

Report No. 81

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

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

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.

May 20, 2010

1. **Approval of an Application for a Zoning By-Law Amendment and Draft Plan of Subdivision for the Property Located at 2939 Creekford Road**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-168-2009) submitted by Macaulay Shiomi Howson Ltd., on behalf of Braebury Homes Corporation for the property municipally known as 2939 Creekford Road, **BE APPROVED.**

THAT the former City of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

1. By-Law No. 76-26 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston", as amended, is hereby further amended as follows:
 - 1.1. Map 2 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from Development 'D' Zone and Environmental Protection Area 'EPA' Zone to Holding Special Residential Type 3 'R3-29-H' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2010-114.
 - 1.2. By **adding** a new subsection 3(cc) thereto as follows:
"(cc) **2939 Creekford Road**

Notwithstanding the provisions of Section 14 hereof to the contrary, for the lands designated 'R3-29' on Schedule 'A' hereto, the following regulations shall apply:

Permitted Uses

Single Detached Dwelling House
Semi Detached Dwelling House
Three or Four Unit Row Dwelling House

Lot Area (Minimum)

Single Detached Dwelling House 292 square metres
Semi-Detached Dwelling House 464 square metres
Semi-Detached Dwelling Unit 232 square metres
Row Dwelling Unit 170 square metres

Lot Frontage (Minimum)

Single Detached Dwelling House 9.75 metres
Semi-Detached Dwelling House 15 metres
Semi-Detached Dwelling Unit 7.5 metres
Row Dwelling Unit 6.1 metres

Corner Lot Frontage (Minimum)

Single Detached Dwelling House 12.75 metres
Semi-Detached Dwelling House 18.5 metres
Semi-Detached Dwelling Unit 10.5 metres
Row Dwelling Unit 9.2 metres

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

Front Yard Setback (Minimum)

To House 4.5 metres

To Garage 6.0 metres

Interior Side Yard Setback (Minimum)

Single Detached Dwelling House 1.2 metres

Semi Detached Dwelling House 1.2 metres

Row Dwelling House 1.2 metres

For all lots, dwellings constructed without an attached garage shall have a minimum interior side yard width of 3.0 metres on one side and 1.2 metres on the other.

Exterior Side Yard Setback (Minimum) 3.0 m on local roads and 6.0 metres on all other road classifications

Rear Yard Setback (Minimum)

Single Detached Dwelling House 6.0 metres

Semi-Detached Dwelling House 6.0 metres

Row Dwelling House 6.0 metres

Lots backing onto Cataraqui Wood Drive 8.5 metres

Lot Coverage (Maximum)

Single Detached Dwelling House 50%

Semi-Detached Dwelling House 50%

Semi-Detached Dwelling Unit 50%

Row Dwelling House 50%

Interior Garage Width:

For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.

Driveway Width (Maximum)

Single Detached Dwelling House 6.0 metres or 50% of the lot frontage, whichever is the lesser

Semi Detached Dwelling Unit 6.0 metres or 50% of the lot frontage, whichever is the lesser, but not less than 4.0 metres

Row Dwelling Unit 4 metres

Front Yard Parking is prohibited except on a driveway leading to a garage or parking area in the interior side yard or rear yard. The minimum parking surface provided shall be 4.0 metres wide by 6.0 metres deep.

Landscaped Open Space 30%

Maximum Height 10.5 metres

SIGHT TRIANGLES

Notwithstanding any regulations to the contrary:

i) **USES PROHIBITED:**

Within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the centreline of the adjacent street;
- c) an uncovered surface parking area;

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

d) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 1.0 metre.

ii) Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines."

THAT the Amending By-Law be presented to City Council for all three Readings.

- and further -

THAT the application for Draft Plan of Subdivision (File No. D12-052-2009) submitted by Macaulay Shiomi Howson Ltd., on behalf of Braebury Homes Corporation for the property municipally known as 2939 Creekford Road **BE APPROVED**, subject to the following conditions:

1. **Approved Draft Plan:**

That this approval applies to the Draft Plan of Subdivision, prepared by Macaulay Shiomi Howson Ltd., dated April 15, 2010 which shows the following:

- 3 residential lots (Lots 1-3);
- 19 residential blocks (Blocks 4 - 22);
- 2 blocks for future Development (Blocks 23 – 24);
- 1 Block identified as Lands Owned by Applicant (Block 25)
- 4 block(s) for 0.3 m reserves (Blocks 26 - 29); and
- 4 new roadways (Street 'A', Street 'B', Cataraqui Woods Drive and Tremont Drive).

2. **Streets and Civic Addressing:**

- (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (b) That the road allowances within the Plan shall be designed in accordance with the Municipality's engineering standards and shall be dedicated to the Municipality free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (c) **That Prior to Final Approval**, the Owner shall submit proposed street names for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings. The Streets within this Plan shall be named to the satisfaction of the City, in consultation with the Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-law.
- (d) **That prior to Final Plan Approval**, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- (e) For lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning and Development Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- (f) **That Prior to Final Plan Approval**, the Owner shall deed to the Municipality all Block(s) identified as daylighting triangles on the final Plan of Subdivision.
- (g) That the Owner shall agree that the location and design of any **construction access** shall be approved by the Municipality and/or the appropriate authority.
- (h) **That Prior to Final Subdivision Approval**, the Owner shall obtain the necessary easements and permission for access and maintenance to establish temporary turning circles on the abutting property.

3. Reserves and Easements:

- (a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.
- (b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.
- (c) That the Owner obtains temporary easements on adjacent landowner's property for the proposed turnarounds and that the underground services be extended to the eastern limits of these temporary easements.
- (d) A 0.3m reserve shall be provided at all open ends of Right of Ways and along the rear of the properties adjacent to Cataraqui Woods Drive.

4. Financial Requirements:

- (a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.
- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.
- (d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

- (a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies once the Plan of Subdivision has been registered.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

6. Holding Provisions:

That the Municipality shall require the use of '-H' Holding Provisions in accordance with Section 36 of the *Planning Act*. The terms for the removal of the Holding '-H' Holding Symbol shall be in accordance with Section 6 of Zoning By-Law No. 76-26 and shall require the following:

- confirmation of sufficient servicing capacity for the development;
- that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
- that a Zone Change Application has been approved by the Municipality to remove the '-H' Holding Symbol.

7. Engineering Drawings:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

8. Revisions to Draft Plan:

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.
- (b) **That Prior to Final Plan Approval** of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

9. Phasing:

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.
- (b) That the **phasing** of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

10. Zoning By-Law Compliance:

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the *Planning Act*.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

11. Required Studies:

- (a) **That Prior to Final Plan Approval**, the Owner shall submit a **Geotechnical Study**, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (b) **That Prior to Final Approval**, the Owner, for approval by the City of Kingston, shall submit an Environmental Site Assessment (Phase 1 ESA) for all areas of the subdivided lands intended for residential occupancy or conveyance as parkland, roadway or storm water infrastructure. In general, the City will require that the proponent provide assurances that the environmental quality of the soils and groundwater within the lands intended for development are compatible with the intended land use as described within the Guideline for Use at Contaminated Sites in Ontario (MOE rev. 1997) or its successor. In general the Phase 1 ESA shall be carried out in accordance with standard CSA Z768-01 and shall be up to date.

Should site remediation be required to meet the applicable soil and ground water criteria set out in applicable guidelines, the Owner shall submit to the Municipality, **Prior to Final Plan Approval**, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.

The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the Municipality, meet the applicable soil and ground water criteria.

- (c) **That Prior to Final Plan Approval** all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (d) **That Prior to Final Plan Approval**, the Owner shall submit a **Traffic Impact Report**, prepared by a professional engineer to the satisfaction of the Municipality. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the Report's recommendations to the satisfaction of the Municipality's Director of Engineering.
- (e) **That Prior to Final Plan Approval**, a Stormwater Management Report and implementing plans shall be prepared by a Professional Engineer, speak to the recommendations contained in the Weslake Report, to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority, which plans shall be appended to the Subdivision Agreement between the Owner and the City of Kingston.
- (f) **That Prior to Final Plan Approval**, the Owner shall submit a detailed **Noise Impact Study** prepared to the satisfaction of the Municipality and the Ministry of Environment. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- (g) **That Prior to Final Approval**, the Owner shall submit for approval, design plans for all public works and services prepared by a professional engineer to the satisfaction of the City of Kingston, such plans to be incorporated into the subdivision agreement between the Owner and the City of Kingston.
- (h) **That Prior to Final Approval**, the Owner shall submit for the approval to the City of Kingston a Landscape Plan and Tree Preservation Plan.

12. Archaeological Assessment:

- (a) That the Owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Tourism and Culture confirming that all archaeological resource concerns have met licensing and resource requirements.
- (b) **That Prior to Final Plan Approval and Prior to Commencement of any Works** on any site identified as being archaeologically significant, the Owner shall carry out archaeological excavations of such sites to the satisfaction of the Ministry of Tourism and Culture and the Municipality; the Owner shall agree to take protective measures required by the Municipality for such sites.
- (c) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123) and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted.
- (d) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7123), and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted.

13. Stormwater Management:

- (a) **That Prior to Final Plan Approval**, any Block(s) identified for stormwater management shall be deeded to the Municipality. The design of the pond's open space, including any connecting paths, shall be subject to approval by the Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality. The plans and report being in general conformance with the elevations developed in the Weslake Report.
- (c) The subdivision agreement between the City and the Owner shall make provision for the owner to carry out the recommendations of the Final Storm Water Management Report, at his expense, to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority.
- (d) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality and the Cataraqui Region Conservation Authority (CRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
 - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

- ii) the location and description of all outlets and other facilities;

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- iii) storm water management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading plans for the subject lands; and
 - vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (e) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.
- (f) **That Prior to Final Plan Approval**, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses from the Cataraqui Region Conservation Authority, prior to the placement or re-grading of fill on the site, and to advise the purchasers of Blocks 23, 24 and 25, inclusive that a permit from the Conservation Authority may be required prior to the issuance of a building permit by the Municipality.

14. Parkland Conveyance / Open Space / Environmental Protection Areas:

- (a) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the Municipality for functional park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. The parkland conveyance requirement for this Phase 1 portion of the subject lands in the Woodhaven Plan is 0.25 ha based on the alternative density provision of the Planning Act and will be credited to the Community Park as shown in the Cataraqui West Secondary Plan.
- (b) That lands to be conveyed to the Municipality for park or other public recreational purposes shall be subject to the following conditions:
- (i) **That all lands shall be left in an untouched, natural state.** All existing vegetation is to remain within the limits of the park site, including any significant trees at the property line. Existing grades/elevations are to be maintained at the property lines and within the park itself unless approval for site alteration is received in writing from the Director of Recreation and Leisure Services or designate.
 - (ii) **That Prior to Assumption of the park**, the Manager of Culture, Parks and Recreation shall be in receipt of a clearance memo from the Director of Strategy, Environment and Communications indicating that the park site is environmentally clean.
 - (iii) That the Owner shall enter into a Site Access Agreement with the Municipality to permit City staff to access the park site to complete pre-engineering, survey and design works for the park. This Agreement shall terminate once the Municipality is deeded the land as part of Final Plan Approval.
 - (iv) **That Prior to the Commencement of any Clearing, Grubbing or Construction Work** within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:
 - 1. Install snow fencing around the periphery of the park site to protect the site. The Municipality will be responsible for the maintenance of the fence and its removal.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

- 2. Post signage to Municipality specifications, on all accessible sides of each park block, which indicates:

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- the future use of the block as a park;
 - that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
 - that all trees and other vegetation must not be disturbed.
- (v) **That Prior to the Transfer of Deeds for the Parkland to the Municipality**, the Director of Recreation and Leisure Services or designate shall inspect the park site to ensure that the park is in a clean/natural state. The conditions on the site must be satisfactory to the Director of Recreation and Leisure Services prior to transfer of title and the removal of the snow fencing. Should the park blocks be in an unsatisfactory state, the Owner shall be held responsible for restoring the site to the satisfaction of the Municipality.
- (c) **That Prior to Final Plan Approval**, the Owner shall prepare a Landowner Information Package, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority, which shall be distributed to all prospective purchasers and shall be appended to their Agreements of Purchase and Sale or Lease. Text shall be included in the Subdivision Agreement between the Owner and the Municipality, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority, to require a Notice to Purchasers that the Landowner Information Package has been prepared to help inform purchasers of the amenities designed into the subdivision as well, such as the living fence, and how to maintain it. The Landowner Information Package shall also include the warning clauses regarding snow removal limitations on bulbed corners and cul-de-sacs in residential subdivisions. Warning clauses regarding maximum driveway width and the need for written municipal approval for the widening or expansion of any driveway shall also be included in the Information Package. The Landowner Information Package shall be registered on title of the subject property.

15. Tree Inventory / Street Trees:

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the Municipality for a Tree Preservation plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree Conservation By-Law which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final plan approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

16. Community Mailboxes:

- (a) **That Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the Plan, and shall identify such locations on drawings

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the Subdivision.

- (b) **That Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for the community mailboxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

17. Bell Canada Requirements:

That the Owner shall meet the following conditions of Bell Canada:

- i. that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
- ii. that the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.
- iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

18. Trans-Northern Pipelines Requirements:

- (a) That approval from Trans-Northern Pipelines shall be obtained prior to any work occurring within the easement or if work will cross the pipeline.
- (b) That prior to any excavation within 30 metres of the Trans-Northern Pipeline easement, the owner/contractor shall contact Trans-Northern Pipeline.
- (c) That prior to any work within the pipeline easement using heavy equipment, the owner/contractor shall contact Trans-Northern Pipeline a minimum of 3 working days prior to commencement of the activity.
- (d) That the easement shall remain visible and free of encroachment and that all facilities crossing the pipeline easement shall be designed and constructed in accordance with applicable technical standards found in the National Energy Board Act and Pipeline Crossing Regulations.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

19. Hydro One Requirements:

- (a) **That Prior to Final Plan Approval**, the Owner/Subdivider shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- (b) That the following **Warning Clauses/Notices** as required by Hydro One shall be included in the Subdivision Agreement:
"The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186-Proximity of the Regulations for Construction projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230kV is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the Owner's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line."
- (c) That temporary fencing must be installed along the edge of the right-of-way prior to the start of construction, at the Owner's expense.
- (d) That permanent fencing must be installed after construction is completed along the Hydro One corridor, at the Owner's expense.
- (e) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.
- (f) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

20. Utilities Requirements:

- (a) **Prior to Final Plan Approval**, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.
- (b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of the utility provider, Utilities Kingston and the Municipality.
- (c) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

21. Warning Clauses:

That the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan and where the initial purchaser is a builder, the warning clauses shall be included in a schedule to the subsequent offers of purchase and sale or lease:

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

- (a) within the entire subdivision plan:
- "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- "Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances."
 - "Purchasers and/or tenants are advised that the planting of trees on Municipality boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice."
 - "Purchasers of lots on cul-de-sacs and bulbed corners (lots with extended road widths to increase frontages) within this Subdivision are advised that the design of cul-de-sacs and bulbed corners presents challenges to the Municipalities clearing or removal operations. The Municipality will make every effort to keep the street clear of snow and to plow to the curb line. However, some property owners may experience higher volumes of snow at the end of their driveways or may have to remove snow from a portion of the roadway where it is not possible for the snow plow to reach the curb. Purchasers are further advised that it may be necessary for the Municipality to pile snow in the middle of the cul-de-sac or bulbed corners during or after significant storm events. The Municipality will only remove the snow piled in the middle of the cul-de-sac when ongoing snow clearing operations or normal vehicular access may be compromised."
 - "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
 - "Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice."
- (b) abutting any open space, woodlot or storm water facility:
- "Purchasers and/or tenants are advised that the adjacent open space, woodlot or storm water management facility may be left in a naturally vegetated condition and receive minimal maintenance."
- (c) abutting a park block:
- "Purchasers and/or tenants are advised that the lot abuts a park, and that noise and lighting should be expected from the designed active use of the park."
- (d) abutting a potential transit route:
- "Purchasers and/or tenants are advised that the following streets may be used as transit routes in the future: Cataraqui Woods Drive and Tremont Drive."
- (e) Driveways
- "Purchasers and/or tenants are advised that driveway width is regulated by Municipal Zoning By-laws. Any expansion of a driveway beyond what is approved on the building permit for a property is required to obtain written approval from the municipality."

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

22. Model Homes:

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the Municipality, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

23. Living Fence:

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- (a) That the Owner shall agree to design and construct, at the Owners expense, a living fence for all rear lot lines that abut a residential lot. The living fence design and planting details shall form part of the subdivision plans submitted for final subdivision approval.
- (b) The care and maintenance of the living fence shall be incorporated into the Landowner Information Package to be prepared by the Owner.
- (c) The Owner agrees to enter into a cost sharing agreement with the Owner of the abutting lands for the construction of the Living Fence, if possible. If an agreement is not possible, then each Owner will be responsible for construction of the living fence on their respective properties.

24. General Conditions:

- (a) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality's Tariff of Fees By-Law.
- (b) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (c) That the Owner shall agree that all lots or blocks, excluding blocks 23 to 25 inclusive, to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.
- (d) **That Prior to Final Plan Approval**, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (f) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.
- (g) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.
- (h) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- (i) That the subdivision agreement between the City of Kingston and the Owner contain all necessary notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.
- (j) **That Prior to Final Approval** the owner agrees to pay the required contribution for "W2 Pond" Land Acquisition costs and Construction cost as Identified in Highgate Creek Cost Sharing Agreement Dated June 14, 2005. This amount shall be included as a cash surcharge in the cost estimate for the first phase of the subdivision and shall be submitted to the municipality prior to final subdivision approval.
- (k) **That Prior to Final Approval** the owner agrees to pay the required contribution to the Highgate Creek Reserve Fund. This amount shall be included as a cash surcharge in the cost estimate for the first phase of the subdivision and shall be submitted to the municipality prior to final subdivision approval.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

- (l) The Owner agrees to continue to participate in the Cataraqui West Owners group for cost sharing of any intersection works associated with the Woodhaven Development.
- (m) That the future development of Blocks 23 and 24 shall be subject to Draft Plan of Subdivision approval.
- (n) That the Owner Agrees that once grading has been established, a revised arborist report (tree preservation report) will be submitted for review and approval by the City's arborist to verify any changes to the number of removal/retention candidates.

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

25. Clearance Letters:

- (a) **That Prior to Final Plan Approval**, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 11, 13 and 14 have been satisfied.
- (c) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by Ontario Hydro the method by which Condition 19 has been satisfied.
- (d) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by Trans-Northern Pipelines the method by which Condition 18 has been satisfied.

26. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of **three (3) years from the date of issuance of Draft Plan Approval** if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

NOTES TO DRAFT PLAN APPROVAL:

- 1. It is the Applicant's responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning and Development Department of the City of Kingston.
- 2. When requesting Final Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied along with the appropriate clearance letter from the Agency, Ministry or body requesting the condition.
- 3. **Prior to Final Plan Approval**, the Applicant shall submit to the Municipality for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
- 4. When requesting final approval, such a request must be directed to the Planning and Development Department and be accompanied with:
 - Eight (8) mylars and four (4) paper prints of the completed Final M-Plan;
 - Four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
 - A Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.

REPORTS (CONTINUED)

Report No. 81 of the Planning Committee

- 5. All measurements in subdivision final plans must be presented in metric units.
- 6. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.

- and further -

THAT the Draft Plan of Subdivision be presented to City Council for approval.

(See By-Law No. (4), 2010-114)

(Note: A copy of the draft by-law was attached as Schedule Pages 8-11)

City Council Meeting No. 16-2010
Minutes
Tuesday, June 1, 2010

CARRIED

Report No. 82 of the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Foster
Seconded by Councillor Hutchison

THAT Report No. 82 of the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Council consented to the separation of Clause 4.

Report No. 82

To the Mayor and Members of Council:

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

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

May 1, 2010

1. **Approval of the All-Way Stop Control Policy**

THAT Council adopt the Guidelines for the Installation of All-Way Stop Control attached as Schedule 'C' to Report No. EITP-10-016 and dated May 11, 2010.

(Note: Report No. EITP-10-016 was distributed with the EITP agenda for the meeting held on May 11, 2010.)

2. **Emergency System Traffic Pre-Emption System Not Be Installed on the LaSalle Causeway**

THAT a signalized emergency vehicle priority system not be installed on the LaSalle Causeway at this time.

3. **Approval of the Princess Community Promenade Event**

THAT Princess Street between Division Street and Ontario Street be closed to motorized vehicular traffic on Saturday, July 31, 2010, between the hours of 8:00 a.m. and 7:00 p.m. in support of the Downtown Business Improvement Association Princess Community Promenade event;

REPORTS (CONTINUED)

Report No. 82 of the Environment, Infrastructure and Transportation Policies Committee

- and further -

THAT associated costs to close Princess Street to a maximum of \$10,000 in 2010 be funded from the Working Fund Reserve; it being understood that \$4,000 be used for promoting Active Transportation and Community Awareness;

- and further -

THAT a by-law be presented and given all three readings to amend By-Law No. 87-136, 'A By-Law To Authorize The Adoption Of Regulations Established For The Purpose Of Dealing With Applications For The Extended Use Of Sidewalks' in order to permit food sales adjacent to food services establishments along Princess Street between Division Street and Ontario Street on July 31, 2010 from 8 a.m. to 7:00 p.m.

(See Information Report No. (2), Page No. 432)

City Council Meeting No. 16-2010
Minutes
Tuesday, June 1, 2010

(See By-Law No. (5), 2010-115)

CARRIED
(Clauses 1 through 3)

4. **Pitch-In Kingston Event**

WHEREAS the annual Pitch-In Kingston event gives the citizens of Kingston the opportunity to help clean up the City after the winter and contributes to a more beautiful City; and,

WHEREAS Pitch-In is coordinated locally by the Chamber of Commerce with assistance from a volunteer Steering Committee and the support of the local Tim Horton's franchise owners;

THEREFORE BE IT RESOLVED THAT Kingston City Council thank the Chamber of Commerce, the volunteers on the Pitch-In Steering Committee, Tim Horton's, the City of Kingston Public Works Department, and the hundreds of people throughout Kingston who supported the program and helped to clean up their community during Pitch-In Week 2010;

- and further -

THAT citizens are encouraged to make Kingston a year-round litter-less City;

- and further -

THAT a copy of this motion be forwarded to the coordinators of Pitch-In Canada to let them know our appreciation for this excellent program that results in a cleaner City and a more engaged community.

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

Moved by Councillor MacLeod-Kane

Seconded by Councillor Hutchison

THAT Clause 4 of Report No. 82 of the Environment, Infrastructure and Transportation Policies Committee be amended to add the words "the City of Kingston Public Works Department" after the words "Tim Horton's".

CARRIED

Report No. 83 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover

Seconded by Councillor Smith

THAT Report No. 83 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

REPORTS (CONTINUED)

Report No. 83 of the Kingston Municipal Heritage Committee (LACAC)

Council consented to the separation of Clause 15.

Report No. 83

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

1. **Designation of the Interior of City Hall**

THAT the property located at 216 Ontario Street (KINGSTON PT LOT 2 MARKET;RESERVE) also known as the Interior of Kingston City Hall National Historic Site be designated under Section 29 of the Ontario Heritage Act;

- and further -

THAT the draft by-law attached hereto be adopted;

- and further -

THAT that entry in the City of Kingston Heritage Properties Register for the property located at 216 Ontario Street (KINGSTON PT LOT 2 MARKET;RESERVE) be amended to reflect the new status 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;

- 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-10-005) was distributed with the May 10, 2010, KMHC agenda as Schedule Pages 9-29. A copy of the draft by-law was attached as Schedule Pages 12-27) (See By-Law No. (3), 2010-113)

REPORTS (CONTINUED)

Report No. 83 of the Kingston Municipal Heritage Committee (LACAC)

2. **Approval of an Application for the Expansion of a Paved Fire Access off Hwy 15 to Allow for a Second Parking Lot and a Proposed Asphalt Walking Path Connecting to the Existing Pathway at 914 Hwy 15 (80 Gore Road)**

THAT Application P18-510-054-2010 for a property located at 914 Hwy 15 (80 Gore Road) also known as the Pittsburgh Township Library requesting approval for the expansion of a paved fire access off Hwy 15 to allow for a second parking lot, and a proposed asphalt walking path connecting to existing pathway **BE APPROVED** in accordance with details described within a submission filed April 7, 2010, and deemed complete by the Planning and Development Department April 15, 2010;

- and further -

THAT should archaeological resources be found on the property during the construction activities, the Ministry of Culture and the City of Kingston's Heritage Planner shall be notified immediately;

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- and further -

THAT in the event that human remains are encountered during the construction activities, the proponent must immediately contact the City of Kingston's Heritage Planner, the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (1-800-268-1142);

- and further -

THAT permanent parking farther north on Hwy 15 be investigated if further parking is necessary.

3. **Approval of an Application for the Replacement of an Existing Cedar Roof, and Replacement of Rotted Soffit and Fascia as per Existing Design with Matching Materials at 86 Sunny Acres Road**

THAT Application P18-512-048-2010 for a property located at 86 Sunny Acres Road, also known as the Wartman House, requesting approval for the replacement of an existing cedar roof, replacement of rotted soffit and fascia as per existing design with matching materials **BE APPROVED** in accordance with details described within a submission filed April 7, 2010, and deemed complete by the Planning and Development Department April 22, 2010;

- and further -

THAT it be understood that specifications and details for the roofing be provided to the Committee;

- and further -

THAT this approval include the painting of wood trim to preserve the woodwork.

4. **Approval of an Application for Painting of Front Porches and Repointing of Stonework at 87 - 89 Norman Rogers Drive, also known as Rodden Park House**

THAT Application P18-511-049-2010 for a property located at 87 - 89 Norman Rogers Drive, also known as Rodden Park House, requesting approval for painting of front porches and repointing of stonework **BE APPROVED** in accordance with details described within a submission filed April 7, 2010, and deemed complete by the Planning and Development Department April 20, 2010;

- and further -

THAT paint colours be determined and brought back to the Committee for consideration.

REPORTS (CONTINUED)

Report No. 83 of the Kingston Municipal Heritage Committee (LACAC)

5. **Approval of an Application for the Replacement of the Copper Roofing over the North and South Wings and Cupolas, Maintenance of Cupolas, and Stone Replacement of Deteriorated Dental, Intradental and Cove Stones at the Cornice at 216 Ontario Street, also known as City Hall**

THAT Application P18-273-051-2010 for a property located at 216 Ontario Street, also known as City Hall, requesting approval for the replacement of the copper roofing over the north and south wings and cupolas, maintenance of cupolas, stone replacement of deteriorated dental, intradental and cove stones at the cornice **BE APPROVED** in accordance with details described within a submission filed April 7, 2010, and deemed complete by the Planning and Development Department April 22, 2010.

6. **Approval of an Application for the Restoration of Slate Roofing, Ornamental Iron, and Gables, Minor Pointing and Other Maintenance Work, and the Replacement of the Existing Eaves Trough at 209 Ontario Street, also known as the Tourist Information Bureau**

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

THAT Application P18-272-052-2010 for a property located at 209 Ontario Street, also known as the Tourist Information Bureau, requesting approval for the restoration of the slate roofing, ornamental iron, and gables, minor pointing and other maintenance work, and the replacement of the existing eaves trough **BE APPROVED** in accordance with details described within a submission filed April 7, 2010, and deemed complete by the Planning and Development Department April 22, 2010.

7. **Approval of an Application for Repointing, Repairs to Eaves Fascias, and Soffits, Revision of Flashing Details at the Chimney and Cupola, and Roof Repairs at 623 King Street West, also known as Portsmouth Town Hall**

THAT Application P18-233-053-2010 for a property located at 623 King Street West, also known as Portsmouth Town Hall, requesting approval for repointing, repairs to eaves fascias, and soffits, revision of flashing details at the chimney and cupola, and roof repairs **BE APPROVED** in accordance with details described within a submission filed April 7, 2010, and deemed complete by the Planning and Development Department April 26, 2010.

8. **Approval of an Application for the Replacement of Existing Signage at 508 Portsmouth Avenue**

THAT Application P18-281-047-2010 for a property located at 508 Portsmouth Avenue requesting approval for the replacement of existing signage **BE APPROVED** in accordance with details described within a submission filed April 8, 2010, and deemed complete by the Planning and Development Department April 20, 2010;

- and further -

THAT signage options also include the use of a 4" metal post instead of stone, or steel posts clad with a stone base to the height of the existing stone posts, flashed at the top with the steel posts continuing to rise up out of the stone to hold the sign.

9. **Approval of an Application for the Reinstallation of a Former Downspout at the East Corner at 354 King Street East**

THAT Application P18-576-042-2010 for a property located at 354 King Street East requesting approval for the reinstallation of a former downspout at the east corner **BE APPROVED** in accordance with details described within a submission filed March 18, 2010, and deemed complete by the Planning and Development Department April 15, 2010;

REPORTS (CONTINUED)

Report No. 83 of the Kingston Municipal Heritage Committee (LACAC)

- and further -

THAT it be understood that it is preferred that the two downspouts be as close together as possible.

10. **Approval of an Application for the Installation of New Signage Attached to Pre-Existing Hardware at 350 King Street East**

THAT Application P18-221-043-2010 for a property located at 350 King Street East requesting approval for the installation of new signage attached to pre-existing hardware **BE APPROVED** in accordance with details described within a submission filed March 29, 2010, and deemed complete by the Planning and Development Department April 15, 2010;

- and further -

THAT the applicant must submit all information separately to the Building Department for sign permit approval;

- and further -

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

THAT, as the property is subject to an Ontario Heritage Act easement held by the Ontario Heritage Trust, prior to the issuance of any permit under the Ontario Building Code, the applicant provide the Planning and Development Department with correspondence from the Ontario Heritage Trust indicating their approval of the proposed works and outlining any relevant conditions.

11. **Approval of an Application for the Installation of Solar Panels on the South Roof, a Chimney Cap, Replacement of Six Windows and a West Door at 176 Mowat Avenue**

THAT Application P18-022-045-2010 for a property located at 176 Mowat Avenue requesting approval for the installation of solar panels on the south roof, a chimney cap, replacement of six windows and a west door **BE APPROVED** in accordance with details described within a submission filed March 31, 2010, and deemed complete by the Planning and Development Department April 15, 2010;

- and further -

THAT it be understood that further investigation regarding the configuration of windows and the glazing pattern of the front windows will be considered by a working group of members Mr. Taylor, Mr. Downey and Mr. Duerkop and reported back to the Committee.

12. **Approval of an Application for the Replacement of Windows, Repair Soffit and Fascia at Rear of House, Repainting in White all Soffits, Fascia, Window Mouldings, Eaves Troughs, Mouldings and Front Porch at 239 Johnson Street**

THAT Application P18-640-046-2010 for a property located at 239 Johnson Street requesting approval for the replacement of windows, repair soffit and fascia at rear of house, repainting in white all soffits, fascia, window mouldings, eaves troughs, mouldings and front porch **BE APPROVED** in accordance with details described within a submission filed April 1, 2010, and deemed complete by the Planning and Development Department April 23, 2010.

13. **Approval of an Application for the Painting of Wood Trim in a Different Colour at 34 Barrie Street**

THAT Application P18-058-055-2010 for a property located at 34 Barrie Street requesting approval for the painting of wood trim in a different colour **BE APPROVED** in accordance with details described within a submission filed April 1, 2010, and deemed complete by the Planning and Development Department April 15, 2010.

REPORTS (CONTINUED)

Report No. 83 of the Kingston Municipal Heritage Committee (LACAC)

14. **Approval of an Application for the Painting of Wood Trim in a Different Colour at 36 Barrie Street**

THAT Application P18-403-056-2010 for a property located at 36 Barrie Street requesting approval for the painting of wood trim in a different colour **BE APPROVED** in accordance with details described within a submission filed April 1, 2010, and deemed complete by the Planning and Development Department April 15, 2010.

Councillor Hector withdrew from the meeting.

15. **Reaffirmation of an Application for Emergency Approval for the Dismantling of Brick Walls and Reconstruction at 218 King Street East**

THAT Application P18-196-058-2010(EMG) for a property located at 218 King Street East requesting approval for the dismantling of brick walls and reconstruction **BE APPROVED** in accordance with details described within a submission filed April 28, 2010, and deemed complete by the Planning and Development Department April 28, 2010.

CARRIED

Councillor Hector returned to the meeting.

16. **Approval of an Application and Provisional Approval for a Heritage Grant Application for Retrofitting Two Windows at 230 Johnson Street**

THAT Application P18-162-044-2010 for a property located at 230 Johnson Street requesting approval for the retrofitting of two windows **BE APPROVED** in accordance with a submission filed March 29, 2010, and deemed complete by the Planning and Development Department April 15, 2010;

- and further -

THAT Application HG-09-2010 for this property **BE PROVISIONALLY APPROVED** for retrofitting two windows 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 a site visit will take place, and if retrofitting is not possible, that replacement sashes in the same configuration can be applied, with the understanding that this work will not be eligible for a Heritage Property Grant;

- 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.

17. **Withdrawal of a Provisional Approval for a Heritage Grant Application at 185 William Street**

WHEREAS Application HG-16-2006 for the replacement of a bricked in door, and replacement of a coach house door and repairs of a fence and required masonry work around the bricked in door for a property located at 185 William Street received provisional approval from Council on April 18, 2006, for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000 with the understanding that the repairs of a fence are not included within this grant; and,

WHEREAS the applicant was requested through correspondence from the Culture and Heritage Division to provide an update on the project associated with the provisional grant approval by April 15, 2010; and,

REPORTS (CONTINUED)

Report No. 83 of the Kingston Municipal Heritage Committee (LACAC)

WHEREAS the Culture and Heritage Division received an update from the owner in March 2010 to advise that they request that the application be withdrawn as the project associated with the provisional approval is no longer being pursued;

THEREFORE BE IT RESOLVED THAT application HG-16-2006 for a property located at 185 William Street **BE WITHDRAWN**, thereby releasing the provisional allocation of the associated funds and that the funds be returned to the Heritage Reserve Fund.

18. **Denial of a Provisional Approval for a Heritage Grant Application at 232 King Street East**

WHEREAS Application HG-15-2006 for work on exterior windows and stucco repair for a property located at 232 King Street East received provisional approval from Council on April 18, 2006, for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000 with the understanding that details for stucco and paint and repairs to original interior casements and door be forwarded to the Heritage Planner for review by the Committee; and,

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

WHEREAS the applicant was requested through correspondence from the Culture and Heritage Division to provide an update on the project associated with the provisional grant approval by April 15, 2010; and,

WHEREAS the Culture and Heritage Division received no response to their correspondence to the owner in March 2010;

THEREFORE BE IT RESOLVED THAT Application HG-15-2006 for a property located at 232 King Street East **BE DENIED**, thereby releasing the provisional allocation of the associated funds and that the funds be returned to the Heritage Reserve Fund.

CARRIED
(Clauses 1 through 14 and 16 through 18)

Report No. 84 of the Municipal Accessibility Advisory Committee

Moved by Councillor Gerretsen
Seconded by Councillor Hector

THAT Report No. 84 of the Municipal Accessibility Advisory Committee be received and adopted.

Report No. 84

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

May 6, 2010

1. **Guideline for Planning Accessible Events**

THAT the Guideline for Planning Accessible Events, dated March 2010, as presented in Report No. MAAC-10-007 at the May 6, 2010, Municipal Accessibility Advisory Committee meeting be approved.
(Note: A copy of the guideline was attached as Schedule Pages 28-31)

CARRIED

INFORMATION REPORTS

Council consented to the addition of Information Report (2).

(1) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of April 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 month of April 2010 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of April 2010.
(The Report of the Deputy Treasurer (10-174) was attached as Schedule Pages 32-37)
(File No. CSU-F18-000-2010)

(2) **Princess Street Promenade – Food Serving**

This report is presented to address the possibility of allowing food establishments within the sections of Princess Street slated for temporary closure, that do not already have a patio license, the opportunity to serve food on the sidewalk during the July 31, 2010, event.

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

(The Report of the President and CEO of Utilities Kingston (10-189) was distributed separately from the agenda on Friday, May 28, 2010.)

(File No. CSU-M02-000-2010)

(See Clause (3), Report No. 82, Page No. 425)

MISCELLANEOUS BUSINESS

MOTIONS

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

WHEREAS citizens, over the term of this current Council, have expressed in varying degrees some concerns about the various infrastructure projects that the City of Kingston is considering, and looking at completing; and,

WHEREAS the opportunity to have a say in a referendum type of process on any of these proposed projects cannot be accomplished at this late date due to limitations contained in the provincial guidelines governing referendums;

THEREFORE BE IT RESOLVED THAT the City of Kingston undertake two Town Hall Meetings in order to receive feedback from constituents on these infrastructure projects, and on any other items of concern, or opportunities to improve our community that citizens would like to discuss;

- and further -

THAT an online survey also be made available to provide input;

- and further -

THAT the two Town Hall Meetings take place at City Hall and the Invista Centre respectively, in order to reach as wide an audience as possible and be as accessible to all as possible, between the months of June and September of 2010, with staff determining in conjunction with Council the best dates and times for these Town Halls to take place.

LOST (3:9)

(See Recorded Vote)

MOTIONS (CONTINUED)

A Recorded Vote was requested by Councillor Matheson

YEAS: Councillor Garrison, Councillor Hutchison, Councillor Matheson (3)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor MacLeod-Kane, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (9)

ABSENT: Councillor Meers (1)

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

WHEREAS Kingston's Jayna Hefford participated in the recent Winter Olympic Games in Vancouver as a member of the Canadian Women's Hockey team; and,

WHEREAS Ms. Hefford and her teammates won the gold medal at this international competition; and,

WHEREAS Ms. Hefford has achieved, to date, an impressive and inspiring total of three gold medals and one silver medal at Winter Olympic competitions; and,

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

WHEREAS Ms. Hefford has continued to make Kingston her home and remains active in our community through her involvement in charitable and municipal fundraising endeavours, summer hockey camps for girls, as well as the promotion of healthy and active lifestyles; and,

WHEREAS Ms. Hefford is a community ambassador who has inspired, and continues to inspire, Kingstonians of all ages through her tremendous accomplishments on the ice and throughout the city;

THEREFORE BE IT RESOLVED THAT the City of Kingston, in partnership with the International Hockey Hall of Fame, commission a portrait of Ms. Hefford, to be painted on the wall, near the interior south entrance of the Invista Centre. The portrait will become a fitting and lasting tribute to one of Kingston's most accomplished and decorated international athletes, and one that will hopefully inspire a new generation of local athletes to work hard, to have fun and to aspire for greatness.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

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

WHEREAS over 100 students participated in the Poverty Challenge held on April 7, 2010, which was organized by the Kingston Community Roundtable on Poverty Reduction; and,

WHEREAS as a result these students have proposed several strategies for reducing poverty in our community; and,

WHEREAS it would be beneficial to coordinate Council's response to these proposals;

THEREFORE BE IT RESOLVED THAT Council nominate two Councillors to take the lead and prepare a response to the students' poverty reduction proposals.

MINUTES

Moved by Councillor Osanic
Seconded by Councillor Foster

THAT the Minutes of City Council Meeting No. 14-2010, held Tuesday, May 18, 2010 be confirmed.

CARRIED

TABLING OF DOCUMENTS

2010-54 Downtown Kingston! Business Improvement Area
Minutes – Board of Management Meeting – April 14, 2010
(File No. CSU-A01-001-2010)

2010-55 Cataraqui Region Conservation Authority
On-Line Survey – Training for New By-Laws under the Clean Water Act – June 17, 2010
(File No. CSU-D03-000-2010)

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

COMMUNICATIONS

Council consented to the addition of Communication No. 16-270.

Filed

- 16-260 From the Ministry of Municipal Affairs and Housing, acknowledging receipt of Council's resolution regarding the heads and beds rate on institutional properties and advising that the letter has been forwarded to the Minister of Finance.
(File No. CSU-F22-000-2010)
- 16-261 From Gareth Green of SIFE St. Lawrence College, thanking Council for the opportunity to appear as a delegation regarding the restoration of "The Spirit of Sir John A." and advising of the group's recent success at the National Expo in Calgary.
(File No. CSU-R01-000-2010)
(Distributed to all Members of Council on May 18, 2010)
- 16-262 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 2262 Cole Hill Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is June 2, 2010.
- CONSENT – In respect of an application for consent to sever the property at 2324 Cole Hill Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is June 2, 2010.
- CONSENT – In respect of an application for consent to sever the property at 1674 Middle Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is June 7, 2010.
- MINOR VARIANCE – In respect of an application to requesting relief from Zoning By-Law No. 32-74 for the property at 35 Rudd Avenue, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is June 7, 2010.

COMMUNICATIONS (CONTINUED)

- CONSENT – In respect of an application for consent to sever the property at 207 Montreal Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is June 8, 2010.
(File No. CSU-D19-000-2010)
- 16-263 From Lone Star Texas Grill, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 172 Ontario Street.
(File No. CSU-P09-000-2010)
- 16-266 From the Courtyard Marriott Kingston Hotel, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 103 Dalton Avenue.
(File No. CSU-P09-000-2010)

Referred to All Members of Council

- 16-264 From Jeff May, expressing his opinions regarding the proposed cut of \$750M to frontline healthcare in Ontario and asking that Council consider passing a motion in support of community pharmacies and the valuable frontline healthcare they provide to residents.
(File No. CSU-S08-000-2010)
(Distributed to all Members of Council on May 14, 2010)

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- 16-265 From Paul Carl, asking that Council proclaim June 2010 as "Aboriginal Month" in the City of Kingston.
(File No. CSU-M10-000-2010)
(See Miscellaneous Business Item No. 1)
(Distributed to all Members of Council on May 28, 2010)
- 16-268 From Kayla Grant and Maxwell Hyett, members of the Q.E.C.V.I. Creative Arts Focus Program, asking that Council reduce the fees for the use of Confederation Park or Market Square as a venue for a fundraiser for the program, which will be held on June 19, 2010.
(File No. CSU-A21-000-2010)
- 16-269 From Cindy Cameron, asking Council to oppose the Barriefield land swap option.
(File No. CSU-S18-000-2010)
(Distributed to all Members of Council on May 25, 2010)

Referred to the City Clerk

- 16-267 From the Kingston and District Branch of the United Empire Loyalists' Association of Canada, asking that Council proclaim June 12, 2010, as "Loyalist Day" in the City of Kingston.
(File No. CSU-M10-000-2010)
- 16-270 From Hal Cain, President of Cycle Kingston, Inc., asking that Council proclaim May 31 through June 6, 2010, as "Celebrate Cycling Week" in the City of Kingston.
(File No. CSU-M10-000-2010)

BY-LAWS

Council consented to the addition of By-Law (9).

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

THAT By-Law (1) as amended to include

"9.3 No person, with the exception of members and officers of Council, may come within the dais or the Council circle during a Council meeting, without permission to do so from the Chair or Council."

be given first and second reading.

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

Moved by Councillor Foster
Seconded by Councillor Hector

THAT Section 9.3 of By-Law No. 2010-1 be amended to include the words "or the Council circle" so that it now reads:

9.3 No person, with the exception of members and officers of Council, may come within the dais or the Council circle during a Council meeting, without permission to do so from the Chair or Council.

CARRIED

- (B) Moved by Councillor Glover
Seconded by Councillor Smith

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

THAT By-Laws (2) through (6) be given their first and second reading.

CARRIED

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

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (5) three readings.

CARRIED

- (D) Moved by Councillor Hutchison
Seconded by Councillor Matheson

THAT By-Laws (4) through (9) be given their third reading.

CARRIED

- (1) Council Procedural By-Law
FIRST AND SECOND READINGS
(See Clause 1, Report No. 35)

PROPOSED NO. 2010-1

- (2) A By-Law To Repeal By-Law No. 98-1, "Council Procedural By-Law"
FIRST AND SECOND READINGS
(See Clause 1, Report No. 35)

PROPOSED NO. 2010-112

- (3) A By-Law To Designate The Interior Of Kingston City Hall National Historic Site 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
(See Clause 1, Report No. 83)

PROPOSED NO. 2010-113

BY-LAWS (CONTINUED)

- (4) A By-Law To Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston" (Zone Change from Development 'D' Zone and Environmental Protection Area 'EPA' Zone to Holding Special Residential Type 3 'R3-29-H' Zone, 2939 Creekford Road)
THREE READINGS
(See Clause 1, Report No. 81)

PROPOSED NO. 2010-114

- (5) A By-Law To Amend By-Law No. 87-136, 'A By-Law To Authorize The Adoption Of Regulations Established For The Purpose Of Dealing With Applications For The Extended Use Of Sidewalks' (permit food sales adjacent to food services establishments - Princess Street between Division Street and Ontario Street on July 31, 2010 from 8 a.m. to 7:00 p.m.)
THREE READINGS
(See Clause (3), Report No. 82)

PROPOSED NO. 2010-115

- (6) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, June 1, 2010
THREE READINGS
(City Council Meeting No. 16-2010)

PROPOSED NO. 2010-116

- (7) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With John Howard Society Of Kingston And District For The Provision Of Affordable Housing At 771 Montreal Street In Kingston
THIRD READING
(See Clause (b), Report No. 70)

PROPOSED NO. 2010-98

City Council Meeting No. 16-2010

Minutes

Tuesday, June 1, 2010

- (8) 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" (to add the responsibilities of the Rideaucrest Home Committee of Management, as identified in the Long Term Care Act to the Administrative Policies Committee (APC) mandate)
THIRD READING PROPOSED NO. 2010-100
(See Clause (1), Report No. 74)
- (9) A By-Law To Amend By-Law No. 2006-132, "A By-Law To Establish A Legal Deposit For Archaeological Assessments Carried Out Within The City Of Kingston"
THIRD READING PROPOSED NO. 2010-110
(See Clause (1), Report No. 79)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Garrison

THAT Council do now adjourn.

CARRIED

Council adjourned at 8:09 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor