

CITY COUNCIL MEETING NO. 20-2010

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

There was a "Closed Meeting" of the Committee of the Whole from 6:30 pm to 6:50 pm in the Councillors' Lounge.

There was a Kingston & Frontenac Housing Corporation Shareholders meeting from 7:00 pm to 7:15 pm.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen (arrived 7:40 pm), Councillor Foster, Councillor Garrison (arrived 7:30 pm), Councillor Gerretsen (arrived 7:30 pm), Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic (arrived 6:45 pm), Councillor Schmolka, Councillor Smith (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mrs. C. Downs, City Clerk

Mr. G. Hunt, Chief Administrative Officer

Mr. H. Linscott, Director, Legal Services

COMMITTEE OF THE WHOLE "CLOSED MEETING"

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

THAT Council resolve itself into the Committee of the Whole "Closed Meeting" to consider the following item:

- (a) Personal matters about identifiable individual(s), including municipal or local board employees.

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability and Growth

Ms. P. Burns, Director, Human Resources and Organization Development

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

Mrs. C. Downs, City Clerk

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

Ms. D. Green, Manager, Engineering

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

Mr. G. Hunt, Chief Administrative Officer

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

Mr. J. Keech, President and CEO, Utilities Kingston

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

Mr. H. Linscott, Director, Legal Services

Mr. B. McCurdy, Director, Cultural Services

Mr. J. Thompson, Committee Clerk

Administrative Staff Present (continued):

Mr. G. Wallace, Director, Planning and Development

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Mr. T. Willing, Acting Commissioner, Community Services

REPORT OF THE COMMITTEE OF THE WHOLE "CLOSED MEETING"

(2) Moved by Councillor Hector
Seconded by Councillor Foster

THAT Council rise from the Committee of the Whole "Closed Meeting" without reporting.

CARRIED

APPROVAL OF ADDEDS

Moved by Councillor Gerretsen
Seconded by Councillor Glover

THAT the addeds be approved as amended.

CARRIED
(See Motions To Amend Which Were CARRIED)
(See Motion To Amend Which Was LOST)
(A 2/3 Vote of Council was Received)

Moved by Councillor Gerretsen
Seconded by Councillor Foster

THAT the addeds be amended in order to allow Tim Irwin to speak to Council regarding the 2014 World Sailing Championships.

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

Moved by Councillor Garrison
Seconded by Councillor Matheson

THAT the addeds be amended in order to allow Patricia Streich and Adele Mercier to speak to Council regarding the potential acquisition of federal surplus land for affordable housing in Barriefield Village.

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

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT the addeds be amended in order to allow Report No. 115 of the Chief Administrative Officer (Recommend) to be dealt with immediately prior to the Motions of Congratulations.

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

DISCLOSURE OF PECUNIARY INTEREST

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Councillor Hector declared a possible pecuniary interest in the matter of Clause (l) of Report No. 114 of the Chief Administrative Officer (Consent) as her brother owns a business in proximity, and Clause (1) of Report No. 115A of the Chief Administrative Officer (Consider) as she has a contract with Hughes Downey Architects.

Councillor Hutchison declared a possible pecuniary interest in the matter of Clause (1) of Report No. 115A of the Chief Administrative Officer (Consider) as his employer, Kingston Co-operative Homes, Inc., may have an interest in applying for funding under the DOORS program or the Affordable Housing Program in the future and it is unclear under which of these programs, if either, such an application may come.

PRESENTATIONS

DELEGATIONS

(1) Mr. Andrew Hill, President of the Frontenac Heritage Foundation, was not present and did not speak to Council regarding the potential acquisition of federal surplus land for affordable housing in Barriefield Village.
(See Clause (1), Report No. 115A, Page No. 593)

(2) Mr. Tim Irwin was present and spoke to Council regarding the 2014 World Sailing Championships.
(See Clause (4), Report No. 115, Page No. 592)

Councillors Hector and Hutchison withdrew from the meeting.

(3) Mr. Wayne Morgan was present and spoke to Council regarding the potential acquisition of federal surplus land for affordable housing in Barriefield Village.
(See Clause (1), Report No. 115A, Page No. 593)

(4) Mr. Barry Gordon was present and spoke to Council regarding the potential acquisition of federal surplus land for affordable housing in Barriefield Village.
(See Clause (1), Report No. 115A, Page No. 593)

(5) Ms. Patricia Streich was present and spoke to Council regarding the potential acquisition of federal surplus land for affordable housing in Barriefield Village.
(See Clause (1), Report No. 115A, Page No. 593)

(6) Ms. Adele Mercier was present and spoke to Council regarding the potential acquisition of federal surplus land for affordable housing in Barriefield Village.
(See Clause (1), Report No. 115A, Page No. 593)

Councillors Hector and Hutchison returned to the meeting.

DELEGATIONS

Moved by Councillor Smith

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Seconded by Mayor Rosen

THAT Council waive the rules of By-Law No. 2010-1 in order to allow Mr. Syed Atta-ur-Rehman of the Pakistan Canada Association of Kingston to speak to Council regarding Deferred Motion No. (2).

CARRIED

- (7) Mr. Syed Atta-ur-Rehman, President of the Pakistan Canada Association of Kingston, was present and spoke to Council regarding the request for donations for the relief effort in Pakistan.
(See Deferred Motion No. (2), Page No. 583)

BRIEFINGS

PETITIONS

MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY, CONDOLENCES AND SPEEDY RECOVERY

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Barry Gordon, long time resident of the former Pittsburgh Township and two-term Reeve of Pittsburgh, for being the first Canadian to be inducted into the National Auctioneers Association's hall of fame. Fifteen years ago, Barry, owner of Gordon's Estate Services, created the three-day *Certified Estate Specialist Program* to train fellow auctioneers and estate agents on how best to provide services to seniors.

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

THAT the congratulations of Kingston City Council be extended to Kingston City Staff and BmDodo Strategic Design for their work on the Kingston Norman Rogers Airport branding. The Airports Council International – North America has announced that Kingston Airport placed First out of 55 airports in the annual Marketing and Communications Award contest for 2009 – Print Advertising. Montreal's Pierre-Elliott Trudeau International placed second with Denver and Louisville International tied for third.

MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY, CONDOLENCES AND SPEEDY RECOVERY (CONTINUED)

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of the late Dean Perrett, Transit Supervisor for the City of Kingston and volunteer fire fighter in South Frontenac.

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of the late Peter Angelis, owner of Peter's Place Restaurant.

- (3) Moved by Mayor Rosen
Seconded by Councillor MacLeod-Kane

THAT the sincere condolences of Kingston City Council be extended to Napanee volunteer firefighter, David Goodfellow, and his three daughters, Alissa, Sarina and Nadia, on the passing of their wife and mother, Darlene Goodfellow on Sunday, August 22, 2010. Mrs. Goodfellow was involved in the tragic bus accident on Highway 401 near Woodstock Ontario. Our thoughts and prayers are with them, and their loved ones, during this very difficult time.

CARRIED

DEFERRED MOTIONS

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

WHEREAS the Rural/Urban Liaison Committee (RULAC) passed a motion recommending the City of Kingston support the Eastern Ontario Regional Network Broadband Project by contributing \$450,000 in the 2011 budget to the County of Frontenac's project to ensure high speed service to ALL rural residents in Kingston; and,

WHEREAS the City of Kingston has declared a \$4.3 million budget surplus this year;

THEREFORE BE IT RESOLVED THAT Kingston City Council contribute \$450,000 from this year's budget surplus towards the County of Frontenac for the Eastern Ontario Regional Network Broadband Project rather than waiting until the 2011 budget year.

RULED OUT OF ORDER

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

WHEREAS Canadians are a compassionate people; and,

WHEREAS millions of people have been flooded out of their homes in Pakistan and hundreds of thousands of Pakistanis, especially children are at risk of life threatening deceases; and,

WHEREAS the world-wide response to this humanitarian catastrophe has fallen overwhelmingly short of the need;

DEFERRED MOTIONS (CONTINUED)

THEREFORE BE IT RESOLVED THAT City Council encourage Kingstonians to consider making a donation to the relief effort in Pakistan;

- and further -

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THAT City Council appoint one of its members today, to privately canvas their colleagues for a donation in order to demonstrate leadership on this issue.

CARRIED

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REPORTS

Report No. 114 the Chief Administrative Officer (Consent)

Moved by Councillor Schmolka
Seconded by Councillor Hector

THAT Report No. 114 of the Chief Administrative Officer (Consent) be received and adopted.

Council agreed to the separation of Clauses (a), (b), (d), (g), (h), (j), (k), (l), (n), (o) and (p), and the withdrawal of Clause (m).

Report No. 114

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

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

THAT Council consent to the approval of the following routine items:

Note: Clauses (a) through (i) were deferred from the Council meeting held on August 24, 2010, due to lack of time.

(a) **Approval for the Renaming of a Private Road as Navy Way**

WHEREAS a request was received from Canadian Forces Base Kingston to rename Duty Drive to "Navy Way" in commemoration of the Canadian Naval Centennial; and,

WHEREAS this private road is located north of Highway 2 and west of Main Street and is legally described as Part 1 on Plan 13R 13700, showing Part of the Military Reserve, City of Kingston, County of Frontenac; and,

WHEREAS the naming of Navy Way is consistent with the adopted road naming conventions of Civic Addressing and Road Naming By-Law No. 2005-98 and emergency response requirements;

THEREFORE BE IT RESOLVED THAT the by-law to approve the renaming of the private road to Navy Way be presented to Council for first and second reading and that the City Clerk be requested to advertise a Notice of Intention to Pass the by-law between the second and third reading.

(The Report of the Commissioner of Sustainability and Growth (10-201) was attached as Schedule Pages 1-7)

(File No. CSU-D20-000-2010)

(See By-Law No. (1), 2010-172)

CARRIED

REPORTS (CONTINUED)

Report No. 114 the Chief Administrative Officer (Consent)

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(b) **Capital Project Status Report for the Second Quarter of 2010**

- i. **THAT** Council approve the financing of capital projects or (return of funds), as outlined in Appendix A of Report 10-233 as follows:

Source of Financing	
Municipal Capital Reserve Fund	(\$26,510)
Municipal Equipment Replacement Reserve Fund	(\$73,103)
Solid Waste Reserve Fund	(\$44,473)
Library Parking Reserve	\$30,000
Technology Reserve Fund	(\$7,201)
Transit Reserve Fund	(\$583,455)
Fire Capital Reserve Fund	\$4,489
Industrial Land Reserve Fund	\$2,200
Utility Equipment Reserve Fund	(\$79,150)
Parking Reserve Fund	(\$2,795)
Arena Reserve Fund	\$16,337
Marina Reserve Fund	\$16,013
Working Fund Reserve	(\$79,131)
Provincial Funding Reserve Fund	(\$9,600)
Development Charges Reserve Fund	(\$879)
Sub-Total-Other Reserve Funds & Reserves	(\$810,748)
Total Reserve Funds and Reserves	(\$837,258)

- and further -

- ii. **THAT** Council approve the increase (reduction) of approved debenture financing with reference to specific project as outlined in Appendix A of Report 10-233 as follows:

Source of Financing	
Police Equipment Reserve Fund	(\$626)
Total Net Debenture Requirement (reduction)	(\$626)

- and further -

- iii. **THAT** Council approve the transfer of budget funding from specific projects in Real Estate & Construction totalling \$378,935 to Facility Management heritage and non-heritage projects and \$5,500 from the Airport Exterior Signs project to the Obstacle Surface Removal project (detailed in Appendix A of Report 10-233);

- and further -

- iv. **THAT** Council approve the transfer of budget funding for \$441,000 from the approved Information Systems & Technology (IS & T) projects to envelope funding for the IS & T strategy project in accordance with the recommendations within the IS & T Strategic Plan approved by Council on April 20, 2010 (detailed in Appendix A of Report 10-233);

- and further -

REPORTS (CONTINUED)

Report No. 114 the Chief Administrative Officer (Consent)

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v. **THAT** the funding of \$150,000 for secondary planning studies be reallocated to the Williamsville Urban Design Study identified as a focus of development in the Official Plan.

(The Report of the Deputy Treasurer (10-233) was attached as Schedule Pages 8-28)

(File No. CSU-F05-000-2010)

CARRIED

(c) **Approval of a By-Law to Delegate Authority for the Purposes of Administering the Livestock, Poultry and Honey Bee Protection Act and the Line Fences Act**

THAT By-Law No. 98-13, "A By-Law To Designate The Authority Of The Clerk To The Commissioner of Community Development And Client Services For The Purposes Of The Livestock, Poultry And Honey Bee Protection Act, R.S.O. 1990, c. L. 24" be repealed;

- and further -

THAT By-Law No. 2003-406, "A By-Law To Provide For the Arbitration Of Fencing Disputes Between Adjoining Property Owners" be repealed;

- and further -

THAT no fence viewing will take place between the 1st of November of one year and the 31st of March of the next year;

- and further -

THAT Council approve "A By-Law To Delegate The Authority For The Appointment Of Livestock Valuers And Fence Viewers Pursuant To Section 23.1 Of The Ontario Municipal Act, 2001", attached as Exhibit A to Report 10-248.

(The Report of the Acting Commissioner of Community Services (10-248) was attached as Schedule Pages 29-33)

(File No. CSU-P01-000-2010)

(See By-Law No. (2), 2010-173, By-Law No. (3), 2010-174, By-Law No. (4), 2010-175)

DEFERRED

(d) **Approval of a Grant to John Howard Society of Kingston and District from the Affordable Housing Construction Reserve for Affordable Housing Development**

THAT Council approve a grant to John Howard Society of Kingston and District in an amount equal to the actual costs, currently estimated at \$64,608, for the development charges, impost fees and building permit fees related to the nine (9) affordable housing units being developed at 771 Montreal Street. The grant, to be provided from the Affordable Housing Construction Reserve, cannot exceed the maximum of \$90,000.

(The Report of the Acting Commissioner of Community Services (10-258) was attached as Schedule Pages 34-37)

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

CARRIED

(e) **Delegation of Authority to the Director of Financial Services and the Director of Engineering for Various Routine Processes Related to Tile Drainage Loan Applications under the Tile Drainage Act**

1. **THAT** Council approve a "By-Law To Delegate Authority To The Director Of Financial Services And The Director Of Engineering For Various Routine Processes Related To Tile Drainage Loan Applications Under The Tile Drainage Act";

- and further -

REPORTS (CONTINUED)

Report No. 114 the Chief Administrative Officer (Consent)

2. **THAT** the by-law shall come into force and take effect on the date of its passing.

(The Report of the Deputy Treasurer (10-262) was attached as Schedule Pages 38-43)

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(File No. CSU-E09-000-2010)
(See By-Law No. (5), 2010-176)

DEFERRED

(f) **Kingston & Frontenac Housing Corporation Welch Group Consulting Report and the Rent Supplement Program Delivery Model**

THAT Council approve the proposed changes to the delivery of the Rent Supplement Program, specifically authorizing the Service Manager to take over responsibility for the contract administration of the Rent Supplement Program while Kingston & Frontenac Housing Corporation retains responsibility for the day-to-day administration of the program, with no change in the level of administration funding, subject to the terms and conditions of the Rent Supplement Service Agreement;

- and further -

THAT Council authorize the Service Manager to negotiate a Rent Supplement Service Agreement with Kingston & Frontenac Housing Corporation, to be effective no later than December 31, 2010;

- and further -

THAT Council authorize the Mayor and Clerk to execute the Rent Supplement Service Agreement in a form satisfactory to the Director of Legal Services.

(The Report of the Acting Commissioner of Community Services (10-263) was attached as Schedule Pages 44-48)
(File No. CSU-S18-000-2010)

DEFERRED

(g) **Authority to Enter into Agreements for Acquisition and Construction of a Neighbourhood Park**

THAT Council authorize the Mayor and Clerk to execute a purchase and sale agreement for \$1.00 to acquire the 0.22 ha lands within the CARFA (Santo Carfa; 1766900 ONTARIO LIMITED; John Bosisa) subdivision shown as a neighbourhood park on the Woodhaven Secondary Plan, such agreement to be to the satisfaction of the Director of Legal Services;

- and further -

THAT Council authorize the Mayor and Clerk to execute a construction agreement with Tamarack (Catarqui West) Corporation to construction the 0.44 ha park in one phase; and such agreement to be to the satisfaction of the Director of Legal Services;

- and further -

THAT Council authorize the Mayor and Clerk to create a new 2010 park development project having a budget, including fees and contingencies, of \$225,000; and the project be funded in the amount of \$202,500 (90%) from the Development Charges Reserve fund and \$22,500 (10%) from Emerald Park account which has \$120,000 remaining.

(The Report of the Commissioner of Sustainability and Growth (10-268) was attached as Schedule Pages 49-53)
(File No. CSU-R04-000-2010)

CARRIED

REPORTS (CONTINUED)

Report No. 114 the Chief Administrative Officer (Consent)

(h) **Approval of an Application for a Tile Drainage Loan under the Tile Drainage Act for Norman Kendall and Kristie Kendall**

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THAT the application for the loan by Norman Kendall and Kristie Kendall under the Tile Drainage Act, in the amount up to \$15,000, be approved, with the understanding that funds shall be provided through a Tile Drainage Debenture with the Province of Ontario, subject to the availability of funding from the Ontario Ministry of Agriculture and Food and Rural Affairs (OMAFRA).

(The Report of the City Treasurer (10-274) was attached as Schedule Pages 54-55)

(File No. CSU-E09-000-2010)

CARRIED

(i) Amendments to the Chief Administrative Officer's By-Law

THAT Council approve the amendments to By-Law No. 2002-86, "A By-Law To Establish The Position Of Chief Administrative Officer", as set out in the amended by-law attached as Exhibit "A" to Report 10-278.

(The Report of the Director of Legal Services and the Director of Human Resources and Organizational Development (10-278) was attached as Schedule Pages 56-64)

(File No. CSU-C01-000-2010)

(See By-Law No. (6), 2010-177)

DEFERRED

(j) Approval of Complimentary Parking Passes for Skate Canada

THAT Council approve the provision of 50 complimentary parking passes to support the Skate Canada event being hosted at the K-Rock Centre between October 28 and 31, 2010.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-252) was attached as Schedule Pages 65-66)

(File No. CSU-T02-000-2010)

CARRIED

(k) Award of RFP for Collection and Counting of Transportation Funds to G4S Secure Solutions (Canada) Inc.

THAT the Mayor and Clerk be authorized to execute an agreement for the collecting and counting of transportation funds for a two-year term, commencing October 2010, with G4S Secure Solutions (Canada) Inc., as outlined in Request for Proposals F31-CS-TR-PO-2010-08, in a form satisfactory to Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-267) was attached as Schedule Pages 67-69)

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

CARRIED

Councillor Hector withdrew from the meeting.

(l) Partnership with the Salvation Army for Expansion of Service for Homeless Persons

THAT Council approve a partnership contribution of \$10,000 to the Salvation Army for the construction and provision of a shower facility, change room and laundry amenities to homeless persons at its facility located on Patrick Street;

- and further -

THAT the Mayor and Clerk be authorized to enter into a Partnership Agreement, to the satisfaction of the Director of Legal Services;

REPORTS (CONTINUED)

Report No. 114 the Chief Administrative Officer (Consent)

- and further -

THAT the \$10,000 contribution be funded from the Recreation and Leisure Services Park/Sport Fields Washroom Rehabilitation capital account.

(The Report of the Commissioner of Sustainability and Growth (10-270) was attached as Schedule Pages 70-73)

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(File No. CSU-S16-000-2010)

CARRIED

Councillor Hector returned to the meeting.

(m) **Municipal Capital Facility – K-Rock Centre**

THAT Council pass the resolution required by clause 6(1)(b) of Ont. Reg. 603/06 confirming that the K-Rock Centre is a facility entirely occupied which has and will be used for the cultural, recreational or tourist purposes of the municipality and that it is operated for public use;

- and further -

THAT a by-law as required by section 110(6) of the Municipal Act, 2001, be presented and given three readings by Council reiterating the requirements of 6(1)(b) of Ont. Reg. 603/06 and therefore exempting the property to which the municipal capital facility agreement applies from taxation for municipal and school purposes;

- and further -

THAT the Clerk be directed to give written notice of the by-law to the Minister of Education and the Municipal Property Assessment Corporation (MPAC) as required by section 110(8);

- and further -

THAT Council direct staff to negotiate and the Mayor and Clerk to execute a Municipal Capital Facilities Agreement as well as any other required documents with SMG Canada and any other party necessary confirming that the K-Rock Centre is being and has been entirely operated as a municipal facility for cultural, recreational and tourist purposes in accordance with the requirements of the Municipal Act, 2001, section 110 and Ontario Regulation 603/06.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-276) was attached as Schedule Pages 74-80)

(File No. CSU-R05-001-2010)

(See By-Law No. (10), 2010-181)

WITHDRAWN

(n) **Renewal of Parking Space Agreement with Kingston Brewing Company**

THAT Council authorize the Mayor and Clerk to execute a license agreement with the Kingston Brewing Company, in a form satisfactory to the Director of Legal Services, for a parking space for the Kingston Brewing Company's historic vehicle at 34 Clarence Street at an annual license fee of \$1,983.71 plus applicable taxes; for a one-year term commencing October 1, 2010; with the option to renew for a further one-year term at an annual increase of 2.5%, it being understood that any further options or agreement would be subject to policy review.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-277) was attached as Schedule Pages 81-83)

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

CARRIED

REPORTS (CONTINUED)

Report No. 114 the Chief Administrative Officer (Consent)

(o) **Sole Source – Corporate Voice Network Maintenance Contract with Southeastern Telecommunication Services**

THAT Council authorize the Mayor and Clerk to enter into a five (5) year maintenance contract with Southeastern Telecommunication Services for the term of January 1, 2011, to December 31, 2016, at an annual cost of \$75,478.18, in a form satisfactory to the Director of Legal Services.

(The Report of the Chief Information Officer (10-282) was attached as Schedule Pages 84-87)

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(File No. CSU-A12-000-2010)

CARRIED

(p) **Amendment to the Fees and Charges By-Law No. 2005-10 for the Reduction of Morning Ice Fees at the INVISTA Centre**

THAT a by-law be presented to amend By-Law No. 2005-10, "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston" due to the reduction of the morning ice fees at the INVISTA Centre.

(The Report of the Commissioner of Sustainability and Growth (10-284) was attached as Schedule Pages 88-91)

(File No. CSU-F21-000-2010)

(See By-Law No. (7), 2010-178)

CARRIED

Report No. 115 of the Chief Administrative Officer (Recommend)

Moved by Councillor Matheson

Seconded by Councillor Osanic

THAT Report No. 115 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to the addition of Clauses (4) and (5).

Report No. 115

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

Note: Clauses (1) and (2) were deferred from the meeting held on August 24, 2010, due to lack of time.

(1) **LaSalle Causeway Traffic Operations Study – Terms of Reference**

THAT Council review and endorse the attached Terms of Reference for the "LaSalle Causeway Traffic Operations Study";

- and further -

THAT the Engineering Department be directed to proceed with the consultant selection process;

- and further -

REPORTS (CONTINUED)

Report No. 115 of the Chief Administrative Officer (Recommend)

THAT the 2009/2010 Capital Budget be amended to include \$100,000 from the Municipal Capital Reserve Fund for the completion of this study.

(The Report of the President and CEO of Utilities Kingston (10-260) was attached as Schedule Pages 92-113)

(File No. CSU-T08-000-2010)

CARRIED

(2) **Delegation of Authority to the Director of Legal Services and City Solicitor for Various Administrative Matters**

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THAT Council pass the "By-Law To Delegate Authority To The Director Of Legal Services And City Solicitor For Various Administrative Matters" in the form attached as Exhibit "A" to Report No. 10-275.

(The Report of the Director of Legal Services (10-275) was attached as Schedule Pages 114-123)

(File No. CSU-C01-000-2010)

(See By-Law No. (8), 2010-179)

CARRIED

(3) **Poverty Reduction Strategic Planning Process**

1. **THAT** Council authorize City staff to work with the United Way and the Kingston Community Roundtable on Poverty Reduction to develop a community strategic plan for community poverty reduction and report back to Council with a draft plan in April 2011;

- and further -

2. **THAT** \$25,000 be allocated and funded from the Working Fund Reserve in 2010 to match a \$25,000 contribution from the United Way for a total of \$50,000 for the purposes of developing the plan;

- and further -

3. **THAT** the 2011 Community and Family Services department draft operating budget include funding of \$85,000 for the year 2011 to support completing the work of the Kingston Community Roundtable on Poverty Reduction.

(The Report of the Acting Commissioner of Community Services (10-272) was attached as Schedule Pages 124-130)

(File No. CSU-S04-000-2010)

CARRIED

(4) **International Sailing Federation (ISAF) World Sailing Championships 2014 – City of Kingston Partnership**

THAT Council endorse a maximum commitment of \$920,000 to the International Sailing Federation (ISAF) World Sailing Championship 2014 bid submission;

- and further -

THAT Council direct staff to include \$105,000 (2014 rates) of the contribution to be made through the provision of Portsmouth Olympic Harbour at no cost for 30 days in the 2014 operational budget and \$815,000 for capital upgrades to City marina facilities and event related costs in the 2013-2014 capital and operational budgets;

- and further -

THAT Council delegate authority to the Chief Administrative Officer to complete details of the second round bid submission for the Sailing Federation (ISAF) World Sailing Championship 2014 due on December 1st, 2010.

(The Report of the Commissioner of Sustainability and Growth (10-283) was distributed separately from the agenda on Friday, September 3, 2010.)

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

CARRIED

REPORTS (CONTINUED)

Report No. 115 of the Chief Administrative Officer (Recommend)

(5) **Delegation of Authority for the Chief Administrative Officer to Employ a Commissioner of Community Services**

THAT Council delegate authority to the Chief Administrative Officer to hire a new Commissioner of Community Services and to determine the terms of employment for that position in accordance with existing City compensation and employment policies and procedures and that the appropriate by-law be given all three readings.

(The Report of the Chief Administrative Officer (10-290) is attached.)

(See By-Law No. (21), 2010-191)

CARRIED

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Report No. 115A of the Chief Administrative Officer (Consider)

Moved by Councillor Smith

Seconded by Councillor MacLeod-Kane

THAT Report No. 115A of the Chief Administrative Officer (Consider) be considered.

Report No. 115A

To the Mayor and Members of Council:

The Chief Administrative Officer reports and requests consideration as follows:

Councillors Hector and Hutchison withdrew from the meeting.

- (1A) **STAFF BRIEFING** - Mr. Jim de Hoop, Director of Community and Family Services, and Mr. Bernie Hermsen of MHBC Planning, were present and spoke to Council regarding the consultants' final report on the potential acquisition of federal surplus land for affordable housing in Barriefield Village.

Moved by Councillor Gerretsen

Seconded by Councillor Smith

THAT Council waive the rules of By-Law No. 2010-1, "Council Procedural By-Law", in order to extend the meeting until the time sensitive items have been completed.

CARRIED

(A 2/3 Vote Of Council Was Received)

(1) Feasibility Analysis Phase 1: Acquisition of Federal Surplus Lands in Barriefield Village

Moved by Councillor Garrison

Seconded by Councillor Schmolka

- a) **THAT** Council commit City funding to this project as a special circumstance project; and,
- i. **THAT** the Concept plan developed by MHBC be approved for Parcels 1, 2 and 3 on Federal surplus lands in Barriefield for the purpose of proceeding to Phase 2; and,

REPORTS (CONTINUED)

Report No. 115A of the Chief Administrative Officer (Consider)

- ii. **THAT** \$650,000 be approved from the DOOR Reserve for the purpose of proceeding to Phase 2 of the process to support the rezoning and all other development approval studies, reports, and contingency; and,
- iii. **THAT** the award of Phase 2 in RFP #F31-CDS-CFS-2010-1 be awarded to MHBC to a maximum upset of \$380,000 of the \$650,000 budget funded from the DOOR Reserve; and,
- iv. **THAT** a formal application be prepared to the Federal government with the MHBC concept plans and documentation to support the city proposal for SRPFHI funding in October 2010 with an anticipated substantial completion of the affordable housing project by March 2013; and,
- v. **THAT** a budget of \$5.7M be established for this project, with funding of:

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- a. \$2.46 M from the Provincial DOORS program
- b. \$1.1 M value of Federal Lands, and
- c. \$2.14M in City funding from the Municipal Capital Reserve Fund, as a "one-time" allocation.

LOST (5:6)

(See Recorded Vote No. 1)

- vi. **THAT** staff report to Council in January 2011 on the possibility of using some or all of the \$5M set aside at the Council meeting of July 24, 2007, for affordable housing, to build additional affordable housing;

- and further -

THAT the Affordable Housing Development Committee be consulted.

CARRIED AS AMENDED (10:1)

(See Recorded Vote No. 2)

(See Motion To Amend Which Was CARRIED)

(See Motion To Defer Which Was LOST)

(The Report of the Acting Commissioner of Community Services (10-281) was attached as Schedule Pages 131-189.
Note: Exhibit A to the report was distributed separately from the agenda.)
(File No. CSU-S18-000-2010)

Moved by Councillor Garrison

Seconded by Councillor Schmolka

THAT Clause (1) of Report No. 115A be amended to add the following:

- vi. **THAT** staff report to Council in January 2011 on the possibility of using some or all of the \$5M set aside at the Council meeting of July 24, 2007, for affordable housing, to build additional affordable housing;

- and further -

THAT the Affordable Housing Development Committee be consulted.

CARRIED (10:1)

(See Recorded Vote No. 3)

Moved by Councillor Smith

Seconded by Councillor Matheson

THAT Part vi of the motion of Councillors Garrison and Schmolka (Report No. 115A) be deferred.

LOST

REPORTS (CONTINUED)

Report No. 115A of the Chief Administrative Officer (Consider)

- 1. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (5)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor MacLeod-Kane, Mayor Rosen, Councillor Smith (6)

ABSENT: Councillor Hector, Councillor Hutchison (2)

- 2. A Recorded Vote was requested by Councillor MacLeod-Kane

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

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NAYS: Councillor MacLeod-Kane (1)

ABSENT: Councillor Hector, Councillor Hutchison (2)

3. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (10)

NAYS: Councillor Foster (1)

ABSENT: Councillor Hector, Councillor Hutchison (2)

Councillors Hector and Hutchison returned to the meeting.

Report No. 116 of the Planning Committee

Moved by Councillor Schmolka

Seconded by Councillor Glover

THAT Report No. 116 of the Planning Committee be received and adopted.

Council consented to the addition and the separation of Clauses (3) and (4).

Report No. 116

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

Note: Clauses 1 and 2 were deferred from the meeting held on August 24, 2010, due to lack of time.

July 22, 2010

REPORTS (CONTINUED)

Report No. 116 of the Planning Committee

1. **Approval of an Application for Official Plan Amendment for the Properties Located at 1293-1343 Princess Street Site Specific Policy Area**

THAT the application for Official Plan Amendment (Our File No. D09-052-2010) submitted by the City of Kingston, for the properties located from 1293 Princess Street to 1343 Princess Street inclusive, **BE APPROVED**.

AND BE IT FURTHER RESOLVED that the City of Kingston Official Plan, be further amended as follows:

1. The City of Kingston Official Plan, as amended, is hereby further amended by the following map and text change, which shall constitute Amendment No. 3 to the City of Kingston Official Plan:

a) **AMEND** Schedule '3-D', 'Site Specific Policies', of the City of Kingston Official Plan, so as to designate the properties located from 1293 Princess Street to 1343 Princess Street inclusive, as shown on Schedule 'A' to By-Law No. 2010-182, as 'Site Specific Policy Area No. 42'.

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2. That the Official Plan for the City of Kingston, as amended, be further amended by adding the following new Site Specific Policy as Section 3.18.42:

**"1293 Princess St.
to 1343 Princess St.
Schedule 3-D,
SSP No. 42**

- 3.18.42 The properties from 1293 Princess Street to 1343 Princess Street inclusive, are within the Arterial Commercial designation as shown on Schedule 3-A. The Plan recognizes that as these properties, shown on Schedule 3-D as SSP No. 42, undergo a transition from low-density residential use to Arterial Commercial uses, the following site specific policies shall guide the development/redevelopment of these lands:
- Uses on these properties shall include permitted Arterial Commercial and existing Residential uses and small-scale service oriented office and financial services uses such as real estate, insurance, branch banks, medical and professional uses;
 - Commercial uses will be limited to those uses which will be compatible with the residential character of the area;
 - A comprehensive program of land assembly will be encouraged;
 - Any commercial developments are required to support the residential character of the area in terms of building design, landscaping, rear yard parking, and building location on the lot;
 - Vehicular access to the area from Alexander Street will be prohibited;
 - The number of vehicular access points from Princess Street shall be minimized in the context of redevelopment and project design;
 - Development or redevelopment will require the provision of adequate impact mitigation measures such as the provision of buffers, landscaping, site design, building arrangements and building design to ensure compatibility with any adjacent residential uses."

AND BE IT FURTHER RESOLVED that the by-law be presented to City Council for all three readings.
(See By-Law No. (11), 2010-182)

(Note: A copy of the draft by-law was attached as Schedule Pages 190-191)

DEFERRED



REPORTS (CONTINUED)

Report No. 116 of the Planning Committee

August 5, 2010

2. **Approval of an Application for Final Plan of Condominium for Lots 48 to 54, 148 to 154, and 167 to 195, Blocks 223 to 225 and 227 to 232, Registered Plan 13M-58**

THAT the application for Final Approval of a Plan of Condominium submitted by Geertsma Homes Ltd. for three, 8.0 metre wide rear lanes on Blocks 223 to 225 and 227 to 232, Registered Plan 13M-58, **BE APPROVED**;

AND THAT Final Approval be granted to the Plan of Condominium submitted by Geertsma Homes Ltd., with respect to a common element condominium consisting of three, 8.0 metre wide rear lanes on Blocks 223 to 225 and 227 to 232, Registered Plan 13M-58, subject to the Owner entering into a Condominium Agreement with the City, which Agreement shall provide further notice to the Condominium Corporation and present and future purchasers of the conditions contained within the registered Subdivision Agreement and that the Condominium Corporation will be responsible for maintaining the approved subdivision works and fulfilling any conditions of the Agreement.

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AND THAT following the execution of the Condominium Agreement, the Director of Legal Services be authorized to forward the necessary signed and stamped originals and required copies of the Final Plan of Condominium to the Land Registry Office for registration.

DEFERRED

September 2, 2010

3. **Approval of an Application for Official Plan Amendment and Zoning By-Law Amendment for the Property Located at 390 King Street West**

THAT the application for Official Plan Amendment and Zoning By-Law Amendment (Our Files No. D09-046-2009 and D14-158-2009) submitted by Novatech Engineering Consultants Ltd., on behalf of Queen's University, for the property municipally known as 390 King Street West, **BE APPROVED**;

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

1. The Official Plan for the City of Kingston is hereby amended by the following map change which shall constitute Amendment No. 5 to the Official Plan for the City of Kingston.
 - (a) **AMEND** Schedule '3-A, Land Use' of the Official Plan for the City of Kingston, so as to designate 390 King Street West, as shown on Schedule 'A' to By-Law No. 2010-188, from 'Open Space' and 'Environmental Protection Area' to 'Institutional'.

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

- 1.1. Map 29 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'P.98' to 'E.386', as shown on Schedule "A" attached to and forming part of By-Law No. 2010-189.
- 1.2. By **Adding** a new Part VII, subsection 386 thereto as follows:

"(386) 'E.386', 390 King Street West

Notwithstanding the provisions of Sections 5 and 17 hereof to the contrary, the lands zoned 'E.386' on Schedule 'A' hereto, the following regulations shall apply:

a) Additional Permitted uses:

- Theatre;
- Auditorium; and
- Accessory uses to a theatre and auditorium.

REPORTS (CONTINUED)

Report No. 116 of the Planning Committee

b) Prohibited Uses:

- Convocation ceremony.

c) Off-Street Parking shall be provided as follows:

- 1) A total of 180 parking spaces shall be provided for Off-Street Parking. Required parking shall be provided either on-site or in off-site parking facilities, but shall not be provided using on-street parking.
- 2) The minimum size of a parking space located in the E.386 Zone shall be 2.6 metres wide and 5.2 metres long.
- 3) The minimum width of a drive aisle adjacent to a parking space located in the 'E.386' Zone shall be 6.7 metres.

d) Minimum Setback from Lake Ontario Waterfront to the face of any building shall be 15.8 metres.

1.3 That Part VII, subsection 98, being 'P.98' Zone be repealed from By-Law No. 8499.

1.4 That Schedule K be Repealed from Zoning By-Law No. 8499.

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AND THAT the amending by-law be presented to City Council for all three readings.
(See By-Law No. (18), 2010-188, See By-Law No. (19), 2010-189)

CARRIED

4. **Approval of an Application for Zoning By-Law Amendment and Cash-in-lieu of Parking for the Property Located at 110 Clergy Street**

THAT it be recommended to Council that the application for exemption from the parking requirements of the Downtown and Harbour Zoning By-Law No. 96-25, in accordance with By-Law No. 88-270, submitted by 1203139 Ontario Ltd. for the property located at 110 Clergy Street, **BE APPROVED**

AND THAT following the execution of the Exemption from the Parking Requirements Agreement, as required by By-Law No. 88-270, the Director of Legal Services be authorized to forward the necessary signed and stamped originals and required copies to the Land Registry Office for registration.

AND THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-187-2010) submitted by 1203139 Ontario Ltd., for the property located at 110 Clergy Street, **BE APPROVED**.

AND THAT the Downtown and Harbour Zoning By-Law No. 96-259, as amended, be further amended as follows:

1. That Zone Map No. 1 of Zoning By-Law No. 96-259, as amended, is hereby further amended by changing the zone symbol of the lands shown as "Subject Lands Rezoned from C1-3 to C1-29" on Schedule "A" attached hereto and forming part of amending By-Law No. 2010-190.
2. That the following be **added** as Section 7.3.29 of the By-Law:

"7.3.29 110 Clergy Street (C1-29)

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 7 for the 'C1' Zone shall apply to the 'C1-29' Zone except that:

7.3.29.1 **REGULATIONS**

The regulations shall be as follows:

- (a) **PERMITTED USE**
Residential use is permitted on the ground floor;

REPORTS (CONTINUED)

Report No. 116 of the Planning Committee

- (b) **MINIMUM BUILDING HEIGHT**
Notwithstanding Section 7.2, the minimum building height shall be 2 storeys, not to be less than 6.7 metres;
- (c) **MAXIMUM DENSITY**
Notwithstanding Section 7.2, the maximum permitted density shall be 225 residential units per net hectare;
- (d) **NUMBER OF UNITS**
The maximum number of permitted residential units shall be 4;
- (e) **NUMBER OF BEDROOMS**
The maximum number of bedrooms per unit shall be 2;
- (f) **PARKING**
Notwithstanding Section 5.22, cash-in-lieu of parking has been provided for two residential units in accordance with By-Law No. 88-270;
- (g) **AMENITY AREA**
Notwithstanding Section 5.5, there shall be no amenity area requirement;
- (h) **BICYCLE PARKING**

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Notwithstanding Section 5.22.8, there shall be no minimum required number of bicycle parking spaces."

AND BE IT FURTHER RESOLVED that the amending by-law be presented to City Council for all three readings.
(See By-Law No. (20), 2010-190)

CARRIED

Report No. 117 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover
Seconded by Councillor Hector

THAT Report No. 117 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Report No. 117

To the Mayor and Members of Council:
The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

All items listed on this 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.

August 9, 2010

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

Note: Clause 1 was deferred from the meeting held on August 24, 2010, in order to allow time for a more complete discussion.

REPORTS (CONTINUED)

Report No. 117 of the Kingston Municipal Heritage Committee (LACAC)

1. **Approval of an Application for Alterations and Additions to a Property Located at 390 King Street West also known as the Stella Buck and Domino Theatre Building**

WHEREAS Application P18-714-092-2010 has been submitted for alterations and additions to a property at 390 King St West which includes buildings known as Stella Buck and the Domino Theatre Building together with a series of outbuildings and additions to these structures which form part of the J.K. Tett Creativity Complex, the Morton Distillery/Brewery, and the Sydenham Military Hospital; and,

WHEREAS a description of the property and Reasons for Designation were included in a Notice of Intent having been served as a proposed update to the Designation By-Law No. 94-356, identifying character defining elements this property that should specifically be retained; and,

WHEREAS an Historic Structures Report was prepared by Craig Sims dated May 2008 that speaks of these elements as well as other features of the site and the evolution of the site through its different periods; and,

WHEREAS Heritage Impact Statements were prepared by Andre Scheinman dated July 23, 2009, and July 6, 2010, which echo information presented in the Historic Structures Report, listing the elements of the site noted in the Reasons for Designation; and,

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WHEREAS no report by the Owner's heritage consultants identifies one period as being more relevant to the history of this property than another; and,

WHEREAS the Heritage Committee has had an opportunity to meet with Queen's agents on a number of occasions during regular meetings of the Committee, through appointed sub-committees and during site visits; and,

WHEREAS the applicant has presented a proposed plan for the development of this property and after a series of discussions with the Committee is found to have taken into consideration the historic character of this site and its character defining elements with the exception of the chimney and the windows; and,

WHEREAS a report prepared by the applicants engineer finds the chimney in acceptable condition; and,

WHEREAS the Committee has found the windows to be in reasonable condition; and,

WHEREAS the Heritage Impact Statement (July 23, 2010) prepared by Andre Scheinman includes a response to Heritage Committee concerns regarding the windows by quoting the Queen's Architect's memo which expresses an intention to refurbish and reuse existing wood windows and the Heritage consultant specifically notes windows in the West elevation of Stella Buck and the North Wall of the former Domino Theatre and this intention is reiterated in a response to comments by the Heritage Committee; and,

WHEREAS a public meeting held July 26, 2010, indicated no major concerns related to the proposed development; and,

WHEREAS interior structural elements are noted in both Heritage Consultants reports and identifies some of these as original to the Industrial (Brewery) period but are not included in the list of Character Defining elements; and,

WHEREAS the Applicant has generously indicated the intent to retain some of the interior structure with a minor rearrangement to accommodate their interior layout when they are not required to do so; and,

REPORTS (CONTINUED)

Report No. 117 of the Kingston Municipal Heritage Committee (LACAC)

THEREFORE BE IT RESOLVED THAT Application P18-714-092-2010 for a property located at 390 King Street West also known as the Stella Buck Building requesting approval for alterations of the Stella Buck Building, Stable Buildings and construction of a Performing Arts Centre **BE APPROVED** with details described within a submission received July 5, 2010, most recent documents received dated July 6, 2010, and July 7, 2010, within a submission which was deemed complete by the Planning and Development Department July 26, 2010, with the understanding that the windows be retained in the design in the West wall will be reused and refurbished, the windows retained in the design in the east wall will be refurbished and the chimney will be retained, and elements of the interior structure will be incorporated in the manner retained in the design similar to their original purpose;

- and further -

THAT detailed plans for the current proposal will be submitted when prepared to confirm compliance with this motion;

- and further -

THAT the following archaeological requirements be fulfilled as outlined within correspondence dated June 01, 2010, to the Associate Vice-Principal (Facilities), Queen's University from the City's Heritage Planner:

- 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

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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.

- 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.
- Those areas subject to the Stage 4 Assessment prepared by Past Recovery and dated June 19, 2009, are to be considered completely assessed and any remains therein are considered eligible for removal.
- All below grade excavations associated with the proposed Queen's University Performing Arts Centre must be monitored by a licensing archaeologist with a protocol developed and provisions made for recording archaeological remains and recovering significant archaeological deposits revealed by this activity, a protocol which would both ensure that sufficient archaeological information is recovered while not causing significant delays in the construction schedule. This particularly applies to the areas surrounding the two operations investigated during the Stage 4 assessment – the building in Operation 1 is known to have continued below the current officer's mess and the brick floor in Operation 2 appears to continue below the 'doghouse' to the north extending out from the Stella Buck Building. Both of these structures are slated for demolition; provisions must be made to allow for the continued recording of these features during this process.
- A section of the stone box drain, found in trenches 14 and 20, is required to be recorded by a licensed archaeology through measured drawings before it is removed if it is to be affected by proposed construction.

DEFERRED

Report No. 118 of the Administrative Policies Committee

Moved by Councillor Hector
Seconded by Councillor Smith

THAT Report No. 118 of the Administrative Policies Committee be received and adopted.

REPORTS (CONTINUED)

Report No. 118 of the Administrative Policies Committee

Council consented to the separation of Clause 2.

Report No. 118

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

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

Note: Clauses 1, 2 and 3 were deferred from the meeting held on August 24, 2010, due to lack of time.

July 15, 2010

1. **Code of Conduct**

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

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(Note: A copy of the Code of Conduct was attached as Schedule Pages 192-195)

DEFERRED

2. 2010 Tax Capping for Commercial, Industrial and Multi-Residential Properties

1. **THAT** the 2010 capping program be approved as outlined in this report and that the funding for capped properties be provided from within each respective tax class.
2. **THAT** the multi-residential property class will be capped at the default capping level.
3. **THAT** a by-law be presented to establish the 2010 optional capping parameters:
 - a) **THAT** the commercial and industrial property cap limits will be the greater of
 - i. 10% of previous year's annualized (capped) tax, OR
 - ii. 5% previous year's uncapped tax;
- and further -
 - b) **THAT** threshold limits apply to commercial and industrial capped taxes whenever capped taxes are within \$250 of the uncapped tax;
- and further -
 - c) **THAT** new construction/new-to-class limits will be a minimum tax level of 100% of uncapped taxes, which will apply to eligible properties in the multi-residential, commercial and industrial classes, commencing taxation for part or all of 2008, 2009 and 2010.
4. **THAT** a by-law be presented in order to establish the tax decrease limits for the 2010 tax capping program, in accordance with Part IX of the *Municipal Act, 2001*.

(Note: A copy of the draft by-law was attached as Schedule Pages 196-197)

(See By-Law No. (9), 2010-180)

CARRIED

REPORTS (CONTINUED)

Report No. 118 of the Administrative Policies Committee

3. Public Nuisance By-Law

WHEREAS the draft Public Nuisance By-Law was presented to Council in February 2010 with a recommendation for no action; and,

WHEREAS, in February 2010, Council deferred the recommendation to take no further action and referred it back to the Administrative Policies Committee to examine the broadness of the by-law's language and the amounts and appropriateness of the fines to the particular offences; and,

WHEREAS, as recommended by Council, the Administrative Policies Committee considered further information from staff regarding the Public Nuisance By-Law; and,

WHEREAS a communication was received by the Administrative Policies Committee from the Kingston Community Roundtable for Poverty Reduction stating that it was opposed to the scope of the by-law;

THEREFORE BE IT RESOLVED THAT no action be taken to proceed with the Public Nuisance By-Law.

DEFERRED



August 18, 2010

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4. **Comprehensive Policy With Respect to Requests for Proclamations, the Raising of Flags at City Hall and Elsewhere in the City, the Planting of Dedication Trees on City Property, the Placement of Commemorative Benches on City Property, and the Temporary Display of Commemorative Items at City Hall**

THAT the comprehensive policies with respect to requests for proclamations; the raising of flags at City Hall and elsewhere in the city; the planting of dedication trees and the placement of commemorative benches on City property; and the temporary display of commemorative items at City Hall, outlined in Exhibits A – D of Report No. AP-10-026, dated March, 2010, be approved;

- and further -

THAT staff be directed to report back to the Administrative Policies Committee with a policy on the placement of dedication and commemorative plaques on City facilities, including plaque templates, no later than June 2011.

DEFERRED

5. **Review of Reimbursement Policy for Expenses Incurred by Members of Council in Obtaining Legal Opinions Regarding Potential Pecuniary Interest**

1. **THAT** City Council approve the continuation of the policy that provides for the reimbursement of legal expenses incurred by members of City Council to obtain independent legal advice as to whether, pursuant to the *Municipal Conflict of Interest Act*, they have a pecuniary interest in a matter before Council or a committee or local board of Council that will require them to disclose that interest and not take part in the discussion, vote on or attempt to influence the vote on the matter.

- and further -

2. **THAT** prior to obtaining the independent legal opinion for which reimbursement is being sought from the City, the Councillor request approval for reimbursement from the Director of Legal Services, who in consultation with the Chief Administrative Officer, will conduct an initial screening limited to determining if there is a question for which reimbursement of an outside legal opinion is appropriate.

- and further -

3. **THAT** reimbursement shall be for one hundred percent of the cost of the independent legal opinion up to the annual maximum amount per Councillor in a calendar year.

REPORTS (CONTINUED)

Report No. 118 of the Administrative Policies Committee

- and further -

4. **THAT** the annual maximum amount in a calendar year be increased from \$1000, established in 1999, to \$1500.

DEFERRED

Report No. 119 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison

Seconded by Councillor Gerretsen

THAT Report No. 119 of the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to the separation of Clause 1.

Report No. 119

To the Mayor and Members of Council:

The Arts, Recreation and Community Policies Committee reports and recommends as follows:

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

Note: Clauses 1 and 2 were deferred from the meeting held on August 24, 2010, due to lack of time.

July 21, 2010

1. **Approval of 2010-2012 Kingston & Frontenac Child Care Service Management Plan**

THAT the Kingston Frontenac Childcare Service Plan 2010-2012 (Exhibit C to Report ARCP-10-033) be approved;

- and further -

THAT the balance of \$574,922 in remaining unspent funds from the \$2.3 M Best Start Unconditional Grant, plus accrued interest of \$196,685 (for an estimated total of \$ 771,607) be retained in the Best Start Reserve Fund and the purpose of the fund be directed as follows:

- \$93,636 be reallocated for use over the next five years as municipal childcare stabilization and transitional funding for existing Kingston and Frontenac Childcare service providers with viable post-Early Learning Program (ELP) business plans, based on criteria developed in consultation with the KFL&A Best Start Network; and
- the balance of approximately \$677,971 (comprised of \$481,286 of original funding plus \$196,685 in accrued interest), be reallocated for use as a municipal contribution, if required, to supplement the provincial funding provided for the development of the proposed integrated service hubs, or Best Start Child and Family Centres, for Kingston-Frontenac.

(Note: The Report of the Commissioner of Community Services (ARCP-10-033) was attached to the ARCP agenda as pages 2-53. Exhibit C was attached as Schedule Pages 198-239)

CARRIED

REPORTS (CONTINUED)

Report No. 119 of the Arts, Recreation and Community Policies Committee

2. **Completion and Implementation of the Kingston Culture Plan (KCP)**

THAT the Kingston Culture Plan dated July 2010 and attached to Report No. ARCP-10-034 as Exhibit "A" be amended as noted below and be approved as Kingston's first cultural master plan;

- and further -

THAT Council approve the recommendations contained within the Kingston Culture Plan as a framework for supporting community development and cultural vitality within Kingston;

- and further -

THAT staff proceed with the implementation of the Kingston Culture Plan as described based on the recommendations, actions and timelines outlined;

- and further -

THAT the City establish an interdepartmental culture team to support collaborative working relationships and to provide advice on the effective use of cultural resources to achieve City-wide cultural and strategic objectives;

- and further -

THAT staff be directed to budget for increased investment in culture annually beginning in 2011, and for the next 4 years to support the implementation of the Kingston Culture Plan;

- and further -

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THAT a budget envelope of \$750K be included in the 2011 operating budget for the implementation of the Culture Plan;

- and further -

THAT operating budget projections be prepared for the years 2012, 2013 and 2014 to include incremental annual investment in the amount of \$500K of increased operating funding in support of the Kingston Culture Plan with staff preparing more detailed financing plans that minimize impacts on taxation;

- and further -

THAT the 10 year capital budget be revised to reflect the recommendations in the Plan;

- and further -

THAT Recommendation #42 on page 59 of the Kingston Culture Plan be amended to add 'from labour organizations', so that the recommendation now reads:

That Cultural Services report to Council on expanding the membership of the Arts Advisory Committee to include representatives from labour organizations, the business and institutional sectors in Kingston including education, tourism, small business and the mandate to include relationship building and communication about the value of culture in Kingston.

- and further -

THAT Recommendation #41 on page 59 of the Kingston Culture Plan be amended to add after the word 'businesses' 'individuals, and organizations', so that the recommendation now reads:

That the City institute a Mayor's Arts Awards, a high-profile annual community-wide event where awards are presented by the Mayor in a number of categories. The awards could be sponsored and funded by local businesses, individuals, and organizations, and recipients selected through a juried process.

- and further -

REPORTS (CONTINUED)

Report No. 119 of the Arts, Recreation and Community Policies Committee

THAT the Kingston Culture Plan dated July 2010 and attached to Report No. ARCP-10-034 as Exhibit "A" be approved as amended.

(Note: The Report of the Commissioner of Sustainability and Growth (ARCP-10-034) was attached to the ARCP agenda as pages 55-64. The final version of the Culture Plan was distributed separately from the August 24 agenda.)

DEFERRED

Report No. 120 of the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Foster

Seconded by Councillor Schmolka

THAT Report No. 120 of the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Council consented to the separation of Clauses 1 and 2.

Report No. 120

To the Mayor and Members of Council:

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

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

Note: Clauses 1, 2, and 3 were deferred from the meeting held on August 24, 2010, due to lack of time.

July 13, 2010

1. **Residential On-Street Parking Management**

THAT the Residential On-Street Parking Pilot Project in the area of the Sydenham District, bounded by William, King, West, and Clergy Streets, be extended to April 30, 2011.

CARRIED

2. **Closure of Public Access at the Kingston East Landfill**

THAT the Kingston East Landfill be closed to the public when the public drop-off area is full and that the public be notified of this change through site signage, notices on the website, and mailings.

CARRIED

3. **Completion of a Multi-Purpose Trail on the West Side of the Greater Cataraqui River from the LaSalle Causeway to Kingston Mills Road**

WHEREAS the importance of continuing to develop the City's multi-purpose recreational trail system was identified in the Transportation Master Plan and these trails will contribute to Kingston's approved vision of being Canada's most sustainable City; and,

REPORTS (CONTINUED)

Report No. 120 of the Environment, Infrastructure and Transportation Policies Committee

WHEREAS a trail along the west side of the Greater Cataraqui River is partially mapped in Schedule 5, Pathways, in Kingston's Official Plan; and,

WHEREAS the current widening of Highway 401 may provide an opportunity to include a multi-purpose trail under the highway; and,

WHEREAS a group of enthusiastic citizens has been exploring possible trail routes;

THEREFORE BE IT RESOLVED THAT staff work with these citizens and others, as required, to determine a preferred trail route;

- and further -

THAT staff be directed to develop a strategy including a general estimate of the costs and a construction timeline for completing a multi-purpose trail from the LaSalle Causeway to Kingston Mills Road on the west side of the Greater Cataraqui River.

DEFERRED

Report No. 121 of the Municipal Accessibility Advisory Committee

Report No. 121

To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

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Note: Clause 1 was deferred from the meeting held on August 24, 2010, due to lack of time.

August 5, 2010

1. **Establishment of an International Day for Persons with Disabilities Award**

WHEREAS the United Nations recognizes December 3rd as International Day of Persons with Disabilities; and,

WHEREAS the City of Kingston has proclaimed December 3rd as United Nations International Day of Persons with Disabilities each year since 2006;

THEREFORE BE IT RESOLVED THAT in recognition of the International Day for Persons with Disabilities, on December 3rd, 2010, the City of Kingston establish an award for 2010 given to an individual or group of individuals who have made a contribution to the City of Kingston which has had a positive impact on the lives of persons with disabilities, with a maximum cost not to exceed Two Thousand (\$2,000.00) Dollars.

DEFERRED

Report No. 122 of the Memorial Centre Revitalization Advisory Committee

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Report No. 122 of the Memorial Centre Revitalization Advisory Committee be received and adopted.

REPORTS (CONTINUED)

Report No. 122 of the Memorial Centre Revitalization Advisory Committee

Report No. 122

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

Note: Clause 1 was deferred from the meeting held on August 24, 2010, due to lack of time.

July 26, 2010

1. **Memorial Centre Fencing**

THAT staff be directed to replace the current chain link fencing between Concession Street and the parking lot entrance on Alfred Street with a 7 ft foot iron fence.

CARRIED
(See Motion To Amend Which Was LOST)

Moved by Councillor Smith
Seconded by Councillor Foster

THAT Clause 1 of Report No. 122 be amended to change the height of the fence from 7 ft to 5ft.

LOST (3:10)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Smith

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YEAS: Councillor Foster, Councillor Osanic, Councillor Smith (3)

NAYS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Mayor Rosen, Councillor Schmolka (10)

Report No. 123 of the Pine Grove Cemetery Board

Report No. 123

To the Mayor and Members of Council:

The Pine Grove Cemetery Board reports and recommends as follows:

Note: Clause 1 was deferred from the meeting held on August 24, 2010, due to lack of time.

August 11, 2010

1. Approval of a Fee Change for Cemetery Lots at Pine Grove Cemetery

THAT the fee for cemetery lots at Pine Grove Cemetery be changed to \$600.00 from the current fee of \$450.00;

- and further -

THAT it be understood that the fee includes costs for care and maintenance.

DEFERRED

INFORMATION REPORTS

Note: Information Reports (1) through (4) were deferred from the meeting held on August 24, 2010, due to lack of time.

(1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of June 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 June 2010 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of June 2010.

(The Report of the Deputy Treasurer (10-226) was attached as Schedule Pages 240-245)

(File No. CSU-F18-000-2010)

(2) Second Quarter Operating Budget Report for 2010

The purpose of this report is to provide a financial status update of the general operating fund as at June 30, 2010, the end of the second fiscal quarter.

(The Report of the Deputy Treasurer (10-232) was attached as Schedule Pages 246-256)

(File No. CSU-F05-000-2010)

(3) Delegated Authority for Property Agreements Less Than \$25,000

The purpose of this report is to advise Council of purchases of land under \$25,000 under delegated authority for the period of August 2009 to July 2010.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-264) was attached as Schedule Pages 257-259)

(File No. CSU-L18-000-2010)

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(4) **Update on the Status of the Potential Acquisition of Federal Surplus Land in Barriefield Village**

The purpose of this report is to provide Council with an update on the public feedback received at the information meeting and the preferred site concept presented at the August 9, 2010, Public Information Centre.

(The Report of the Acting Commissioner of Community Services (10-271) was attached as Schedule Pages 260-355)
(File No. CSU-S18-000-2010)

(5) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of July 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 July 2010 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of July 2010.

(The Report of the Deputy Treasurer (10-279) was attached as Schedule Pages 356-361)
(File No. CSU-F18-000-2010)

DEFERRED

MISCELLANEOUS BUSINESS

Note: Miscellaneous Business Item (1) was deferred from the meeting held on August 24, 2010, due to lack of time.

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

THAT, as requested by the Ban Righ Centre at Queen's University, Council dedicate the time frame from September 1, 2010, to May 31, 2011, to the "Who Is She?" community project, which is designed to acknowledge the countless women who have supported someone through a difficult time and is intended to increase awareness of the Ban Righ Centre's role in the continuing education of women.

(See Communication No. 19-359, August 24, 2010)

CARRIED

- (2) **THAT**, as requested by Kingston Immigration Partnership, Council proclaim September 25, 2010, as "Multicultural Day" in the City of Kingston.
(See Communication No. 20-408)

DEFERRED

NEW MOTIONS

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

WHEREAS the Federal government has now sold all the cattle and chickens at the Collins Bay Penitentiary/Frontenac Institute prison farm and is dismantling the farm buildings; and,

WHEREAS the Federal government has promised not to do anything to cause the closure of the abattoir, used by about 350 farmers in the region, at the Joyceville Penitentiary/Pittsburgh Institute, and the lease arrangements are up for renewal in October 2010; and,

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WHEREAS it is desirable for the citizens of Kingston to know the Federal government's plans for the farms and farmland at both the Collins Bay Penitentiary/Frontenac Institute and the Joyceville Penitentiary/Pittsburgh Institute, as well as the plans for the abattoir;

THEREFORE BE IT RESOLVED THAT Council direct the Chief Administrative Officer to contact appropriate officials within the Correctional Service of Canada to find out what is planned for these two sites and for the abattoir and to report back to Council at its meeting on October 19, 2010.

DEFERRED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 18-2010, held Tuesday, July 20, 2010 and Meeting No. 19-2010, held Tuesday, August 24, 2010, be confirmed.

DEFERRED

TABLING OF DOCUMENTS

2010-76 Ministry of Environment
Request for Grant Proposals – Ontario Drinking Water Stewardship Program (ODWSP)
(File No. CSU-F11-000-2010)

DEFERRED

COMMUNICATIONS

Filed

20-397 From the City of Hamilton, acknowledging receipt of Council's resolution regarding the possible closure of prison farms in Kingston.
(File No. CSU-P00-000-2010)

20-398 From the City of Peterborough, advising of its endorsement of Council's resolution regarding the possible closure of prison farms in Kingston.
(File No. CSU-P00-000-2010)

20-399 From the Office of the Prime Minister, acknowledging receipt of Council's resolution regarding the possible closure of prison farms in Kingston.
(File No. CSU-P00-000-2010)

20-400 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 2778 Dixon Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 14, 2010.

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 32-74 for the property at 151 Barrett Court, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 13, 2010.

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MINOR VARIANCE – In respect of an application to request relief from By-Law No. 8499 for the property at 416 Elliott Avenue, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 13, 2010.

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 76-26 for the property at 1815 Foxdale Place, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 13, 2010.

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 76-26 for the property at 2821 Princess Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 13, 2010.

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 8499 for the property at 1305 Princess Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 13, 2010.

CONSENT – In respect of an application for consent to sever the property at 1021 Montreal Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 14, 2010.

CONSENT – In respect of an application for consent to sever the property at 3100 Woodburn Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 14, 2010.

COMMUNICATIONS (CONTINUED)

CONSENT – In respect of an application for consent to sever the property at 3 and 5 Raglan Road and 178 Rideau Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 14, 2010.

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

20-401 From the County of Simcoe, advising of its endorsement of Council's resolution regarding the possible closure of prison farms in Kingston.
(File No. CSU-P00-000-2010)

20-403 From the Corporation of the City of St. Catharines, acknowledging receipt of Council's resolution regarding the possible closure of prison farms in Kingston.
(File No. CSU-P00-000-2010)

20-411 From the Corporation of the City of Brantford, acknowledging receipt of Council's resolution regarding the possible closure of prison farms in Kingston.
(File No. CSU-P00-000-2010)

Referred to All Members of Council

20-408 From Kingston Immigration Partnership, asking that Council proclaim September 25, 2010, as "Multicultural Day" in the City of Kingston.
(File No. CSU-M10-000-2010)

(See Miscellaneous Business Item No. (2), Page No. 610)
(Distributed to all Members of Council on September 3, 2010)

20-409 From Natalie Hagggar, seeking financial support so that she may participate as a volunteer in the Canada World Youth (CWY) international educational program.
(File No. CSU-F25-000-2010)

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- 20-410 From the Queen's Model Parliament Executive Committee, seeking financial support for its conference, during which, at the invitation of the Speaker's Office, students travel to Ottawa to act as either Members of Parliament or journalists in Canada's House of Commons.
(File No. CSU-F25-000-2010)
- 20-413 From the Kingston Community Roundtable on Poverty Reduction, advising that it endorses the recommendation contained in Report No. 10-272 and looks forward to working on the development of the Terms of Reference for the Steering Group.
(File No. CSU-S04-000-2010)
- 20-414 From Donald Hadden, expressing his concerns regarding the possible development of affordable housing in Barriefield Village.
(File No. CSU-S18-000-2010)
- 20-415 From Robert and Elizabeth Cardwell, expressing their concerns and observations regarding the Barriefield Feasibility Study.
(File No. CSU-S18-000-2010)
(Digitally distributed to all Members of Council on September 6, 2010)

COMMUNICATIONS (CONTINUED)

- 20-416 From Kamyar Kamyab, expressing concerns regarding the possible development of affordable housing in Barriefield Village.
(File No. CSU-S18-000-2010)
- 20-417 From Caroline Davis, Vice Principal (Finance and Administration) of Queen's University, providing information regarding questions raised at the Council meeting held on August 24, 2010, pertaining to the Queen's University Performing Arts Centre at 390 King Street West.
(File No. CSU-P18-000-2010)

Referred to the City Clerk

- 20-405 From the Arthritis Society, asking that Council proclaim September 2010 as "Arthritis Awareness Month" in the City of Kingston.
(File No. CSU-M10-000-2010)

Referred to the Acting Commissioner of Community Services

- 20-406 From the Affordable Housing Development Committee (AHDC), providing a copy of a motion from its meeting on August 19, 2010, supporting the motion of the Board of Directors of Kingston Municipal Non-Profit Housing Corporation (Town Homes Kingston) requesting that the City of Kingston supply land for the purpose of affordable housing development.
(File No. CSU-S18-000-2010)
- 20-407 From the Affordable Housing Development Committee (AHDC), providing a copy of a motion from its meeting on August 19, 2010, supporting the proposal entitled "August 17, 2010: Barriefield Housing Proposal Plan Changes".
(File No. CSU-S18-000-2010)

Referred to the Commissioner of Sustainability and Growth and the Director of Legal Services

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20-402 From Trevor Snyder, advising of an appeal of the decision of Council regarding an amendment to By-Law No. 8499 for the property located at 46 Wiley Street.
(File No. CSU-D14-000-2010)

Referred to the Commissioner of Sustainability and Growth

20-404 From the Sustainable Urban Development Association, providing information regarding its version of what a sustainable new community can be like with regards to the density of residents and jobs.
(File No. CSU-D01-000-2010)

20-412 From the Ontario Municipal Board (OMB), advising of a decision regarding appeals to the new Official Plan for the City of Kingston by Ontario Realty Corporation, 2103228 Ontario Inc., and Kingston Terminal Properties Inc.
(File No. CSU-D08-000-2010)

OTHER BUSINESS

BY-LAWS

Council consented to give By-Law (8) all three readings and to the addition of By-Laws (18) through (21).

(A) Moved by Councillor Foster
Seconded by Councillor Garrison

THAT By-Laws (1), (7) through (9), (12) through (16) and (18) through (21) be given their first and second reading.

CARRIED

(B) Moved by Councillor Gerretsen
Seconded by Councillor Glover

THAT Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Laws (8), (9) and (21) three readings.

CARRIED

(C) Moved by Councillor Hector
Seconded by Councillor Hutchison

THAT By-Laws (8), (9), and (12) through (21) be given their third reading.

CARRIED

(1) A By-Law To Approve The Renaming Of An Existing Private Road From Duty Drive To Navy Way, Located North Of Highway No. 2 And West Of Main Street, City Of Kingston
FIRST AND SECOND READINGS PROPOSED NO. 2010-172
(See Clause (a), Report No. 114)
(To be held for Third Reading pending the Notice Provisions By-Law)

(2) A By-Law To Repeal By-Law 98-13, "A By-Law To Designate The Authority Of The Clerk To The Commissioner of Community Development And Client Services For The Purposes Of The Livestock, Poultry And Honey Bee Protection Act, R.S.O. 1990, c. L. 24"
FIRST AND SECOND READINGS PROPOSED NO. 2010-173

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(See Clause (c), Report No. 114)

WITHDRAWN

- (3) A By-Law To Repeal By-Law 2003-406, "A By-Law To Provide For the Arbitration Of Fencing Disputes Between Adjoining Property Owners"
FIRST AND SECOND READINGS
(See Clause (c), Report No. 114)
- PROPOSED NO. 2010-174
WITHDRAWN
- (4) A By-Law To Delegate The Authority For The Appointment Of Livestock Valuers And Fence Viewers Pursuant To Section 23.1 Of The Ontario Municipal Act, 2001
FIRST AND SECOND READINGS
(See Clause (c), Report No. 114)
- PROPOSED NO. 2010-175
WITHDRAWN

BY-LAWS (CONTINUED)

- (5) A By-Law To Delegate Authority To The Director Of Financial Services And The Director Of Engineering For Various Routine Processes Related To Tile Drainage Loan Applications Under The Tile Drainage Act
FIRST AND SECOND READINGS
(See Clause (e), Report No. 114)
- PROPOSED NO. 2010-176
WITHDRAWN
- (6) A By-Law To Amend By-Law No. 2002-86, "A By-Law To Establish The Position Of Chief Administrative Officer"
FIRST AND SECOND READINGS
(See Clause (i), Report No. 114)
- PROPOSED NO. 2010-177
WITHDRAWN
- (7) A By-Law To Amend By-Law No. 2005-10, "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston" (Reduction of INVISTA Centre's Morning Ice Fees)
FIRST AND SECOND READINGS
(See Clause (p), Report No. 114)
- PROPOSED NO. 2010-178
- (8) A By-Law To Delegate Authority To The Director Of Legal Services And City Solicitor For Various Administrative Matters
THREE READINGS
(See Clause (2), Report No. 115)
- PROPOSED NO. 2010-179
- (9) A By-Law To Establish Tax Cap Program Decrease Limits For 2010
THREE READINGS
(See Clause 2, Report No. 118)
- PROPOSED NO. 2010-180
- (10) A By-Law To Authorize An Agreement For The Provision Of A Municipal Capital Facility At 1 Barrack Street, Kingston
THREE READINGS
(See Clause (m), Report No. 114)
- PROPOSED NO. 2010-181
WITHDRAWN
- (11) A By-Law To Amend The Official Plan For The City Of Kingston Planning Area (Amendment No. 3 – To change the properties known municipally as 1293 Princess Street to 1343 Princess Street inclusive from 'Arterial Commercial' to an 'Arterial Commercial Site Specific Policy Area No. 42')
THREE READINGS
(See Clause 1, Report No. 116)
- PROPOSED NO. 2010-182
WITHDRAWN

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- (12) A By-Law To Provide For The Assumption Of The Public Highways In Granite Ridge Subdivision, Registered Plan 13M-62, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; And To Provide For The Acceptance By The City Of Kingston, Of The Associated Public Works Within.
THREE READINGS PROPOSED NO. 2010-183
(Delegated Authority)
- (13) A By-Law To Amend By-Law No. 32-74, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" To Remove The '-H' Holding Symbol Related To The 'R3-7-H' Residential Zone (Proposed 14 Storey, 116 Unit Apartment Building, 151 Barrett Court, Plan 1932 Lot 3)
THREE READINGS PROPOSED NO. 2010-184
(Delegated Authority)

BY-LAWS (CONTINUED)

- (14) A By-Law To Exempt Certain Lands On Registered Plan 13M-69 From The Provisions Of Section 50 (5) Of The Planning Act, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Lots 155 to 166 and Blocks 217, 219 and 221 and Part of Block 220, Registered Plan 13M-58, Lyndenwood Subdivision, located on the north side of Crossfield Avenue, east of Augusta Drive, for the purpose of eliminating the rear lane and increasing the lot frontage).
THREE READINGS PROPOSED NO. 2010-185
(Delegated Authority)
- (15) A By-Law To Exempt Certain Lands On Registered Plan 13M-69 From The Provisions Of Section 50 (5) Of The Planning Act, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Lots 63 to 79 and Blocks 134, 143 and 144, Registered Plan 13M-69, Lyndenwood Subdivision, located on the east side of Augusta Drive, north of Crossfield Avenue, for the purpose of eliminating the rear lane and increasing the lot frontage).
THREE READINGS PROPOSED NO. 2010-186
(Delegated Authority)
- (16) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 7, 2010
THREE READINGS PROPOSED NO. 2010-187
(City Council Meeting No. 20-2010)
- (17) A By-Law Authorizing The Mayor And Clerk To Enter Into A Grant Agreement In A Form Satisfactory To The Director Of Legal Services With The Federation Of Canadian Municipalities (FCM), As Trustee Of The Green Municipal Fund (GMF), To Receive A Feasibility Study Grant Of Up To \$112,725.
THIRD READING PROPOSED NO. 2010-157
(See Clause (b), Report No. 104)
- (18) A By-Law To Amend The Official Plan For The City Of Kingston Planning Area (Amendment No. 5, known municipally as 390 King Street West)
THREE READINGS PROPOSED NO. 2010-188
(See Clause (3), Report No. 116)
- (19) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change from 'P.98' to 'E.386', 390 King Street West)
THREE READINGS PROPOSED NO. 2010-189
(See Clause (3), Report No. 116)

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- (20) A By-Law To Amend By-Law No. 96-259, "Downtown And Harbour Zoning By-Law For The Corporation Of The City Of Kingston" (Zone Change from 'C1-3' to 'C1-29', 110 Clergy Street)

THREE READINGS

PROPOSED NO. 2010-190

(See Clause (4), Report No. 116)

- (21) A By-Law To Delegate Authority To The Chief Administrative Officer To Employ A Commissioner Of Community Services

THREE READINGS

PROPOSED NO. 2010-191

(See Clause (5), Report No. 115)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Meers

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:15 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor