CITY COUNCIL MEETING NO. 07-2010
Tuesday, February 16, 2010 at 7:00 pm in the Council Chamber at City Hall.
Council will resolve into the Committee of the Whole “In Camera” and will reconvene as regular Council at 7:30 pm.

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ROLL CALL

THE COMMITTEE OF THE WHOLE “IN CAMERA”

(1) THAT Council resolve itself into the Committee of the Whole “In Camera” to consider the following item:

(a) A proposed or pending acquisition or disposition of land by the municipality or local board – Municipal Accommodation

(2) THAT Council rise from the Committee of the Whole “In Camera” without reporting.

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

DELEGATIONS

(1) Ms. Debi Wells will speak to Council regarding the potential acquisition of federal surplus land in Barriefield Village. (See Clause (1), Report No. 30, Page No. 7)

BRIEFINGS

(1) Mr. Glenn Outhwaite, Chair of the Municipal Accessibility Advisory Committee (MAAC), will speak to Council regarding the establishment of sub-committees. (See Clause 1, Report No. 33, Page No. 15)

(2) Mr. Speros Kanellos, Director of Real Estate and Construction Services, will introduce Mr. Dan Lalande, Director of the Kingston Branch of J.L. Richards & Associates Limited, who will speak to Council regarding the status of the Third Crossing of the Cataraqui River Environmental Assessment. (See Information Report No. (2), Page No. 17)
MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Congratulations, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

Motions of Congratulations

(1) Moved by Mayor Rosen
Seconded by Councillor Glover

THAT Kingston City Council extend its thanks and congratulations to Mr. John Hale, President of CUPE Local 109 and his members, and Mr. Damon Wells, Director of Public Works, for their public spirited support and contributions to the restoration of the Royal Canadian Horse Artillery national memorial located in City Park. When the monument had been vandalized and was in need of repair, CUPE raised the necessary funds. The City managed the project to replace the gun carriages. At a recent ceremony Brigadier General Beno, the Colonel Commandant of the Royal Regiment of Canadian Artillery, presented Mr. Hale and Mr. Wells with the Colonel Commandant's Coin. The citations read in part, "Please accept this token of our appreciation for caring about us, caring about our history, and helping us remind Canadians of the dedication, loyalty and sacrifice of those who have gone before us. We in the RCHA and The Royal Regiment of Canadian Artillery are most appreciative of your support and generosity – and we offer our deepest thanks."

(2) Moved by Councillor Foster
Seconded by Councillor Matheson

THAT the congratulations of Kingston City Council be extended to Ted Hsu, Co-Chair of the Kingston Environmental Advisory Forum (KEAF), and his wife Tara on the birth of their daughter Vera-Clair Dao-Ning on February 4, a sister for Ella-Valentine.
REPORTS

REPORT NO. 29 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 29

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

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

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

(a) Approval of Additional Bus Purchases

THAT Council approve the replacement of two full-size buses in 2010, representing the last of the full-size high floor buses in the fleet, with the financing coming from unexpended and previously approved capital budget allocations funded from the Transit Reserve Fund.

(The Report of the Commissioner of Corporate Services (10-066) is attached as Schedule Pages 1-3)

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

(b) Amendment to the Fees and Charges By-Law No. 2005-10

THAT By-Law No. 2005-10, “A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston”, be further amended as outlined in this report and contained in Appendix A to this report;

- and further -

THAT the aforementioned by-law be given three readings and passed.

(The Report of the Deputy Treasurer (10-077) is attached as Schedule Pages 4-41)

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

(See By-Law No. (2), 2010-46)

(c) Request by Tir Nan Og for Temporary Road Closure on Market Street for St. Patrick’s Day Celebration

THAT a by-law be presented to City Council to provide for the temporary closure of Market Street, from Ontario Street to King Street, on Wednesday, March 17, 2010, from 7:00 a.m. to Thursday, March 18 at 7:00 am, for a community related purpose (St. Patrick’s Day celebration);

- and further -

THAT the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the City of Kingston;

- and further -

THAT the applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage;

- and further -
REPORTS (CONTINUED)

REPORT NO. 29 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

THAT the applicant agrees to take out sufficient public liability property damage insurance in the amount of $2,000,000.00, to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

(The Report of the President and CEO of Utilities Kingston (10-078) is attached as Schedule Pages 42-46)

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

(See By-Law No. (1), 2010-45)

(d) Report on the Status of Bridge House (Kingston) Incorporated

THAT Council authorize the Mayor and Clerk to enter into a Supervisory Management Agreement with Bridge House (Kingston) Incorporated in a manner satisfactory to Legal Services;

- and further -

THAT Council approve the issuance of a Request for Proposal (RFP) in order to measure the interest in the transfer of the building and assets to another community agency, it being understood that any transfer or disposal of the building requires both Council approval and Ministerial Consent;

- and further -

THAT Council approve the monthly housing operating funding to Bridge House (Kingston) Incorporated be redirected to offset expenses relating to the closure of the facility with it being understood that these expenses will be recouped with the final sale of the building.

(The Report of the Acting Commissioner of Community Development Services (10-081) is attached as Schedule Pages 47-51)

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

REPORT NO. 30 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

Report No. 30

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

(1A) STAFF BRIEFING - Mr. Gerard Hunt, Chief Administrative Officer, will speak to Council regarding the potential land acquisition in Barriefield Village.

(1) Potential Acquisition of Federal Surplus Land in Barriefield Village

THAT Council authorize staff to undertake a comprehensive feasibility study to determine whether or not the City should acquire the subject lands, including but not limited to:

a) the potential to acquire the surplus lands for municipal purpose, including affordable housing;
b) the potential recommended uses of the land, complete with costs associated with each use, identification of equity contribution options, and timelines for implementation;
c) the review of options to ensure that any development of the property would meet requirements of the Heritage Conservation District Plan;
d) the completion of a stage 2 and 3 archaeological assessment, environmental assessments and technical studies that may be necessary to determine the potential future uses that are viable for the properties and to complete the necessary due diligence for purchasing the property;
e) the necessary public meeting(s) facilitated as outlined by the Council motion of November 17, 2009, addressing both affordable housing and heritage preservation matters;

- and further -

THAT the feasibility study report be completed no later than September 2010;

- and further -

THAT a budget of $250,000 be approved with funding from the Working Fund Reserve for the work;

- and further -

THAT staff express the City’s interest in acquiring the property for municipal purposes to Public Works and Government Services Canada (PWGSC), subject to the information determined by the above process.

(The Report of the Chief Administrative Officer (10-061) is attached as Schedule Pages 52-128)
(File No. CSU-S18-000-2010)

(2) Domino Theatre Accommodations at Cook Brothers Arena

THAT the Mayor and Clerk be authorized to sign an agreement for the accommodation of the Domino Theatre at the Cook Brothers Arena with final approval of the terms of the agreement to be approved by the Legal Services Department and the Commissioner of Sustainability and Growth with the terms and conditions as outlined in report to Council No. 10-024, dated December 1, 2009;

- and further -

THAT the lease agreement include a satisfactory funding agreement that describes the contributions to the construction for the Domino Theatre and that this be approved by the Domino Theatre Board prior to any award of contracts for design or construction;

- and further -
REPORT NO. 30 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

THAT staff be authorized to award a design contract for the upgrades at the Cook Brothers Arena to upgrade the facility for community uses including the Domino Theatre subject to a letter of intent and lease terms being approved by the Domino Theatre Board;

- and further -

THAT staff be authorized to prepare construction contracts and award work with an upset limit of $1,900,000 at the Cook Brothers Arena for the upgrading of the facility for use as a community centre and that this be funded from debt with funding from the Municipal Capital Reserve Fund;

- and further -

THAT staff report back in 2011 regarding other potential uses that could be placed at the Cook Brothers Arena. (The Report of the Commissioner of Sustainability and Growth (10-080) is attached as Schedule Pages 129-144) (File No. CSU-L15-000-2010)
REPORT NO. 31 OF THE ARTS, RECREATION AND COMMUNITY POLICIES COMMITTEE

Report No. 31

To the Mayor and Members of Council:
The Arts, Recreation and Community Policies Committee reports and recommends as follows:

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

January 28, 2010

1. **Wally Elmer Neighbourhood Centre Operational and Capital Plan**
   
   **THAT** the Wally Elmer Neighbourhood Centre and Shannon Park Capital and Operation Plan, dated January 2010, attached as Exhibit A to Report No. ARCP-10-008, be endorsed;
   
   - and further -
   
   **THAT** $6M be included in the 10 year capital budgets for the capital upgrade of the Wally Elmer Neighbourhood Centre with funding to be included in a future capital budget.
   
   (Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-008) was attached to the ARCP agenda as Schedule Pages 1-21.)

2. **Soccer Field Strategy and Funding Allocation**

   **THAT** the maintenance and strategic Soccer Field Comprehensive Plan with actions, dated January 2010, attached as Exhibit A of Report No. ARCP-10-011, be approved;
   
   - and further -
   
   **THAT** the $1.5 million soccer field funding allocation recommendations, as described in Exhibit B of Report No. ARCP-10-011, with capital works to be initiated by staff in 2010 be approved;
   
   - and further -
   
   **THAT** staff, as part of the plan, allocate funding within the proposed budget to address drainage concerns at Ashton Park.
   
   (Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-011) was attached to the ARCP agenda as Schedule Pages 22-34.)

3. **2010 City of Kingston Arts Fund**

   **THAT** the revised Kingston Arts Council Plan for the Administration of Arts Funding, dated December 2, 2009, as the basis for an agreement with the Kingston Arts Council (KAC) to administer the 2010 City of Kingston Arts Fund on behalf of the City, be approved;
   
   - and further -
   
   **THAT** the Mayor and Clerk be directed to enter into an agreement acceptable to the Director of Legal Services providing for the extension of the existing agreement with the Kingston Arts Council to provide for the administration of the City of Kingston Arts Fund for 2010;
REPORT NO. 31 OF THE ARTS, RECREATION AND COMMUNITY POLICIES COMMITTEE

THAT two Councillors and a City staff member be appointed to participate on each of the review committees (the operating grants review committee for arts organizations and the project grants review committee for arts projects).

(Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-014) was attached to the ARCP agenda as Schedule Pages 35-72.)

4. Draft Recommendations of the Draft Parks and Recreation Master Plan

WHEREAS Council has already endorsed policies related to residential intensification; and,

WHEREAS the importance of parks increases with rising population density; and,

WHEREAS recommendations 129-132 inclusive of the draft Parks and Recreation Master Plan, dated January 2010, as discussed at the January Arts, Recreation and Community Policies Committee meeting, speaks to revision of parkland requirements being reviewed as part of the Official Plan review in 5 years time; and,

WHEREAS Municipal Park requirements are important to our quality of life;

THEREFORE BE IT RESOLVED THAT Planning staff be directed to review the draft recommendations 129-132 of the draft Parks and Recreation Master Plan as soon as possible, and, if appropriate,

THAT Planning staff bring forward through the Planning Committee recommendations for an Official Plan amendment that would reflect the Parks and Recreation Master Plan recommendations;

- and further -

THAT, as part of the next draft of the Parks and Recreation Master Plan, provision of beaches throughout the City to include but not be limited to Breakwater Park, Richardson Park, Lake Ontario Park, Rotary Park, and Grass Creek Park be investigated;

- and further -

THAT Section 5.3 on page 51 be amended to add:

- ‘enhance and ensure the use, quantity and attractiveness of beaches in the City for swimming’;

- and further -

THAT the table page 52 be amended to add ‘beaches’ to the list with the appropriate changes to the table,

- and further -

THAT, as maintaining access to recreational infrastructure within the geographical areas of the City is important, the consultant be directed to remove all recommendations regarding the decommissioning of ice pads in the Central City within the next draft of the Master Plan.

February 3, 2010

5. Proposed Decommissioning and Repurposing of Harold Harvey Arena

THAT the Harold Harvey Arena not be decommissioned;

- and further -

THAT $2,000,000 be added to the 10 year capital budget to convert the Harold Harvey Arena direct ammonia system;

- and further -
REPORTS (CONTINUED)

REPORT NO. 31 OF THE ARTS, RECREATION AND COMMUNITY POLICIES COMMITTEE

THAT staff work with the Church Athletic League to provide an appropriate temporary location should construction work at the Harold Harvey Arena not be completed by September of the year of construction;

- and further -

THAT staff bring back a report regarding other necessary improvements to the Harold Harvey Arena at the time of the presentation of the 10 year capital budget.

(Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-013) was attached to the February 3 ARCP agenda as Schedule Pages 1-24.)

(See Clause 1, Report No. 34, Page No. 16)
REPORT NO. 32 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

Report No. 32

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.

February 1, 2010

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

1. Request that Staff Consider the Accessibility, Conservation, Display and Use of the City Hall Portrait Collection which is a Historical and Cultural Resource

WHEREAS the portrait collection in City Hall has been described as "a very valuable and unique display of early Canadian art"; and,

WHEREAS six of the subjects, namely Thomas Kirkpatrick, Dr James Sampson, John Counter, Overton Gildersleeve, John Creighton and John Gaskin are themselves subject of an entry in the Dictionary of Canadian Biography (DCB); and,

WHEREAS the artist of many of the portraits, William Sawyer, is also the subject of a DCB entry; and,

WHEREAS this important historical and cultural resource is largely ignored;

THEREFORE BE IT RESOLVED THAT the Kingston Municipal Heritage Committee request that staff be directed:

1. To improve public accessibility to the collection in short term with such steps as:
   a) relocating portraits of important subjects currently hidden from public view to places where they can be more easily seen; and,
   b) preparing labels for the portraits that describe the importance of both the subject and the artist; and,
   c) providing the DCB entries to the City Hall tour guides; and,

2. To report not later than April to both the Arts Advisory Committee and the Municipal Heritage Committee on longer term steps that need to be approved for the conservation of the collection, its better display, and appropriate use as an historical and cultural resource of the City of Kingston.

2. Approval of an Application for the Restoration of a Bronze Plated Lion Statue at 1 King Street East also known as Newlands Pavilion in Macdonald Park

THAT Application P18-172-010-2010 for a property located at 1 King Street East also known as Newlands Pavilion in Macdonald Park requesting approval for restoration of a bronze plated lion statue at Macdonald Park BE APPROVED in accordance with details described within a submission filed January 4, 2010, and deemed complete by the Planning and Development Department January 11, 2010;

- and further –
REPORT NO. 32 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

THAT in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Culture (416-314-7123) and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted;

- and further -

THAT in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Culture (416-314-7123), and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted;

- and further -

THAT the Kingston Municipal Heritage Committee request that Mr. John Duerkop work with staff to review the wording of the plaque.

3. Approval of an Application for Construction Access and Temporary Removal of the Stone Fence at 70 and 72 Barrie Street for a Construction Project at 18 Stuart Street also known as Botterell Hall

THAT Application P18-059-009-2010 for a property located at 70 and 72 Barrie Street requesting approval for the creation of a temporary construction access and temporary removal of the stone fence in order to facilitate construction project at Botterell Hall BE APPROVED in accordance with details described within a submission filed December 23, 2009 and deemed complete by the Planning and Development Department January 11, 2010;

- and further -

THAT care be taken in the dismantling of the cast iron and stone fence, that the stone fence be recorded and the stones numbered and photographed in order to reinstate it in its original form on proper footings with a record provided to the Committee, and that the stone be protected while the other work is underway;

- and further -

THAT in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Culture (416-314-7123) and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted;

- and further -

THAT in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Culture (416-314-7123), and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted;

- and further -

THAT proper permit/permission, if required to access the site from this location, be obtained by contacting Brad Morton at 613-546-4291 Ext. 3147 or bmorton@cityofkingston.ca;

- and further -

THAT ownership of the property used for access be confirmed that it is that of the applicant, and otherwise permission should be granted/confirmed by the owner of 70 and 72 Barrie Street.
REPORTS (CONTINUED)

REPORT NO. 32 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

4. Final Approval for a Heritage Property Grant for the Costs of Work to be Done for the Replacement of Soffit Fascia, Dormer Windows, Scaffolding, and Painting at 112 Montreal Street

WHEREAS the owner of 112 Montreal Street has requested final approval for Heritage Grant Application HG-01-2009; and,

WHEREAS as per the requirements as per By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program', a site visit to review the completed works was completed;

THEREFORE BE IT RECOMMENDED THAT Heritage Property Grant HG-01-2009 for 112 Montreal Street BE APPROVED for the replacement of soffit fascia, dormer windows, scaffolding, and painting;

- and further -

THAT staff be authorized to issue a cheque for $2000.00 as per the process outlined in By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program'.

5. Formal Denial of Heritage Property Grant Application for the Costs of Work to be Done at 212 King Street East

WHEREAS Application HG-23-2006 for a property located at 212 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; and,

WHEREAS the new current owners of the property requested formal withdrawal of this application on May 15, 2009, and provisional approval was received from Council on June 16, 2009, for a new grant (HG-011-2009);

THEREFORE IT IS RECOMMENDED THAT Council deem application HG-23-2006 to be withdrawn and that application HG-23-2006 be formally denied, thereby releasing the provisional allocation of the associated funds and returning the funds to the Heritage Reserve Fund.
REPORT NO. 33 OF THE MUNICIPAL ACCESSIBILITY ADVISORY COMMITTEE

Report No. 33

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

February 4, 2010

1. WHEREAS the City of Kingston Council has established a Municipal Accessibility Advisory Committee (MAAC) as required by the Ontarians with Disabilities Act, 2001 (ODA); and,

WHEREAS Council has the authority to authorize the creation of Sub-Committees as outlined in the “How to Guide to Establish a Municipal Accessibility Advisory Committee under the ODA” to address its mandated responsibilities;

THEREFORE BE IT RESOLVED THAT Council approve the creation of three Sub-Committees to explore specific issues, the Sub-Committees being:

I. “Built Environment” (to include Parks and Trails and Site Plan Review) with a minimum of 6 committee members to a maximum of 7 members;

II. “Communications and Employment” (to include customer service) with a minimum of 4 committee members to a maximum of 7 members;

III. “Transportation” with a minimum of 4 committee members to a maximum of 7 members;

- and further -

THAT the three Sub-Committee mandates be provided to Council for approval prior to their implementation.
REPORT NO. 34 OF THE MEMORIAL CENTRE REVITALIZATION ADVISORY COMMITTEE

Note: The following item appeared as Clause 1 of Report No. 17 of the Memorial Centre Revitalization Advisory Committee at the meeting held on January 5, 2010, and was deferred until such time that staff presented its arenas report back to Council. (See Clause 5 of Report No. 31, Page No. 10).

Report No. 34

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

December 14, 2009

1. **Memorial Centre Ice Pad**

   WHEREAS the ice pad at the Cook Brothers Arena has been decommissioned in 2008; and

   WHEREAS the Memorial Centre Concept Plan is currently being implemented; and

   WHEREAS improvements to the ice pad equipment at the Memorial Centre, including the replacement of a condenser, has recently occurred;

   THEREFORE BE IT RESOLVED THAT the ice pad at the Memorial Centre be retained for public use.
INFORMATION REPORTS

(1) **Status Update on Council Priorities for the 4th Quarter of 2009**

This report is provided to Council as a report card on progress of Council’s established priorities, specific initiatives, major projects and assignments from standing committees.

(The Report of the Chief Administrative Officer (10-044) is attached as Schedule Pages 145-155)

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

(2) **Third Crossing of the Cataraqui River Environmental Assessment Update**

The purpose of this report is to provide Council with an update on the progress of the Third Crossing of the Cataraqui River Environmental Assessment (EA).

(The Report of the Commissioner of Corporate Services (10-067) is attached as Schedule Pages 156-163)

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

MISCELLANEOUS BUSINESS

Motions of Council are required:

(1) **THAT**, at the request of Best Buddies Canada, Council proclaim March 2010 as “Best Buddies Month” in the City of Kingston.

(See Communication No. 07-112)

(2) **THAT** Council appoint two Councillors and Brian McCurdy, Cultural Director, to sit on the Operating Grants Review Committee and two Councillors and Brian McCurdy, Cultural Director, to sit on the Project Grants Review Committee for the 2010 City of Kingston Arts Fund.

(See Clause 3, Report No. 31, Page No. 9)

MOTIONS

(1) Moved by Councillor Schmolka
Seconded by Councillor Matheson

WHEREAS some users of Kingston’s fenced leash-free dog parks have expressed concerns for the safety of young children who have accompanied an adult and their dog into the dog park; and,

WHEREAS there is a possibility that a dog chasing another dog or a ball could knock over a young child or a stroller with a child in it, or a few dogs playing could see a child as an object of play or prey; and,

WHEREAS rules in some other cities -- Fredericton, for example -- prohibit children from being in dog parks;

THEREFORE BE IT RESOLVED THAT Legal Services be asked to review the rules with respect to children under 12 in other cities with small (1.5 hectare) fenced-in dog parks and re-consider the application of human rights legislation to dog parks, and report back to the Arts, Recreation and Community Policies Committee, after consultation with the Dog Park Committee, by May, 2010, with advice on the possibility of the City of Kingston prohibiting children from being inside the fenced area of a small dog park.
(2) Moved by Councillor Foster
Seconded by Councillor Schmolka

WHEREAS an increasing number of residents are commuting to work by bicycle for their health and for the environment; and,

WHEREAS more residents commented on the safety concerns of cycling on the LaSalle Causeway than on any other location or topic in the Step Up report by the Kingston Coalition for Active Transportation (KCAT), published in May 2009; and,

WHEREAS the extensive paved shoulders (interpreted by many to be bicycle lanes) in Pittsburgh encourage all City residents to cycle recreationally, the causeway is a problem for cyclists going in both directions and flags a wider safety issue; and,

WHEREAS the lack of a cycle lane on the causeway means that cyclists need to take a stance in their lane similar to that of a motorcyclist; and,

WHEREAS this necessary lane position for cyclists is not well understood by motorists or cyclists and instead of motorists slowing down behind the cyclist and allowing them to go ahead, motorists attempt to overtake the cyclist and force them to squeeze to the right which places the cyclist in danger; and,

WHEREAS City staff have communicated this safety problem to officials responsible for the LaSalle Causeway at Transport Canada requesting that signs be placed on federal property, but have had no resolve; and,

WHEREAS the Board of Health in their concern for health and safety has written to Transport Canada with a similar request and has received no reply; and,

WHEREAS the time of year is approaching when more cyclists are on the road and so action needs to be taken;

THEREFORE BE IT RESOLVED THAT staff investigate suitable locations where road signs can be placed on City property on the east and west approaches to the LaSalle Causeway;

- and further -

THAT road signs be erected according to, or similar to the recommendation made by the Kingston Coalition for Active Transportation (KCAT):

- That the signs be diamond-shaped with a yellow background;
- That the signs have a diagram of a bicycle in front of a car;
- That underneath in a rectangle the message should read:
  Cyclists:    Ride in centre of lane
  Motorists: Yield to cyclists

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 06-2010, held Tuesday, February 2, 2010 be confirmed.
(Distributed to all Members of Council on Friday, February 12, 2010)
TABLING OF DOCUMENTS

2010-18  Cataraqui Region Conservation Authority  
Flyer/Advertisement – Talk on 10th Anniversary of Walkerton Tragedy – February 11  
(File No. CSU-D03-000-2010)

2010-19  Association of Municipalities of Ontario  
Newsletter - Weekly Watch File – January 28, 2010  
(File No. CSU-A01-004-2010)

2010-20  Cataraqui Region Conservation Authority  
Agenda – Cataraqui Source Protection Committee – February 11, 2010  
(File No. CSU-D03-000-2010)

COMMUNICATIONS
That Council consent to the disposition of Communications in the following manner:

Filed

07-090  From the County of Simcoe, acknowledging receipt of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.  
(File No. CSU-F00-000-2010)

07-091  From the Town of Ajax, acknowledging receipt of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.  
(File No. CSU-F00-000-2010)

07-092  From the City of Peterborough, advising of their endorsement of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.  
(File No. CSU-F00-000-2010)

07-093  From the Corporation of the County of Perth, acknowledging receipt of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.  
(File No. CSU-F00-000-2010)

07-094  From MMM Group Limited, providing information regarding the proposed improvements to the Highway 401/Division Street Interchange.  
(File No. CSU-T04-000-2010)  
(Distributed to all Members of Council on February 2, 2010)
COMMUNICATIONS (CONTINUED)

07-096 From the Greater Kingston Chamber of Commerce, thanking the City for its ongoing support and providing information regarding its services.
(File No. CSU-A01-000-2010)

07-097 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 62 Dalgleish Avenue, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

CONSENT – In respect of an application for consent to sever the property at 1387 Sunnyside Road, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

CONSENT – In respect of an application for consent to sever the property at 3025 Highway 38, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

CONSENT – In respect of an application for consent to sever the property at 306-312 Mack Street, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 8499 for the property at 306 Mack Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

CONSENT – In respect of an application for consent to sever the property at 78 Regent Street, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 8499 for the property at 306 Mack Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 76-26 for the property at 2001 Swanfield Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is February 16, 2010.

CONSENT – In respect of an application for consent to sever the property at 271 Main Street, Barriefield, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 22, 2010.

CONSENT – In respect of an application for consent to sever the property at 77 Alwington Avenue, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 22, 2010.

CONSENT – In respect of an application for consent to sever the property at 73 Alwington Avenue, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is February 22, 2010.
(File No. CSU-D19-000-2010)

07-100 From the Town of Caledon, acknowledging receipt of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.
(File No. CSU-F00-000-2010)
**COMMUNICATIONS (CONTINUED)**

<table>
<thead>
<tr>
<th>No.</th>
<th>From</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>07-101</td>
<td>From the City of Hamilton, advising of their endorsement of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.</td>
<td>(File No. CSU-F00-000-2010)</td>
</tr>
<tr>
<td>07-103</td>
<td>From the Rideau Heritage Route Tourism Association (RHRTA), providing information regarding the new Ontario tourism regions, how these regions affect the Rideau Heritage Route, and how the RHRTA will deal with the changes.</td>
<td>(File No. CSU-D06-000-2010)</td>
</tr>
<tr>
<td>07-105</td>
<td>From the Regional Municipality of York, acknowledging receipt of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.</td>
<td>(File No. CSU-F00-000-2010)</td>
</tr>
<tr>
<td>07-106</td>
<td>From the City of Brantford, acknowledging receipt of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.</td>
<td>(File No. CSU-F00-000-2010)</td>
</tr>
<tr>
<td>07-107</td>
<td>From the County of Hastings, advising of their endorsement of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.</td>
<td>(File No. CSU-F00-000-2010)</td>
</tr>
<tr>
<td>07-109</td>
<td>From the Ontario Ministry of Natural Resources, providing the Peterborough District Emergency Response Overview, outlining the objectives as well as the resources that are available.</td>
<td>(File No. CSU-P03-000-2010)</td>
</tr>
<tr>
<td>07-110</td>
<td>From the Corporation of the County of Grey, advising of their endorsement of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.</td>
<td>(File No. CSU-F00-000-2010)</td>
</tr>
<tr>
<td>07-111</td>
<td>From the Barriefield Arms, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 760 Highway 15, Units 7 and 8.</td>
<td>(File No. CSU-P09-000-2010)</td>
</tr>
<tr>
<td>07-113</td>
<td>From the County of Bruce, acknowledging receipt of Council’s resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.</td>
<td>(File No. CSU-F00-000-2010)</td>
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<td>07-114</td>
<td>From the Honourable Jim Watson, MPP, advising of his resignation as Ontario Minister of Municipal Affairs and Housing.</td>
<td>(File No. CSU-A16-000-2010)</td>
</tr>
<tr>
<td>07-115</td>
<td>From the Ontario Ministry of Transportation, providing information regarding suggestions to changes to road names on signs along Highway 401.</td>
<td>(File No. CSU-D20-000-2010)</td>
</tr>
<tr>
<td>07-095</td>
<td>From the Frank Cowan Company, providing information regarding their reception at the OGRA/ROMA Conference in Toronto on February 21.</td>
<td>(File No. CSU-A04-000-2010)</td>
</tr>
<tr>
<td>07-102</td>
<td>From the Ministry of Municipal Affairs and Housing, advising that nominations are now open for the 2010 Long-standing Service Program, which recognizes elected officials in municipalities who have served 25 years or more.</td>
<td>(File No. CSU-C00-000-2010)</td>
</tr>
<tr>
<td>07-104</td>
<td>From the Cataraqui Region Conservation Authority (CRCA), asking that Council consider passing a resolution to accept the new delineations of the Wellhead Protection Area-B (2-year time of travel) around the Cana well supply as eligible areas for grants under the Ontario Drinking Water Stewardship Program (ODWSP) – Early Actions.</td>
<td>(File No. CSU-D03-000-2010)</td>
</tr>
<tr>
<td>07-108</td>
<td>From the Township of Front of Yonge, asking for Council's support of a resolution requesting that the Ministry of Natural Resources provide a solution and/or financial assistance with the coyote problem and that the Ministry of Agriculture adopt and implement the recommendations of the Ontario Federation of Agriculture’s predator task team, to assist farmers in the control of problem coyotes.</td>
<td>(File No. CSU-C10-000-2010, CSU-P14-000-2010)</td>
</tr>
<tr>
<td>07-112</td>
<td>From Best Buddies Canada, asking that Council proclaim March 2010 as “Best Buddies Month” in the City of Kingston.</td>
<td>(File No. CSU-M10-000-2010)</td>
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<td></td>
<td>(See Miscellaneous Business Item No. 1)</td>
<td>(Distributed to all Members of Council on February 12, 2010)</td>
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<td></td>
<td>Referred to the City Clerk</td>
<td></td>
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<tr>
<td>07-098</td>
<td>From the Kidney Foundation of Canada, Kingston Chapter, asking that Council proclaim March, 2010, as “Kidney Health Month” in the City of Kingston.</td>
<td>(File No. CSU-M10-000-2010)</td>
</tr>
</tbody>
</table>
COMMUNICATIONS (CONTINUED)

07-099 From Easter Seals Ontario, Kingston and Area, asking that council proclaim March, 2010, as “Easter Seals Month” in the City of Kingston.
(File No. CSU-M10-000-2010)

BY-LAWS

(A) THAT By-Laws (1) through (3) be given their first and second reading.

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

(C) THAT By-Laws (2) through (9) be given their third reading.

(1) A By-Law To Authorize The Temporary Closing Of A Portion Of Market Street From Ontario Street To Mid-Block, On Wednesday, March 17, 2010, From 7:00 A.M. Until 7:00 A.M. Thursday, March 18, 2010 (Community Purposes – St. Patrick’s Day Celebration)
FIRST AND SECOND READINGS
(See Clause (c), Report No. 29)

(2) 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” (to replace Schedule A)
THREE READINGS
(See Clause (b), Report No. 29)

(3) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, February 16, 2010
THREE READINGS
(City Council Meeting No. 07-2010)

(4) A By-Law To Stop Up And Close The Portion Of Highway Described As The Road Allowance Between Concessions 3 And 4, Part Of Lots 11 And 12, Former Township Of Kingston, More Particularly Described As Part 1 On Draft Reference Plan 13R-
THIRD READING
(See Clause (d), Report No. 7)

(5) A By-Law To Stop Up And Close The Portion Of Highway Described As The Road Allowance Between Mile Square Lot And Lot 1, Concession 2, Lying Between Bath Road And The Waters Of Collins Bay, More Particularly Defined As The Portion Of Road Allowance Within The Property Known As 4080 Bath Road
THIRD READING
(See Clause (k), Report No. 7)
(6) A By-Law To Amend By-Law No. 24, “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” (amend parking restrictions on King Street East)
THIRD READING
(See Clause (a), Report No. 26)
PROPOSED NO. 2010-38

(7) A By-Law To Amend By-Law No. 24, “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” (amend parking restrictions on Weller Avenue)
THIRD READING
(See Clause (b), Report No. 26)
PROPOSED NO. 2010-39

(8) A By-Law To Amend By-Law No. 24, “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” (amend parking restrictions on Vandalay Crescent and Quebec Street)
THIRD READING
(See Clause (c), Report No. 26)
PROPOSED NO. 2010-40

(9) A By-Law To Amend By-Law No. 24, “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” (amend parking restrictions on Yonge Street)
THIRD READING
(See Clause (e), Report No. 26)
PROPOSED NO. 2010-41

ADJOURNMENT