CITY COUNCIL MEETING NO. 22-2010

Tuesday, October 5, 2010 at 7:00 pm in the Council Chamber at City Hall.
Council will resolve into the Committee of the Whole “Closed Meeting” and will reconvene as regular Council at 7:30 pm.

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CALL MEETING TO ORDER

ROLL CALL

THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

(1) THAT Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following item:
   (a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality and advice that is subject to solicitor-client privilege – Ontario Municipal Board Appeal – 234 & 236 Albert Street.

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

APPROVAL OF ADDEDs

DISCLOSURE OF POTENTIAL PECUNIARY INTEREST

PRESENTATIONS

(1) Mayor Rosen will make a presentation to Mr. Shai Dubey, Chairman of the Board of Directors of the Kingston Economic Development Corporation (KEDCO), to recognize Mr. Dubey’s 4 years as Chairman.

DELEGATIONS

(1) Pastor Richard Hamilton, of the Polson Park Free Methodist Church, will speak to Council regarding the motion concerning the West 49 Lyon Skate Park.
   (See Motion No. (1), Page No. 16)

(2) Mr. Bill Galt will speak to Council regarding the motion concerning the West 49 Lyon Skate Park.
   (See Motion No. (1), Page No. 16)
BRIEFINGS

(1) Mr. Gerard Hunt, Chief Administrative Officer, as requested by Council at the meeting held on September 21, 2010, will provide Council with a preliminary report with regards to what Correctional Service of Canada has planned for the farms and farmland at both the Collins Bay Penitentiary/Frontenac Institution and the Joyceville Penitentiary/Pittsburgh Institution, as well as the plans for the abattoir.

PETITIONS

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

Motions of Congratulations, Recognition, 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 Schmolka

THAT the congratulations of Kingston City Council be extended to Marjorie Bennett, a long-time Kingston resident, on the occasion of her 100th birthday, to be celebrated on October 6, 2010.

Motions of Condolence

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

THAT the deep and sincere condolences of Kingston City Council be extended to the Lowther family on the loss of their children and grandchildren, Kaitlyn and Amy, in a tragic accident on Kingston Mills Road.

Motions of Speedy Recovery

(1) Moved by Councillor Hector
Seconded by Councillor Glover

THAT the best wishes of Kingston City Council be extended to Linda Wood, Chair of the Kingston and Frontenac Housing Corporation, for a very speedy recovery.

DEFERRED MOTIONS
REPORTS

REPORT NO. 133 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 133

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) Request for Relief to Sign By-Law No. 2009-190 for a Ground Sign at 1021 Woodbine Road (Westside Fellowship Christian Reformed Church)

THAT Westside Fellowship Christian Reformed Church at 1021 Woodbine Road be granted an exemption to the Sign By-Law No. 2009-140, Schedule “G1” item (1), to reduce the normal 3m setback to permit a new sign with a setback of 0.5m from the property line at the street.

(The Report of the Acting Commissioner of Community Services (10-242) is attached as Schedule Pages 1-7)

(File No. CSU-T07-000-2010)

(b) Parking By-Law Revisions (Time Sensitive)

THAT a by-law be presented to Council and given three readings to amend By-Law No. 2010-128, “A By-Law To Regulate Parking”, to approve the revisions as contained in Report No. 10-294.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-294) is attached as Schedule Pages 8-14)

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

(See By-Law No. (1), 2010-202)

(c) Award of RFP for Surface Parking Lot Repairs to Kiley Paving Limited (Time Sensitive)

THAT Council authorize the Mayor and the City Clerk to execute an agreement, in a form satisfactory to the Director of Legal Services, with Kiley Paving Limited for an amount of up to $126,415, which includes contingencies of $12,000, plus applicable taxes for miscellaneous repairs to surface parking lots.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-296) is attached as Schedule Pages 15-16)

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

(d) Endorsement of the 2008-2009 Annual Progress Report for the Ravensview Wastewater Treatment Plant Upgrades

THAT Council endorse the 2008-2009 Annual Progress Report and the Final Report for the Ravensview Wastewater Treatment Plant for submission under the Canada Strategic Infrastructure Fund (CSIF).

(The Report of the President and CEO of Utilities Kingston (10-297) is attached as Schedule Pages 17-18)

(File No. CSU-E03-000-2010)
REPORT NO. 133 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(e) Scotties Tournament of Hearts National Women's Championship Partnership - Update

THAT Council provide staff with the authority to submit a bid for the 2013 Scotties Tournament of Hearts National Women's Championship event should the City not be successful in hosting the 2012 Scotties Tournament of Hearts National Women's Championship event.

(The Report of the Commissioner of Sustainability and Growth (10-301) is attached as Schedule Pages 19-22)

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

REPORT NO. 134 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

Report No. 134

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) Application for Noise Exemption for The Beer Store, 121 Cataraqui Street

THAT The Beer Store be granted an exemption to Schedule B of By-Law No. 2004-52, “A By-Law To Regulate Noise”, to permit operations between 7:00 p.m. and 9:00 p.m. Monday to Friday but not on any Statutory Holiday at its 121 Cataraqui Street location for a maximum of 36 weekdays per 12 month calendar year, with no more than 6 weekday exemptions per calendar month;

- and further -

THAT The Beer Store will notify the City Manager, Licensing and Enforcement, of each exemption occurrence as it occurs;

- and further -

THAT staff report back to Council in October of 2011 advising of the number and frequency of occurrences that were utilized over the 12 month period and of any impacts the exemption may have had on the neighbourhood.

(The Report of the Acting Commissioner of Community Services (10-289) is attached as Schedule Pages 23-34)

(File No. CSU-P01-002-2010)

(2) Financial Disclosure Requirements – Ontario Regulation 284/09 (Time Sensitive)

THAT Council approve and adopt Report No. 10-293 addressing the financial disclosure requirements as outlined in Ontario Regulation 284/09 with respect to expense amounts excluded from the 2010 municipal operating budget.

(The Report of the City Treasurer (10-293) is attached as Schedule Pages 35-38)

(File No. CSU-F05-000-2010)
REPORT NO. 135 OF THE PLANNING COMMITTEE

Report No. 135

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.

September 16, 2010

1. **Application for Zoning By-Law Amendment for the Property Located at 105 Colborne Street**

   **THAT** the Application for Zoning By-Law Amendment (Our File No. D14-189-2010) submitted by Brian Matthey for the property municipally known as 105 Colborne Street, **BE APPROVED**.

   **AND BE IT FURTHER RESOLVED THAT** the former City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

   That Zone Map No. 19 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘A’ to ‘A.396’ as shown on Schedule ‘A’ attached hereto and forming part of By-Law No. 2010-203.

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

   “396. **105 Colborne Street**

   Notwithstanding the provisions of Section 5.23 or Section 6 hereof to the contrary, the lands zoned ‘A.396’ on Schedule ‘A’ hereto, the following regulations shall apply:

   1. The minimum lot area for a two family dwelling shall be 560 square metres.
   2. The permitted two family dwelling may contain a maximum of 210 square metres of gross floor area. For the purposes of this section the area contained in the basement is excluded from the gross floor area calculation.
   3. The total number of bedrooms shall not exceed 6 bedrooms for the entire property.
   4. The maximum area of the back yard that may be used for uncovered vehicle parking shall be limited to 40 square metres.”

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

   (See By-Law No. (2), 2010-203)

   (Note: A copy of the draft by-law is attached as Schedule Pages 39-41)

2. **Provincial Policy Statement, 2005 (PPS) Review**

   **THAT** Staff Report No. PC-10-076 regarding the Provincial Policy Statement, 2005 (PPS) Review be received and the comments endorsed;

   **AND FURTHER THAT** this report and the attached comments to the report as Exhibit ‘A’, dated August 10, 2010, be forwarded to the Ministry of Municipal Affairs and Housing as the City of Kingston comments on the Provincial Policy Statement Review.
REPORTS (CONTINUED)
REPORT NO. 135 OF THE PLANNING COMMITTEE

AND FURTHER THAT in addition to the comments outlined in the letter dated August 10, 2010, the City of Kingston offers the following additional comments for consideration in the review of the Provincial Policy Statement:

(a) green energy systems should not be placed anywhere that conflicts with the Provincial Policy Statement without a public process and environmental assessment, noting particularly the policies with respect to prime agricultural lands, cultural heritage landscapes, and natural heritage systems;

(b) the Provincial Policy Statement recognize the value of urban agriculture and create enabling language to allow urban agriculture as a principle;

(c) the Provincial Policy Statement should include a definition of the “ribbon of life” and a requirement that this area not be available for development except for reasons set out in the Provincial Policy Statement;

(d) the definition of “negative impacts” be rewritten to define more specifically when development would not have a negative impact on water systems, significant woodlands, natural heritage features, wildlife habitat, etc.;

(e) the Provincial Policy Statement recognize the value of connecting areas of significant wetlands, wildlife habitat, etc. by preserving natural corridors;

(f) the Provincial Policy Statement address transportation matters, identifying the importance of supporting active transportation and recognizing that in urban areas a pedestrian first approach is good planning.

3. Williamsville Main Street Study – Terms of Reference

THAT the Terms of Reference for the Williamsville Main Street Study be received and endorsed;

AND FURTHER THAT staff issue the Request for Proposals for the Williamsville Main Street Study.

(Note: A copy of the Terms of Reference is attached as Schedule Pages 42-49)

4. Approval of an Application for a Zoning By-Law Amendment for the Property Located at 631 Fortune Crescent

THAT the application for Zoning By-Law Amendment (Our File No. D14-185-2010) submitted by FoTenn Consultants Inc., on behalf of Four Corners Development, for the property municipally known as 631 Fortune Crescent, BE APPROVED;

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

1.1. Map 3 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘M6-2’ to ‘BP-3’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-204.

1.2. By Adding a new Section 30A subsection (3)(c) thereto as follows:

“(c) ‘BP-3’, 631 Fortune Crescent

Notwithstanding the provisions of Section 5 and 30A hereof to the contrary, the lands designated ‘BP-3’ on Schedule ‘A’ hereto, the following regulations shall apply:

i) Uses Permitted:
   a) Residential uses are prohibited
   b) Non-Residential Uses:
REPORTS (CONTINUED)

REPORT NO. 135 OF THE PLANNING COMMITTEE

Permitted within 90 Metres of Gardiners Road
- One bank or financial institution
- Clinic
- Service Shop, Personal

Restricted to Eastern Portion of Property (beyond 90 metres setback from Gardiners Road)
- Assembly Plant
- Bakery – manufacturing scale
- Manufacturing Plant
- Packaging Plant
- Processing Plant
- Warehouse
- Wholesale Establishment

Uses Permitted on Entire Site
- Business Office
- Professional Office
- Restaurant and Patio
- Restaurant, Freestanding
- Restaurant, Take-Out
- Commercial School
- Dry Cleaning and Related Services
- Data Processing and Related Services
- Film or Recording Studio
- Laboratory
- Printing Establishment
- Club, Private
- Club, Commercial
- Public Use
- Research and Development Facility
- Technical Training Facility
- Veterinary Clinic

c) Retail Type Uses:
1. Uses such as restaurants, banks, clinics and personal service shops shall be limited to a combined maximum gross floor area of 2,322 square metres;
2. Maximum number of freestanding restaurants is two (2).
d) Accessory Uses:
1. Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;
2. Accessory retail uses associated with the sale of products assembled and manufactured on the site and any permitted non-residential use shall be restricted to a maximum 25% of the built gross floor area for any single tenant or business.
REPORTS (CONTINUED)

REPORT NO. 135 OF THE PLANNING COMMITTEE

ii) Open Storage:
Open storage use shall be located beyond the 90 metre setback from Gardiners Road and located in accordance with the following provisions:
1. Every open storage use shall be accessory to the main use of the lot.
2. Every open storage use shall comply with the yard setback provisions established herein in Section 30A(3)b(v-viii);
3. Notwithstanding paragraph (2) above, no open storage shall be located in a front yard or exterior side yard;
4. Every open storage use shall be enclosed by a wall or fence which is not less than 1.8 metres in height, which is constructed of uniform materials, which is maintained in good condition and which is not located within any required yard. Where such open storage use is to be situated in a location such that it will be visible from a public street, the portion of such open storage use which would otherwise be visible from the public street shall be appropriately screened from view by a buffering device of suitable composition and height.

iii) Lot Area (minimum) 550 square metres;
iv) Frontage (minimum) 25.0 metres;
v) Front Yard Depth (minimum) 3.0 metres;
vi) Exterior Side Yard Width (minimum) 3.0 metres;
vii) Interior Side Yard Width (minimum) 0.0 metres;
viii) Rear Yard Depth (minimum) 3.0 metres;
ix) Lot Coverage (maximum) 30%;
x) Landscape Open Space (minimum)
   • 20% within 90 metres of Gardiners Road
   • 10% beyond 90 metres of Gardiners Road;
xii) Building Height (maximum) 21 metres;
xiii) Notwithstanding any provisions to the contrary the parking ratio shall be 3.4 spaces per 100 square metres of gross floor area;
xiv) All loading spaces shall be appropriately screened with uniform building materials and maintained;
xv) Notwithstanding any provisions to the contrary all parcels shall be considered a single parcel for the purpose of interpretation of the ‘BP-3’ Zone.”

AND THAT the amending by-law be presented to City Council for all three readings.
(See By-Law No. (3), 2010-204)
(Note: A copy of the draft by-law is attached as Schedule Pages 50-53)

5. **Proposed Motion Regarding Cash In Lieu of Parking**

**THAT** the Chief Administrative Officer be directed to ensure that a review of cash in lieu of parking be brought forward to the appropriate Committee by the Third Quarter, 2011.
REPORTS (CONTINUED)
REPORT NO. 136 OF THE ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE

Report No. 136

To the Mayor and Members of Council:
The Environment, Infrastructure and Transportation 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.

September 14, 2010

1. **Kingston Transit – Introduction of Express Routes**
   
   THAT the introduction of express routes by September 2012 be considered as part of the upcoming 2011 capital and operating budget deliberations;
   
   - and further -

   THAT no extra fare be charged for the express routes.
   
   (Note: Report No. EITP-10-030 was distributed with the agenda for the EITP meeting on September 14.)

2. **Sewage Infrastructure Master Plan for the City of Kingston Urban Area and Pollution Control Plan for the City of Kingston**
   
   THAT Council approve the recommendations of the Pollution Control Plan Update for the City of Kingston dated July 2010, as noted in Appendix A of Report No. EITP-10-032, (Sewage Infrastructure Master Plan for the City of Kingston Urban Area), starting at page 5 under Combined Sewer Requirements;
   
   - and further -

   THAT staff be directed to begin the process of implementing objectives of the report.
   
   (Note: Report No. EITP-10-032 is attached as Schedule Pages 54-62)
REPORT NO. 137 OF THE FOCUS KINGSTON STEERING COMMITTEE

Report No. 137

To the Mayor and Members of Council:
The FOCUS Kingston Steering 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.

September 16, 2010

(1A) STAFF BRIEFING - Mr. Paul MacLatchy, Director of Strategy, Environment and Communications, will speak to Council regarding the Sustainable Kingston Plan.

1. Sustainable Kingston - Community Governance and Implementation

THAT staff determine Governance and Implementation of the Sustainable Kingston Plan, as per the process outlined in Report No. FKSC-10-002, Sustainable Kingston – Community Governance and Implementation;

- and further -

THAT staff be instructed to gauge the interest and ability of existing community organizations to implement the Sustainable Kingston Plan through the issuance of a Request for Expressions of Interest (RFI);

- and further -

THAT staff report back to the FOCUS Kingston Steering Committee with the results as soon as practical.


WHEREAS at the Council meeting of May 27, 2010, the Sustainable Kingston Plan was accepted as Kingston's first integrated community sustainability plan; and,

WHEREAS Council directed that FOCUS Kingston reconsider the Theme EC2: Community Economic Development with a view to broadening the definition of Community Economic Development to include co-operative, community and not-for-profit businesses and organizations; and,

WHEREAS at the FOCUS Kingston meeting held on September 16, 2010, the Committee considered the request;

THEREFORE BE IT RESOLVED THAT no action be taken on amending the Sustainable Kingston Plan, because co-operative, community and not-for-profit businesses and organizations are already included in the Economic Health pillar.
REPORT NO. 138 OF THE AD HOC COMMITTEE TO REVIEW BY-LAW 98-1 COUNCIL PROCEDURAL BY-LAW AND BY-LAW 2004-360 COMPOSITION & TERMS OF REFERENCE FOR COMMITTEES

Report No. 138

To the Mayor and Members of Council:
The Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference For Committees 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, wherupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

September 20, 2010

1. Approval of the New Committee Mandate and Meeting Procedures By-Law
   a) THAT Council approve “A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston”, as shown in the attached Draft By-Law, and that the By-Law receive all Three Readings.
      (Note: Three readings of this by-law is being requested in order to allow staff to prepare the necessary advertising to fill vacancies in 2011.)
      (Note: A copy of the draft by-law will be distributed separately from the agenda.)
   b) THAT Council repeal By-Law No. 2004-360, “A By-Law to Define the Composition and Terms of Reference for Committees Established by the Corporation of the City of Kingston”.
      (See By-Law No. (4), 2010-205, By-Law No. (5), 2010-206)

2. Rural Affairs Advisory Committee
   WHEREAS the concept of Council holding Town Hall Meetings is in the proposed procedural by-law which is to go to Council this spring; and,
   WHEREAS the Rural Affairs Advisory Committee was established since the start of the New City of Kingston so that rural issues were not lost after amalgamation; and,
   WHEREAS over the last number of years many meetings of the Rural Affairs Committee have been cancelled due to a lack of issues concerning the Rural Districts;
   THEREFORE BE IT RESOLVED THAT the Rural Affairs Advisory Committee has completed its mandate given the original intentions for having a Rural Affairs Advisory Committee;
      - and further -
   THAT the Rural Affairs Advisory Committee is no longer needed, instead at least once per calendar year that a Council initiated Town Hall meeting be held in the rural part of the City, once in the West/North part of the rural districts, and alternate years in the East/North part of the rural districts;
      - and further -
   THAT Council convene the first Rural Affairs Town Hall meeting in the spring of 2011;
REPORTS (CONTINUED)

REPORT NO. 138 OF THE AD HOC COMMITTEE TO REVIEW BY-LAW 98-1 COUNCIL PROCEDURAL BY-LAW AND
BY-LAW 2004-360 COMPOSITION & TERMS OF REFERENCE FOR COMMITTEES

- and further -

THAT the Central Pittsburgh Drain Committee report to the Administrative Policies Committee, and the mandate of
the Central Pittsburgh Drain Committee be amended to require that all landowners on the Central Pittsburgh Drain be
invited to serve on the Committee, and that 10 landowners be selected.
INFORMATION REPORTS

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

(The Report of the Deputy Treasurer (10-280) is attached as Schedule Pages 63-70)

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

MISCELLANEOUS BUSINESS

NEW MOTIONS

(1) Moved by Councillor Gerretsen
Seconded by Councillor Matheson

WHEREAS the City of Kingston’s Parks and Recreation Master Plan indicates the West 49 Lyon Skate Park should be relocated as per previous Council directive; and,

WHEREAS the Parks and Recreation Department plans to move equipment from this park to Grenadier Village in October 2010 in accordance with previous budget allocations; and,

WHEREAS Polson Park Free Methodist Church, West 49, Herb and Helen Lyon’s Estate and Catarraqui Rotary Club donated funds to build the skate park in its current location in the Polson Park community; and,

WHEREAS Polson Park Free Methodist Church, West 49, Herb and Helen Lyon’s Estate, Catarraqui Rotary Club, the skate boarding community and a group of concerned citizens believe that the West 49 Lyon Skate Park provides a valuable recreational space for young people in an accessible location and should remain within the Polson Park community; and,

WHEREAS concerns have been expressed by several residents living near the park with regarding to ongoing concerns of noise, vandalism, graffiti and rowdy behaviour particular occurring after dark;

THEREFORE BE IT RESOLVED THAT City Council direct staff to conduct consultations and a public meeting to gather input from all interested parties;

- and further -

THAT staff submit their report on the consultation and recommendations to the Arts, Recreation and Community Policies Committee (ARCP) no later than February 2011;

- and further -
NEW MOTIONS (CONTINUED)

THAT Recreation and Leisure staff leave West 49 Lyon Skate Park intact until the Arts, Recreation and Community Policies Committee (ARCP) has received the staff report with the results of the public meeting and ARCP has made a recommendation to Council on the future of the West 49 Lyon Skate Park.

(2) Moved by Councillor Foster
Seconded by Councillor Smith

WHEREAS the first Chief Administrative Officer for the City of Kingston, approved by City Council, following amalgamation in 1998 was Bert Meunier; and,

WHEREAS, in January 2005, Mr. Meunier passed away in office; and,

WHEREAS, it is appropriate to recognize the professional contributions of this individual for the creation and leadership of the “new” City of Kingston; and,

WHEREAS, Mr. Meunier’s professional background and personal interests included parks and recreation; and,

WHEREAS, there are a number of municipal parks and green spaces currently being developed within our community;

THEREFORE BE IT RESOLVED THAT City Council direct staff to proceed, in accordance with the naming policy, with the naming of a future municipal park, to be dedicated in Mr. Meunier’s memory.

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 21-2010, held Tuesday, September 21, 2010 be confirmed.

(Distributed to all Members of Council on October 1, 2010)

TABLING OF DOCUMENTS

2010-79 KFL&A Public Health
   Agenda – Board Meeting – September 22, 2010
   (File No. CSU-S08-001-2010)

2010-80 Cataraqui Source Protection Authority
   Meeting Agenda – September 22, 2010
   (File No. CSU-D03-000-2010)
TABLING OF DOCUMENTS (CONTINUED)

2010-81  Falun Gong Human Rights Working Group
          Newsletter – September 2010
          (File No. CSU-M04-000-2010)

2010-82  Cataraqui Region Conservation Authority
          Agenda – Full Authority Meeting – September 29, 2010
          (File No. CSU-D03-000-2010)

COMMUNICATIONS

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

Filed

22-427  From Correctional Service Canada, providing information regarding the decision to close the prison farms in the Kingston area.
         (File No. CSU-P00-000-2010)

22-428  From the Department of Justice Canada, acknowledging receipt of Council's resolution concerning the closing of prison farms in the Kingston area.
         (File No. CSU-P00-000-2010)

22-429  From the Regional Municipality of Durham, acknowledging receipt of Council's resolution requesting the provincial government to declare all parallel transit as an essential service.
         (File No. CSU-T03-000-2010)

22-430  From the Regional Municipality of Durham, acknowledging receipt of Council's regarding payments in lieu of taxes.
         (File No. CSU-F22-000-2010)

22-438  From the Committee of Adjustment, a Notice of Decision for the following applications:

MINOR VARIANCE – In respect of an application for minor variances to By-Law No. 8499 for the property at 21 Yonge Street, the Committee decided that the application SHOULD BE DENIED. The final date for appeal is October 18, 2010.

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 8499 for the property at 14 Stephen Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is October 18, 2010.

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 8499 for the property at 76 Livingston Avenue, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is October 18, 2010.
COMMUNICATIONS (CONTINUED)

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 32-74 for the property at 20 King Pitt Road, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is October 18, 2010.

CONSENT – In respect of an application for consent to sever the property at 76-78 Markland Street, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is October 19, 2010.

MINOR VARIANCE – In respect of an application to request relief from By-Law No. 8499 for the property at 78 Markland Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is October 18, 2010.

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

Referred to All Members of Council

22-431 From the Corporation of the County of Huron, asking for Council’s support of a resolution asking that the Ontario Power Authority investigate making domestic content inspections of microFIT projects mandatory and to consider prequalifying Ontario suppliers and providing a list of companies and installers to potential applicants.
(File No. CSU-C10-000-2010)
(Distributed to all Members of Council on October 1, 2010)

22-432 From the Parking Manager of Queen’s University, requesting the approval of Council to appoint Tony Vandenakker as a By-Law Enforcement Officer for the purpose of issuing tickets under By-Law No. 99-166 on the properties of Kingston Collegiate & Vocational Institute and Queen’s University.
(File No. CSU-P01-003-2010)
(See By-Law No. (6), 2010-207)

22-436 From Mr. David R. Hurley, asking that Council waive the rental fee for the Domino Theatre’s use of the Grand Theatre on January 30, 2011, for a one night fundraising event which will help with the transformation of the Harold Harvey Arena into a community theatre.
(File No. CSU-R05-000-2010)
(Distributed to all Members of Council on October 1, 2010)

Referred to the City Clerk

22-433 From the Canadian Diabetes Association, asking that Council proclaim November 2010 as “Diabetes Awareness Month” and November 14, 2010, as “World Diabetes Day” in the City of Kingston.
(File No. CSU-M10-000-2010)

22-435 From the Local Committee of Islamic History Month Canada, asking that Council proclaim October 2010 as “Islamic History Month Canada” in the City of Kingston.
(File No. CSU-M10-000-2010)
COMMUNICATIONS (CONTINUED)

Referred to the Commissioner of Sustainability and Growth

22-434 From Mr. Glen Baker, advising of an appeal of the passing of a zoning by-law for the property located at 326 Alfred Street.  
(File No. CSU-D14-000-2010)

Referred to the President and CEO of Utilities Kingston

22-437 From Union Gas, advising that it has filed an application with the Ontario Energy Board for an order or orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas effective January 1, 2011.  
(File No. CSU-E06-000-2010)

OTHER BUSINESS

BY-LAWS

(A) THAT By-Laws (1) through (7) be given their first and second reading.

(B) THAT Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Laws (1) and (4) through (6) three readings.

(C) THAT By-Laws (1) through (14) be given their third reading.

(1) A By-Law To Amend By-Law No. 2010-128, “A By-Law To Regulate Parking”  
THREE READINGS  
(See Clause (b), Report No. 133)  
PROPOSED NO. 2010-202

(2) 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 ‘A’ Zone to ‘A.396’ Zone, 105 Colborne Street)  
THREE READINGS  
(See Clause 1, Report No. 135)  
PROPOSED NO. 2010-203

(3) A By-Law To Amend By-Law No. 76-26, “A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston” (Zone Change from Special Restricted General Industrial ‘M6-2’ Zone to Special Business Park ‘BP-3’ Zone, 631 Fortune Crescent)  
THREE READINGS  
(See Clause 4, Report No. 135)  
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<td>(4) A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston</td>
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<td>(5) A By-Law To Repeal By-Law No. 2004-360, “A By-Law to Define the Composition and Terms of Reference for Committees Established by the Corporation of the City of Kingston”</td>
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<td>(6) A By-Law To Amend By-Law No. 99-166, “A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board” (Add Tony Vandenakker – Kingston Collegiate &amp; Vocational Institute and Queen’s University)</td>
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<td>(See Communication No. 22-432)</td>
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<td>(7) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, October 5, 2010</td>
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<td>(City Council Meeting No. 22-2010)</td>
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<td>(8) 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”</td>
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<td>(9) A By-Law To Repeal By-Law 2003-406, “A By-Law To Provide For the Arbitration Of Fencing Disputes Between Adjoining Property Owners”</td>
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<td>(10) 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</td>
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<td>(11) 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</td>
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<td>(See Clause (b), Report No. 124)</td>
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<td>PROPOSED NO. 2010-195</td>
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(12) A By-Law To Amend By-Law No. 2002-86, “A By-Law To Establish The Position Of Chief Administrative Officer”
THIRD READING  PROPOSED NO. 2010-196
(See Clause (d), Report No. 124)

(13) A By-Law To Amend By-Law No. 2005-98, “A By-Law To Direct The Orderly Addressing Of Buildings And Properties
And Appropriate Naming Of Roads Within The City Of Kingston”
THIRD READING  PROPOSED NO. 2010-197
(See Clause (3), Report No. 125)

(14) A By-Law To Amend By-Law No. 99-280, “A By-Law To Provide For The Maintenance, Management And Control Of
Pine Grove Cemetery” (change lot fee from $450.00 to $6.00)
THIRD READING  PROPOSED NO. 2010-198
(See Clause 1, Report No. 131)

ADJOURNMENT