CITY COUNCIL MEETING NO. 07-2009

The Regular Meeting of City Council was held on Tuesday, March 3, 2009, and was called to order at 7:00 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 7:05 pm to 7:25 pm in the Councillors’ Lounge.

(Roll Call)

Present: Mayor Rosen, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector (arrived at 7:15), Councillor Hutchison, Councillor MacLeod-Kane (arrived at 7:11), Councillor Matheson, Councillor Meers, Councillor Osanic, Deputy Mayor Schmolka, Councillor Smith (12)

Absent: Councillor Foster (1)

(Committee of the Whole “In Camera”)

(1) Moved by Councillor Hutchison
Seconded by Councillor Glover

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 and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 362 Montreal Street

CARRIED

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(Council Chamber)
REPORT OF THE COMMITTEE OF THE WHOLE “IN CAMERA”

(2) Moved by Councillor Smith
Seconded by Councillor Garrison

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor MacLeod-Kane presented two letters to the Clerk, the first being a letter of resignation to the Deputy Fire Chief Gary Bullock, resigning from her position as a volunteer fire fighter and the second letter being a letter from Deputy Fire Chief, Gary Bullock, acknowledging receipt of her letter of resignation.

Councillor Hutchison declared a pecuniary interest in the matter of Report No. 29, Clause (2) of the Environment, Infrastructure and Transportation Policies Committee in regard to the Toilet Replacement Program as his employer, Kingston Co-operative Homes Incorporated, depending on the details of the program, may be a beneficiary of a Toilet Replacement Program.

Deputy Mayor Schmolka declared a pecuniary interest in the matter of Report 32, Clause (4) of the Nominations Advisory Committee in regard to the appointments to the Lemoine Point – Cataraqui Region Conservation Authority (CRCA) Committee, as she sits on a not-for-profit Board with one of the nominees and that Board has business dealings with another of the nominees for the Lemoine Point Advisory Committee.

PRESENTATIONS
(1) Mayor Rosen presented a Certificate of Appreciation to Les Herr, Chief Executive Officer, The Empire Life Insurance Company and Timo Hytonen, Senior Vice-President, Strategy, Human Resources and Corporate Initiatives, The Empire Life Insurance Company, for their support of the Physician Recruitment Program.

Council consented, on a 2/3 vote, to add Presentation (2) to the agenda.

(2) Mayor Rosen displayed the Lieutenant Governor’s Award for Community Leadership that was awarded to the City Of Kingston by the Honourable David C. Onley, Lieutenant Governor of Ontario, on February 20, 2009. The award recognizes Kingston’s exemplary leadership in heritage conservation and promotion.

Council consented to hear Briefing No. (1) by Jeff Gouveia, Family Physician Recruiter for the Kingston Economic Development Corporation (KEDCO), regarding the update on the Physician Recruitment Program ahead of the delegation by Gil Penalosa.

(See Briefing No. (1))

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DELEGATION

Council consented, on a 2/3 vote, to waive By-Law 98-1 “Council Procedural By-Law” in order to allow Gil Penalosa to speak on active transportation, sustainability, and better community planning.

(1) Gil Penalosa, Executive Director, Walk & Bike for Life, spoke to Council on active transportation, sustainability, and better community planning.

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BRIEFINGS

(1) Jeff Gouveia, Family Physician Recruiter for the Kingston Economic Development Corporation (KEDCO), regarding the update on the Physician Recruitment Program

(2) Brian McCurdy, Cultural Director, and John Johnson, Chair of the Cubafest Committee, briefed Council in regard to Cubafest May 2009.

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PETITIONS

None

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MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to add Motions of Congratulations (2) and Motions of Condolences (2), (3) and (4).
Motions of Congratulations

(1) Moved by Councillor Hector
     Seconded by Councillor Matheson

     **THAT** the congratulations of Kingston City Council be extended to the Betty Bush curling team made up of Joanne Miller, Joanne Manion and Lil Rynbend, from the Royal Kingston Curling Club, for winning the Ontario Curling Association Master Women Provincial Championship in Meaford, Ontario. The Kingston team will represent Ontario at the Canadian Championships in Saskatoon at the end of March.

(2) Moved by Councillor MacLeod-Kane
     Seconded by Deputy Mayor Schмолка

     **THAT** the congratulations of Kingston City Council be extended to Doug Werden, long time employee of the City of Kingston, on the occasion of his recent retirement from his position as a Property Standards Officer.

Motions of Condolence

(1) Moved by Councillor Meers
     Seconded by Councillor Garrison

     **THAT** the sincere condolences of Kingston City Council be extended to the family and friends of the late Brent Edmunds, who passed away February 16, 2009.

(2) Moved by Councillor Meers
     Seconded by Councillor MacLeod-Kane

     **THAT** the condolences of Kingston City Council be extended to Kathy Sands (Rideaucrest), Brian Sands (driver/labourer – Recreation & Leisure Services) and Trish LeGrow (driver/labourer – Public Works) and their family on the death of their brother, Stephen Sands, on February 19, 2009.

(3) Moved by Councillor Meers
     Seconded by Mayor Rosen

     **THAT** the condolences of Kingston City Council be extended to the family and friends of William Jamieson, a long-time former City of Kingston alderman and former member of the Kingston Police Services Board. Mr. Jamieson passed away on Tuesday February 24, 2009.

(4) Moved by Councillor Hutchison
     Seconded by Councillor Osanic

     **THAT** the condolences of Kingston City Council be extended to Angelina Whitney, Parking Operations Coordinator, and her family on the death of her mother-in-law Janet Whitney, February 27, 2009.

CARRIED
REPORTS
Report No. 26 the Chief Administrative Officer (Consent)

Moved by Councillor Meers
Seconded by Deputy Mayor Schmolka

THAT Report No. 26 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to separate Clause (e).

Report No. 26

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) RFP F31-CS-FL-2009-1 16' Rotary Rough Mower

THAT the RFP F31-CS-FL-2009-1 for the purchase of one 16’ rotary rough mower be awarded to Turf Care Products Canada for the purchase price of $76,500 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (09-070) was attached to the agenda as Schedule Pages 1-3) (File No. CSU-F31-000-2009)

(b) RFP F31-CS-FL-2009-02 Multifunctional Dual Traction Sidewalk Tractor

THAT the RFP F31-CS-FL-2008-02 for the purchase of one Multifunctional Dual Traction Sidewalk Tractor be awarded to RPM Tech for the purchase price of $156,740 plus applicable taxes; and

THAT a further amount of $56,360.75 plus applicable taxes be funded from the Equipment Replacement Reserve Fund to supplement the amount of $100,379.25 previously approved in the 2009 capital budget.

(The Report of the Commissioner of Corporate Services (09-078) was attached to the agenda as Schedule Pages 4-8) (File No. CSU-F31-000-2009)
(c) **Issuance of Parking Tickets on Private Property owned by Gilad Parking at 19 Brock Street**

**THAT** a By-Law be presented 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 Local Board”, to appoint various security agency staff contracted by Gilad Parking for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law 99-166 on the property owned by Gilad Parking at 19 Brock Street; and

**THAT** this approval is subject to the applicant entering into an agreement in a form satisfactory to the City Solicitor to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor; and

**THAT** the By-Law receive all three readings.

*(See By-Law No. (7), 2009-46)*

*(The Report of the Commissioner of Community Development Services (09-079) was attached to the agenda as Schedule Pages 9-11)*

*(File No. CSU-P01-003-2009)*

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(d) **Award of RFP F31-PW-SW-2-2009 Household Hazardous Waste Operations**

**THAT** Drain-All be awarded the contract in response to RFP No. F31-PW-SW-2-2009 Supply of Operations Services for the City of Kingston Household Hazardous Waste Facility in the amount of $60,200.00 for one year with two additional one year options; and

**THAT** the agreement be in a form satisfactory to the Legal Services Division; and

**THAT** the Mayor and Clerk be authorized to sign the agreement.

*(The Report of the President and CEO of Utilities Kingston (09-090) was attached to the agenda as Schedule Pages 12-14)*

*(File No. CSU-F31-000-2009)*

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**REPORTS (CONTINUED)**

Report No. 26 the Chief Administrative Officer (Consent)

(e) **Naming Conventions for Utility Facilities**
THAT Council endorse the following naming conventions for utility infrastructure facilities:

a) For plants used to treat water for consumption or for waste water treatment the name used to identify the facility will be based on a geographical reference to the area in which it is located where feasible or will utilize the street name from which access to the facility is achieved; and

b) Waste water facilities will be identified with the suffix “waste water treatment plant” and

   CARRIED AS AMENDED

   facilities used to produce potable water will have the suffix “water treatment plant”; and

   DEFERRED

c) Other facilities used as part of the sanitary collection system will have the suffix “pumping station”; facilities used in the water distribution system will have the suffix “booster station”; and facilities used in the gas distribution system will have the suffix “regulating station”

d) Names used for facilities used in the distribution and collection systems (water, sewer and gas) will be selected on the basis of the street upon which the facility derives its municipal address from; and

e) The following names are approved: Ravensview Waste Water Treatment Plant, Cataraqui Bay Waste Water Treatment Plant, Cana Waste Water Treatment Plant, Point Pleasant Water Treatment Plant, King Street Water Treatment Plant and Cana Water Treatment Plant and City Gate Regulating Station.

   DEFERRED

   (Councillor Smith Opposed)

   (See Motion To Defer Which Was CARRIED)

   (See Motion To Amend Which Was CARRIED)

   (The Report of the President and CEO of Utilities Kingston (09-092) was attached to the agenda as Schedule Pages 15-18)

   (File No. CSU-E03-000-2009)

   Moved by Deputy Mayor Schmolka
   Seconded by Councillor Gerretsen

THAT Clause (e) of Report No. 26 of the Chief Administrative Officer (Consent) be amended by separating out any reference to “water treatment plant” and referring it back to staff for further clarification due to concerns that “waste water treatment plant” and “water treatment plant” may create some confusion.

   CARRIED

   Moved by Councillor Gerretsen
   Seconded by Councillor Hector

THAT Clause (e) of Report No. 26 of the Chief Administrative Officer (Consent) be amended by deleting reference to “sewage treatment plant” and inserting “waste water treatment plant”.

   CARRIED

REPORTS (CONTINUED)

Report No. 26 the Chief Administrative Officer (Consent)

(f) Draft Plan of Subdivision 1135 Maria Avenue (Woodhaven Subdivision)
THAT the application for Draft Plan of Subdivision (File No. D12-036-2008) submitted by Tamarack (Cataraqui West 1) Corporation for the property known municipally as 1135 Maria Avenue be approved, subject to the following conditions:

1. **Approved Draft Plan:**
   That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliott Ltd, dated December 17, 2008 which shows the following:
   - 534 residential lots (Lots 1-456 & 457-535);
   - 9 residential blocks (Blocks 541-545 & 551-554);
   - 2 multiple family residential blocks (536 & 563)
   - 1 block for parkland dedication (Block 540);
   - 6 blocks for environmental protection and Open Space (Blocks 546, 547, 550, 556, 557 & 558);
   - 3 block(s) for stormwater management pond (Blocks 539, 549 & 565);
   - 13 new roadways (Maria Avenue, Crimson Crescent, Lexington Drive, Evergreen Drive, Escala Crescent, Iris Drive, Buckthorn Drive, Wildgrove Way, Boardwalk Drive, Cherry Cove Court, Azalea Way, Street ‘A’ and a portion of the Cataraqui Woods Drive Extension.

2. **Streets and Civic Addressing:**
   (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
   (b) That the Streets within this Plan shall be named to the satisfaction of the Municipality, in consultation with the Planning and Development Department, in accordance with the Municipality’s Civic Addressing and Road Naming By-Law. The proposed street names shall be submitted by the Owner for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings.
   (c) **That Prior to Final Plan Approval**, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the Municipality’s Planning and Development Department, in accordance with the Municipality’s Civic Addressing and Road Naming By-Law.
   (d) That the road allowances within the Plan shall be designed in accordance with the Municipality’s engineering standards and shall be dedicated to the Municipality free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
   (e) **That Prior to Final Plan Approval**, the Owner shall deed to the Municipality all required Block(s) as daylighting triangles.
   (f) That any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 m reserve to be conveyed to the Municipality free of all charges and encumbrances.
   (g) That the Owner shall agree that the location and design of any construction access shall be approved by the Municipality and/or the appropriate authority.

**REPORTS (CONTINUED)**
Report No. 26 the Chief Administrative Officer (Consent)

3. **Reserves and Easements:**
   (a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.
(b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

4. Financial Requirements:

(a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services including but not limited to fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.

(b) That Prior to Final Plan Approval, the Owner shall submit for the Municipality’s approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a Professional Engineer. The cost estimate shall be submitted in the Municipality’s standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.

(c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.

(d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

(a) That the Owner shall enter into the Municipality’s standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.

(b) The Subdivision Agreement between the Owner and the Municipality shall be registered against the lands to which it applies once the Plan of Subdivision has been registered.

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

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

6. Holding Provisions:

That the Municipality shall require the use of ‘-H’ Holding Provisions in accordance with Section 36 of the Planning Act. The terms for the removal of the Holding ‘-H’ Holding Symbol shall be in accordance with Section 6(6) of Zoning By-Law No. 76-26 and shall require the following:
7. Engineering Drawings:

(a) **That Prior to Final Plan Approval**, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality’s Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.

(b) **That Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality’s standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

8. Revisions to Draft Plan:

(a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.

(b) **That Prior to Final Plan Approval** of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.

(c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

9. Phasing:

(a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.

(b) That the **phasing** of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.

(c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.

REPORTS (CONTINUED)

Report No. 26 the Chief Administrative Officer (Consent)

(d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

10. Zoning By-Law Compliance:
(a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the *Planning Act*.

(b) That Prior to Final Plan Approval, the Owner shall submit a Surveyor’s Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

11. Required Studies:

(a) That Prior to Final Plan Approval, the Owner shall submit a Geotechnical Study, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

(b) That Prior to Final Plan Approval, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). The acceptable method for this demonstration would be a *Phase I Environmental Site Assessment* (ESA) performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediation for all areas of the subdivided lands intended for residential occupancy or conveyance as parkland, roadway or stormwater infrastructure. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to submit the Study recommendations to the satisfaction of the Municipality.

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

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

(c) That Prior to Final Plan Approval, all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

REPRINTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

(d) That Prior to Final Plan Approval, the Owner shall submit a Traffic Impact Report, prepared by a Professional Engineer to the satisfaction of the Municipality. The study shall include a detailed assessment of the need for any additional traffic signals that would be required adjacent to this development. The report should review the need for and make recommendations with respect to traffic calming measures to be incorporated into the design of Cataraqui Woods Drive. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the Report’s recommendations to the satisfaction of the Municipality’s Director of Engineering.
(e) **That Prior to Final Plan Approval**, a **Stormwater Management Report** and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.

(f) **That Prior to Final Plan Approval**, the Owner shall submit a detailed **Noise Impact Study** prepared to the satisfaction of the Municipality and the Ministry of Environment. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

(g) **That Prior to Final Plan Approval**, The Owner shall submit a **Tree Preservation Plan** taking into account any trees along the boundaries of the site and those that are outside of the building envelope. During design, any re-grading/rear yard swales shall take the existing trees around the boundaries of the site into account and make every effort to preserve these trees. Once final grading is determined all trees identified for retention should be identified and reviewed and approved by the municipality.

12. **Archaeological Assessment:**

   (a) Should archaeological resources be found on the property during construction activities, the **Ministry of Culture** must be notified immediately.

   (b) In the event that human remains are encountered during construction, the proponent must immediately contact both the **Ministry of Culture** and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the **Ministry of Government Services**. (1-800-268-1142).

13. **Stormwater Management:**

   (a) **That Prior to Final Plan Approval**, executed documents deeding Blocks 539, 549 and 565 to the Municipality for Stormwater Management purposes shall be provided to the Municipality. The design of the pond’s open space, including any connecting paths, shall be subject to approval by the Municipality.

   (b) **That Prior to Final Plan Approval**, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.

**REPORTS (CONTINUED)**

Report No. 26 the Chief Administrative Officer (Consent)

   (c) **That Prior to Final Plan Approval**, the Owner shall submit detailed engineering drawings illustrating how interim stormwater management measures will be provided in order to convey run-off from the subdivision to Block 539.

   (d) **That Prior to Final Plan Approval**, the Owner shall obtain an easement from the neighbouring property owner so that stormwater run-off can be conveyed from the southern portion of the subdivision to Block 539 in the form of an interim ditch system.
(e) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality and the Cataraqui Region Conservation Authority, a detailed engineering report(s) that describes the storm drainage system for the proposed development. The report must follow the recommendations outlined in the following reports: “Updated Upper Highgate Drainage Plan” by Westgate Inc., dated February 2005 and the report titled “Stormwater Drainage Master Plan”, by IBI Group dated May 2007. The report shall include:

i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;

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

iii) storm water management techniques which may be required to control minor and major flows;

iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;

v) overall grading plans for the subject lands; and

vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.

(f) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.

(g) **That Prior to Final Plan Approval**, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses from the Cataraqui Region Conservation Authority, prior to any development or site alteration, including the placement or regrading of fill for the Stormwater Blocks 539 and 549.

**REPORTS (CONTINUED)**

Report No. 26 the Chief Administrative Officer (Consent)

(h) That the Owner agrees to contribute their proportionate share of the cost to construct any stormwater management facilities that have been identified in either the IBI Group report or the Weslake report (referenced in Clause (e) above), to accept runoff from the Owners lands. The developer shall pay his proportionate share as calculated in the agreement to the municipality prior to the final approval of the subdivision.

(i) That the Owner agrees to design the Storm Water Management facility on Block 549 to minimize the potential adverse impacts the storm water system may have on the significant woodlot, identified in the tree inventory and the Environmental Assessment (dated November 13, 2008), and the Collins Creek Wetland. The Applicant will maximize the setback from the wetland (50 metres recommended) with the pond being no closer than 30 metres from the edge of the wetland at any given point.
(j) That the Owner agrees that the storm water management pond will not encroach into the valleyland as defined in figures 1 and 5 of the November 13, 2008 Environmental Assessment completed by Ecological Services.

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

(a) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the Municipality for functional park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.

(b) That the lands to be conveyed to the Municipality for park or other public recreational purposes shall be subject to the following conditions:

(i) That all lands shall be left in an untouched, natural state. All existing vegetation is to remain within the limits of the park site, including any significant trees at the property line. Existing grades/elevations are to be maintained at the property lines and within the park itself unless approval for site alteration is received in writing from the Director of Recreation and Leisure Services or designate.

(ii) That Prior to Assumption of the park, the Director of Recreation and Leisure Services shall be in receipt of a clearance memo from the Director of Strategy, Environment and Communications, indicating that the park site is environmentally clean.

(iii) That the Owner shall enter into a Site Access Agreement with the Municipality to permit City staff to access the park site to complete pre-engineering, survey and design works for the park. This Agreement shall terminate once the Municipality is deeded the land as part of Final Plan Approval. Alternatively, the municipality may agree to permit the design and construction of the Block 540 to be completed by the developer, with a potential re-imbursement of a portion of the Development Charges, subject to review and approval by the municipality.

(iv) That Prior to the Commencement of any Clearing, Grubbing or Construction Work within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:

1. Install snow fencing around the periphery of the park site to protect the site. The Municipality will be responsible for the maintenance of the fence and its removal.

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

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

- the future use of the block as a park;
- that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
- that all trees and other vegetation must not be disturbed.

(v) That Prior to the Transfer of Deeds for the Parkland to the Municipality, the Director of Recreation and Leisure Services or designate shall inspect the park site to ensure that the park is in a clean/natural state. The conditions on the site must be satisfactory to the Director of Recreation and Leisure Services prior to transfer of title and the removal of the snow fencing. Should the park blocks be in an
unsatisfactory state, the Owner shall be held responsible for restoring the site to the Municipality’s satisfaction.

(c) That the Owner shall deed the lands described as Open Space, to the Municipality, said lands being described as Blocks 547 and 550. Text shall be included in the Subdivision Agreement between the Owner and Municipality, to advise all purchasers that these public lands are intended to remain in a naturalized condition and that only risk management practices will be done on the land as required by the Municipality. No regular or periodic maintenance will be done on the subject parcel.

(d) That the Owner agrees to that Block 556, a remnant parcel, shall not be included as part of the 5% calculation or alternative parkland calculation for parkland dedication to the City of Kingston.

(e) The subdivision agreement shall contain a clause that sets out the agreed upon terms for the City to purchase the open space lands noted in clause (c) from the Owner/developer.

(f) **Prior to Final Plan Approval**, the Owner shall prepare a Landowner Information Package, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority, which shall be distributed to all prospective purchasers and shall be appended to their Agreements of Purchase and Sale or Lease. Text shall be included in the Subdivision Agreement between the Owner and the Municipality, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority, to require a Notice to Purchasers informing them that the Landowner Information Package has been prepared to help make them aware of the requirements for the living fence as a rear yard vegetative buffer and to make them aware of environmental best practices on their property and with respect to the proximity of the property to the provincially significant Lower Collins Creek Wetland. This package shall also contain information with respect to zoning provisions for driveway widths and locations.

REPORTS (CONTINUED)

Report No. 26 the Chief Administrative Officer (Consent)

15. **Tree Inventory / Street Trees:**

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

16. Street Trees, Landscaping & Entrance Features

(a) **That Prior to Final Plan Approval**, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

(b) **That Prior to Final Plan Approval**, the Owner shall provide design plans for the community entrance features including a landscape plan showing street furniture and any complimentary architectural features to the satisfaction of the municipality. This drawing shall be listed in the approved plans for the subdivision and included in the Subdivision Agreement.

(c) **That Prior to Final Plan Approval**, the Owner shall prepare a drawing illustrating the location and details of the living fences to be located throughout the subdivision. This drawing shall be listed in the approved plans for the subdivision and included in the Subdivision Agreement.

17. Community Mailboxes:

(a) **That Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the Plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the Subdivision.

(b) **That Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for the community mailboxes including a landscape plan showing street furniture and complimentary architectural features.

(c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

18. Bell Canada Requirements:

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

i. that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/developer shall be responsible for the relocation of such facilities or easements.

ii. that the Owner shall be required to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.

iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within
the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (ie. 911 Emergency Services).

19. Trans-Northern Pipelines Requirements:

(a) That approval from Trans-Northern Pipelines shall be obtained prior to any work occurring within the easement or if work will cross the pipeline. Street crossings, associated water, sewer and service crossings must meet Trans-Northern’s technical requirements and be specifically approved in accordance with the National Energy Board Act and the Pipeline Crossing Regulations.

(b) That prior to any excavation within 30 metres of the Trans-Northern Pipeline easement, the Owner/contractor shall contact Trans-Northern Pipeline.

(c) That the Owner/contractor shall contact Trans-Northern Pipelines a minimum of 3 working days prior to any work within the pipeline easement using heavy equipment.

20. Hydro One Requirements:

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

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

(b) That the following **Warning Clauses/Notices** as required by Hydro One shall be included in the Subdivision Agreement:

“The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186-Proximity-of the Regulations for Construction projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20feet) to an energized 500 kV conductor. The distance for 230kV is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the Owner’s responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line. “

(c) That temporary fencing must be installed along the edge of the right-of-way prior to the start of construction, at the Owner’s expense.

(d) That permanent fencing must be installed after construction is completed along the Hydro One corridor, at the Owner’s expense.

(e) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-
of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.

(f) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

21. Utilities Requirements:

(a) Prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.

(b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.

(c) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

22. Cataraqui Region Conservation Authority Requirements:

That Prior to Final Plan Approval, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses from the Cataraqui Region Conservation Authority, prior to the placement or re-grading of fill on Blocks 541-545, inclusive, 551-554 inclusive, Lots 64-74 inclusive and Lots 84-101 and to advise the purchasers of these Blocks/Lots that a permit from the Conservation Authority may be required prior to the issuance of a building permit by the Municipality.

23. Warning Clauses:

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

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

“Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions.”

“Purchasers and/or tenants are advised that traffic calming measures may be incorporated in the road design for the neighbourhood.”

“Purchasers and/or tenants are advised that the planting of trees on Municipal boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice.”

“Purchasers and/or tenants are advised that mail delivery will be to a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”

“Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice.”

“Purchasers and/or tenants are advised that Living Fences have been included in the rear yards of lots throughout the subdivision. These features are located on the mutual property line and are required to be maintained by the property owner.”

“Purchasers and/or Tenants are advised that the public lands described as Blocks 547 and 550 are intended to remain in a naturalized condition and that only risk management practices will be done on the land as required by the Municipality. No regular or periodic maintenance will be done on the subject parcel.”

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

(b) abutting any open space, woodlot or storm water facility:

“Purchasers and or Tenants of lots 84-101 inclusive and blocks 545, 551, 552 and 553 that the public lands described as Blocks 547 and 550 are intended to remain in a naturalized condition and that only risk management practices will be done on the land as required by the Municipality. No regular or periodic maintenance will be done on the subject parcel.”

“Purchasers and/or tenants are advised that the adjacent open space, woodlot or storm water management facility may be left in a naturally vegetated condition and receive minimal maintenance.”

The Owner Agrees to register the following covenant on title of the lots backing onto any open space or woodlot:

“The Transferee of any lot which has a rear yard vegetation buffer located within a twelve metre wide strip of land along the rear lot line of the transferred lot, as defined in the zoning by-law, for himself, his heirs, executors, administrators, successors and assigns, covenants and agrees that he/she will not interfere with (including, without limiting the generality of the foregoing, cut or prune) any trees, shrubs or vegetation of any kind except of a noxious variety, growing within the rear yard vegetation buffer. The transferee further covenants and agrees that he/she will not install, construct or place any permanent or moveable
structures or landscaping elements (including, without limiting the generality of the foregoing, fence, 
garden, shed, bench, deck or pathway) within the said rear yard vegetation buffer.”

(c) abutting a park block:

- “Purchasers and/or tenants are advised that the lot abuts a “Park”, and that noise and lighting should be 
  expected from the designed active use of the park.”

(d) abutting a potential transit route:

- “Purchasers and/or tenants are advised that the following streets may be used as transit routes in the 
  future: Cataraqui Woods Drive, Lexington Drive.

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

25. General Conditions:

(a) That the Owner shall pay any and all outstanding application fees to the Planning and Development 
  Department, in accordance with the Municipality's Tariff of Fees By-Law.

(b) That when requesting Final Approval from the Municipality, the Owner s hall accompany such request with the 
  required number of originals and copies of the Final Plan, together with a surveyor’s certificate stating that the 
  lots/blocks thereon conform to the frontage and area to the requirements of the Zoning By-Law.

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

(c) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be 
  maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall 
  be coordinated and completed at the cost of the Owner.

(d) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and 
  signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.

(e) That Prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external 
  municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by 
  others to accommodate the subject plan.

(f) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved 
  subdivision works drawings and as required by the Municipality.

(g) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the 
  Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

26. Fencing
(a) Privacy fencing will be required where residential lands abut commercial lands and along the rear of lots 516 and Block 536.

(b) Chain link fencing is required along lots adjacent Block 549.

(c) Acoustic Fencing may be required based on the finding of the Noise Attenuation Report.

(d) Fencing is required along the rear yards of lots abutting the Open Space and Environmental Protection Areas being Blocks 547 and 550. The fence shall be a chain link fence without any gates or openings into the Open Space Block.

(e) The developer shall install a chain link fence along all lot lines abutting the Hydro One corridor being the interior side yards of Lots 59 and 74 and the rear lot lines of lots 57, 58, 75-84 inclusive.

27. Temporary Access

The Owner agrees to provide temporary Emergency Access from Maria Avenue to Crimson Crescent, Escala Crescent to Cataraqui Woods Drive, Cataraqui Woods Drive to Wildgrove Way or Buckthorn Drive and from Buckthorn Drive to Boardwalk drive until such time that a secondary access is constructed in these areas. The Director of Engineering for the City of Kingston at his sole discretion may deem that one or all of these accesses are no longer required.

28. Road Intersections

The Owner is required to design and construct in accordance with the City of Kingston specifications all road/intersection improvements, including traffic signals that may be required at the intersection of Lexington Drive/Princess Street and Maria Avenue / Princess Street. The City of Kingston agrees to make best efforts to obtain a proportionate share of the costs of these improvements from all benefitting landowners in the Cataraqui West Neighbourhood. The proportionate share will be based on the contribution of traffic from each benefitting land owner as identified in the traffic impact studies.

REPORTS (CONTINUED)
Report No. 26 the Chief Administrative Officer (Consent)

29. Transit

Transit stops shall be located at the following locations in this plan of subdivision, Cataraqui Woods Drive and Lexington Drive, Lexington Drive and Evergreen Drive, Lexington Drive and Azalea Way, and Lexington Drive and Street “A”.

30. Hydro Corridor

That prior to Final Approval of the Plan of Subdivision the Owner shall obtain written approval from Ontario Hydro with respect to any proposed roadways or future road extensions being located on or crossing lands operated by Ontario Hydro.

31. Builder’s Plan

That prior to Final Approval of the Plan of Subdivision the Owner shall prepare a Builder’s Plan to the satisfaction of the Municipality that includes the location of all driveways, all above ground infrastructure including street tree planting, and on street parking and snow storage throughout the plan of subdivision.

32. Clearance Letters:

(a) That Prior to Final Plan Approval, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied. The Owner is required to submit a detailed written memorandum detailing how each Condition of Draft Plan of Subdivision has been completes.
(b) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 13, 14 and 22 have been satisfied.

(c) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by Hydro One the method by which Conditions 20, 26(e) and 30 have been satisfied.

(d) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by Trans Northern Pipelines the methods by which Conditions 19 have been satisfied.

33. **Lapsing Provisions:**

(a) That pursuant to Section 51(32) of the **Planning Act**, this Draft Plan Approval shall lapse at the expiration of **three (3) years from the date of issuance of Draft Plan Approval** if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.

(b) That pursuant to Section 51(33) of the **Planning Act**, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

(The Report of the Commissioner of Sustainability and Growth (09-097) was attached to the agenda as Schedule Pages 19-51)

(File No. CSU-D12-000-2009)

**CARRIED**

**REPORTS (CONTINUED)**

**Report No. 27 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Gerretsen
Seconded by Councillor Hector

**THAT** Report No. 27 of the Chief Administrative Officer (Recommend) be received and adopted.

**Report No. 27**

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

Council consented to a separate vote on Paragraph 3.

(1) **Kingston & Frontenac Housing Corporation Request for Enhanced Level of Municipal Subsidy**

1. **THAT** staff be authorized to hire a consulting firm to conduct an objective analysis of the functions of the Kingston & Frontenac Housing Corporation set out below, at an upset cost of $75,000 to be funded through the approved operating budget for the Community and Family Services Department:

   i. Governance and management

   ii. Financial management including purchasing policies and revenue streams

   iii. Human resources management including pay equity and internal equity

   iv. Operational efficiency
v. Staff structures and roles
vi. Relationship between K&FHC and Service Manager, including funding policies and practices
vii. Organizational culture
viii. Community interface as well as tenant programs and services
ix. Interface of K&FHC with the Service Manager from both perspectives
x. Decision-making and communication policies, patterns, and practices including reporting of key indicators of service quality and fiscal position
xi. Identification of any other factors impacting the K&FHC’s financial situation, including current city funding policies
xii. Development of a recovery and implementation plan in the form of a final report for the housing corporation to achieve a balanced financial position.
ixiii. Peer review of business case in support of enhanced funding request

2. **THAT**

**CARRIED**

REPORTS (CONTINUED)
Report No. 27 of the Chief Administrative Officer (Recommend)

3. **THAT** Council authorizes staff to provide one-time bridge funding in the amount of $95,000 to the Kingston & Frontenac Housing Corporation for 2009 only, with $30,000 to be funded by the Working Fund Reserve and $65,000 to be funded from the city’s housing programs budget, so as to avoid disruptions to K&FHC staffing levels, staff training and education programs.

(The Report of the Commissioner of Community Development Services (09-096) was distributed to Council on Friday, February 27, 2009)

**CARRIED AS AMENDED**

(See Motions To Amend Which Were CARRIED)

A Recorded Vote on paragraph 3 was requested by Councillor Hector

**YEAS:** Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Smith (10)

**NAYS:** Councillor MacLeod-Kane, Deputy Mayor Schmolka, (2)

**ABSENT:** Councillor Foster (1)

**CARRIED (10:2)**

(See Recorded Vote)

Moved by Councillor Gerretsen
Seconded by Councillor Garrison

**THAT** the motion from Councillors Gerretsen and Glover to amend Clause (1) of Report No. 27 of the Chief Administrative Officer (Recommend) be amended by inserting “including $30,000 which is to be charged to the Working Fund Reserve” following “95,000”.

THAT the findings and recommendations of the business case peer review and operations review of the housing corporation be available for consideration by Council before the end of the third quarter of 2009; and finally,
Moved by Councillor Gerretsen  
Seconded by Councillor Glover  

THAT Clause (1) of Report No. 27 of the Chief Administrative Officer (Recommend) be amended by deleting “$65,000” in the third paragraph and inserting “$95,000”.

CARRIED (9:3)  
(See Recorded Vote)

A Recorded Vote was requested by Councillor MacLeod-Kane  

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Smith (9)  
NAYS: Councillor Hector, Councillor MacLeod-Kane, Deputy Mayor Schmolka, (3)  
ABSENT: Councillor Foster (1)

REPORTS (CONTINUED)
Report No. 28 of the Planning Committee

Moved by Deputy Mayor Schmolka  
Seconded by Councillor Glover  

THAT Report No. 28 of the Planning Committee be received and adopted.

Report No. 28

Council consented to separate Clause 5.

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

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

February 19, 2009

1. Tree By-Law Amendment No. 2

THAT Section 3(b) of By-Law No. 2007-170 (the Tree By-Law) of the City of Kingston be deleted in its entirety and replaced with the following provision:

“It is necessary to remove a hazardous, dead, diseased, or severely injured tree(s), or a portion of such a tree(s), provided a letter confirming the need for the removal has been prepared by a Certified Arborist and approved by the Director, and any such injury or destruction is conducted in accordance with Good Arboricultural Practices;”
THAT a new provision be added as Section 9(2)(b) to By-Law No. 2007-170 (the Tree By-Law) of the City of Kingston as follows, and the remainder of Section 9(2) be re-numbered accordingly:

“9 (2) (b) Where the removal involves a Distinctive Tree, the replacement tree(s) shall include the same species, where they are commercially available,” and

THAT the By-Law to Amend By-Law No. 2007-170 receive all three readings.  
(See By-Law No. (3), 2009-42) 
A copy of the by-law was attached to the agenda as Schedule Page 108

REPORTS (CONTINUED) 
Report No. 28 of the Planning Committee


THAT the application for Zoning By-Law Amendment (Our File No. D14-135-2008) submitted by James Peach for the property municipally known as 1177 Montreal Street, BE APPROVED; and

THAT the former City of Kingston Zoning By-Law No. 8499, as amended be further amended as follows:

1. By-Law No. 8499 of The Corporation of the City of Kingston, entitled, “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

1.1 Map 7 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from One Family and Two Family Residential ‘A5’ Zone to Holding Special Multiple Family ‘B1.226-H’ Zone, as shown on Schedule “A” attached to and forming part of By-Law No. 2009-44

1.2 That the following Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS be amended as follows:

“226. On the lands municipally known as 1173 and 1177 Montreal Street and located on the east side of Montreal Street south of Greer Street, and designated B1.226 on the copy of Zoning Map No. 7 attached to and forming part of By-Law No. 87-156 as Schedule “A”, the following regulations shall apply:

(i) Notwithstanding the provisions of Section 14.3(h) of this By-Law, the maximum permitted density shall be 27.0 du/ha;
(ii) Notwithstanding the provisions of Section 14.2 of this By-Law the only permitted use shall be group dwellings or row dwellings;
(iv) Notwithstanding the provisions of Section 14.3 of this By-Law, all dwellings shall be located a minimum of 30 metres from the CN railway right-of-way”; and
THAT the amending By-Law receive all three readings.
(See By-Law No. (5), 2009-44)

REPORTS (CONTINUED)
Report No. 28 of the Planning Committee

225 and 227 Earl Street – Podium Developments

THAT the application for Zoning By-Law Amendment (Our File No. D14-137-2008) submitted by Podium Developments, for the property located at 225 and 227 Earl Street, BE APPROVED; and

THAT the former City of Kingston Zoning By-Law No. 8499, as amended be further amended as follows:

1. That Zoning Schedule “A”, Map 30 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to ‘B1.382’ of the lands shown as “Subject Lands Rezoned from E to B1.382” on Schedule “A” attached hereto and forming part of amending By-Law No. 2009-43.

2. That the following Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS, as amended, be amended by adding the following section:

“382. 225 and 227 Earl Street"

On the approximately 600 square metre parcel of land known as 225 and 227 Earl Street and zoned as ‘B1.382’ on Zoning Map No. 30 attached to and forming part of amending By-Law No. 2009-43, the following provisions shall apply to the entire area zoned ‘B1.382’:

i) MINIMUM FRONT YARD: 3.0 metres
ii) MINIMUM SIDE YARD: There shall be no minimum side yard setback requirement for a residential building having two storeys or less
iii) MAXIMUM DENSITY: 140 dwelling units / hectare
iv) MINIMUM LOT WIDTH: 16.0 metres
v) PROJECTION INTO YARDS:
   (a) A covered or uncovered unenclosed porch, deck, balcony or veranda may project out from the main building wall providing it is no closer than 1.5 metres to the front lot line.
   (b) A step may project out from the main building wall up to the front lot line.
REPORTS (CONTINUED)
Report No. 28 of the Planning Committee

St. Mena Coptic Orthodox Church - 1281 Midland Avenue

THAT the application for Zoning By-Law Amendment (Our File No. D14-136-2008) submitted by St. Mena Coptic Orthodox Church, for the property located at 1281 Midland Avenue, BE APPROVED; and

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

1. That Zone Map No. 3 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘C3’ to ‘C2-64-H’ as shown on Schedule ‘A’ attached hereto and forming part of By-Law No. 2009-45

2. That the following be added as Section 19(3)(bl) of the By-Law:

“(bl) ‘C2-64-H’ (1281 Midland Avenue)
1. Notwithstanding the ‘-H’ Symbol applied pursuant to the Planning Act, the lands may be used in accordance with the provisions of Section 19 for the ‘C2’ Zone except that:
   (a) ADDITIONAL PERMITTED USES:

   Church;
   Prefabricated building products outlet;
   Vehicle sales or rental establishment excluding accessory uses for the repair and maintenance of such vehicles.

   (b) PROHIBITED USES:

   automatic car wash;
   automobile service station;
   boat sales establishment;
   gasoline retail facility;
   parking lot;
   vehicle sales or rental establishment;
   accessory dwelling unit.

   (c) MINIMUM WIDTH OF A PLANTING STRIP ABUTTING A “D” ZONE: none

   (d) DEEMED TO COMPLY:

(c) There shall be no minimum setback from the interior side lot line of a common party wall for a covered or uncovered unenclosed porch, deck, balcony, step or veranda.

vi) MINIMUM NUMBER OF PARKING SPACES: 6 parking spaces

vii) MINIMUM SIZE OF A PARKING SPACE: 2.58 metres wide by 6.0 metres long

viii) MINIMUM NUMBER OF BICYCLE PARKING: 12 spaces”; and

THAT the amending By-Law receive all three readings.
(See By-Law No. (4), 2009-43)
The building existing as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 19 of this By-Law."

2. Subject to the removal of the ‘-H’ Symbol pursuant to the Planning Act, a day nursery is a permitted use.

3. The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:
   (i) Submission of a Record of Site Condition to the satisfaction of the City;
   (ii) All applicable Municipal and Agency requirements have been complied with;
   (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and
   (iv) City Council has passed a further amendment to the Zoning By-Law to remove the ‘-H’ Symbol pursuant to the Planning Act; and

THAT the amending By-Law receive all three readings.
(See By-Law No. (6), 2009-45)

CARRIED

REPORTS (CONTINUED)
Report No. 28 of the Planning Committee

5. Parks Canada Presentation – Rideau Canal Landscape Strategy

THAT Council adopt a resolution to support, in principle, the Parks Canada Rideau Landscape Strategy.

CARRIED
(WITH AGREED TO AMENDMENTS)

* * * * * * * * * * *

REPORTS (CONTINUED)
Report No. 29 of the Environment, Infrastructure and Transportation Committee

Moved by Councillor Smith
Seconded by Councillor Hutchison

THAT Report No. 29 of the Environment, Infrastructure and Transportation Committee be received and adopted.

Report No. 29

Council consented to separate Clauses 2 and 3.

To the Mayor and Members of Council:
The Environment, Infrastructure and Transportation Committee reports and recommends as follows:

All items listed on the Environment, Infrastructure and Transportation 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 10, 2009

1. Kingston Transit Smart Card Implementation Process
THAT, as an interim measure, Kingston Transit reinstate the ability for social service agencies to purchase single ride adult cards at the reduced rate of $2.00 per ride; understanding that agencies use this option only when absolutely necessary;

- and further -

THAT Staff continue to explore a more permanent, cost-effective solution for single ride adult cards that are being provided to agencies at the reduced rate of 2.00 per issue.

Councillor Hutchison withdrew from the meeting.

REPORTS (CONTINUED)
Report No. 29 of the Environment, Infrastructure and Transportation Committee

2. Toilet Replacement Program

THAT Council endorse the following elements of a toilet rebate program for the City of Kingston:

- Eligibility = Multi Residential and affordable housing units that were built prior to 1996
- Rebate = $60 per toilet for multi residential units and $125 per toilet for affordable housing units
- Prescreen and approve applications
- Proof of disposal
- Rebate provided upon completion of change out

- and further -

THAT Staff be directed to ensure the fair and equitable distribution of funding amongst the eligible parties (multi residential and affordable housing units).

CARRIED
(Councillor Schmolka Opposed)

Councillor Hutchison returned to the meeting.

3. Princess Street Reconstruction

WHEREAS the reconstruction of Princess Street from east of Ontario Street to King Street has been included in the City of Kingston 3-Year Infrastructure Program and approved by Council as part of the 2008 capital budget, and;

WHEREAS the Downtown Action Plan: An Infrastructure Renewal and Open Space Plan was received by Council in September 2004, and the recommendations of the Downtown Action Plan have been approved in-principal, and;

WHEREAS the Downtown Action Plan makes specific recommendations regarding the Princess streetscape and some of the design concepts require modifications based upon additional staff review;

THEREFORE BE IT RESOLVED THAT the conceptual plan for Princess Street from east of Ontario Street to Bagot Street dated February 10th, 2009 be approved in-principal in order to permit staff to proceed with detailed design work.

DEFERRED
(See Motion To Defer Which Was CARRIED)
THAT Clause (3) of Report No. 29 of the Environment, Infrastructure and Transportation Policies Committee be deferred and referred back to staff in light of the presentation by Walk and Bike for Life and that the results be presented to the (EITP) Committee after consultation with the Kingston coalition for Active Transportation; and

THAT Downtown Kingston be included in the consultation meetings in order to allow them to have some perspective as to what is happening.

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

REPORTS (CONTINUED)
Report No. 29 of the Environment, Infrastructure and Transportation Committee

Moved by Councillor Smith
Seconded by Councillor Hutchison

THAT the motion of Deputy Mayor Schmolka and Councillor Garrison to amend Clause (3) of Report No. 29 of the Environment, Infrastructure and Transportation Policies Committee be amended by adding the following thereto: and that Downtown Kingston be included in the consultation meetings in order to allow them to have some perspective as to what is happening.

CARRIED


THAT the Recommendations contained in the Integrated Waste Management (IWM) Study – Draft Phase B Report be received and adopted, those being:

1. The City of Kingston adopt the waste management hierarchy identified in Phase A and give due consideration to this hierarchy in all future waste related decision making processes. The hierarchy to be followed prioritizes waste management programs and processes as follows:

   1. Prevention / Avoidance (reduce overall waste generation through behavioral or technological change)
   2. Enhanced Design for Reduction or Reuse
   3. Product Reuse
   4. Material Recycling, Composting and Anaerobic Digestion
   5. Resource Recovery (recovery of fuels and/or materials for secondary use)
   6. Thermal Treatment with Energy Recovery
   7. Landfill with Energy Recovery
   8. Landfill or Thermal Treatment without Energy Recovery.

2. The City of Kingston adopt System #2 (two stream recycling collection and processing program i.e. grey box / blue box; a source separated organics and leaf & yard waste collection and processing program; residual waste processed for material and/or energy recovery; remaining waste disposed of by landfill) as the preferred system with consideration given to the potential opportunities afforded by single stream recycling at the period in time when the existing material recovery facility needs to be expanded and mixed garbage/organics processing at the period in time when the current composting contract is up for renewal;

3. The City of Kingston continue with its current efforts and explore additional opportunities to work with local industry and to lobby the Provincial and Federal governments to implement policies to help reduce the quantity of waste being generated;
4. The City of Kingston further investigate the feasibility of potential System Enhancement Component options that could be implemented in the short-term in the City's current waste management system to further increase waste diversion and reduce the quantity of waste requiring disposal; it being understand that Staff are directed to pay particular attention to ‘clear garbage bag programs’, ‘reusable item diversion’ and ‘public education and system promotion’ (focused on fibers and yard waste); and

REPORTS (CONTINUED)
Report No. 29 of the Environment, Infrastructure and Transportation Committee

5. The City of Kingston further investigate systems for Residual Waste Processing identified as a component of the preferred System #2 to process the waste that remains after recycling and composting in consideration of the waste management hierarchy;

- and further -

THAT Staff be directed to investigate Recommendation 4 and 5 including receiving additional public input and report back to the Environment, Infrastructure & Transportation Policies Committee with final recommendations regarding System Enhancement Component options and Residual Waste Processing.

CARRIED

REPORTS (CONTINUED)
Report No. 30 of the Administrative Policies Committee

Moved by Councillor Hector
Seconded by Councillor Meers

THAT Report No. 30 of the Administrative Policies Committee be received and adopted.

Report No. 30

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

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

February 12, 2009

a) Video Surveillance Policy

THAT Council approve the attached Video Surveillance Policy, dated February 2009, as it relates to all video surveillance systems used in and around City owned or operated buildings and properties.

CARRIED

(See Motion To Defer Which Was LOST)

A copy of the Video Surveillance Policy was attached to the agenda as schedule pages 52-81.

Moved by Councillor Hutchison
Seconded by Councillor Garrison
THAT Clause a) of Report No. 30 of the Administrative Policies Committee be deferred and referred back to the Administrative Policies Committee for a rationale.

LOST

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REPORTS (CONTINUED)
Report No. 31 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover
Seconded by Councillor Osanic

THAT Report No. 31 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Report No. 31

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 9, 2009

1. Approval for the reconstruction of a rear attached shed, window restoration and revisions, the addition of a window, replacement and repair of roofing, associated masonry work, repointing and flashing of a chimney, reconstruction of a walk and addition of a rear courtyard at 44 Earl Street

   THAT Application P18-597-005-2009 for a property located at 44 Earl Street requesting approval for the reconstruction of a rear attached shed, the downward extension of window sills of 2 existing ground floor windows and changing the window type to triple custom made wood casement with a fixed central casement; restoration of three upper storey windows and addition of a fourth upper storey window with associated masonry work, replacement in a two over two pattern of all but one window on rear facade; replacement and repair of roofing to achieve a uniform roofing pattern of matte black metal ribbed roof; repointing and flashing of central chimney; reconstruction of walk from sidewalk to dwelling with a limestone step and gray pavers; addition of a rear courtyard are composed of brick pavers BE APPROVED with details described within a submission filed January 22, 2009 and deemed complete by the Cultural Services Department January 23, 2009,

   - and further -

   THAT it be understood that approval for window revisions to the storm windows on the front facade will be one over one with a false meeting rail about 1 1/4" wide that corresponds to the meeting rail on the primary sashes. Generally the sash components will match those on the surviving originals which are about 3" high for the bottom rail, 2" wide for the stiles and top rail, 1 1/4" for the meeting rail and about 5/8" wide for the muntin bars,

   - and further -

   THAT masonry details be provided to the Cultural Services Department for review by staff and the Committee,

   - and further -

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

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

REPORTS (CONTINUED)
Report No. 31 of the Kingston Municipal Heritage Committee (LACAC)

2. Approval for the repair/replacement of wood trim and other elements to include gutters, flashing, handrails, window repairs, refurbishment and replacement, roofing, removal of some vegetation, refurbishment of front veranda at 34 Barrie Street.

THAT Application P18-058-006-2009 for a property located at 34 Barrie Street requesting approval for the repair/replacement of wood trim, window repairs to include the replacement of existing aluminum storm windows on the front façade with wood storm windows, gutters, flashing, handrails, porch roof with new foundations, asphalt shingles and roof membrane system, removal of some vegetation and installation of new sod; addition of concrete pad; bird deterrent, refurbishment of existing windows and front veranda BE APPROVED with details described within a submission filed January 23, 2009 and deemed complete by the Cultural Services Department January 23, 2009.

THAT details of wood storm window installation to indicate the placement of these units relative to the existing window frame be re-submitted to the Cultural Services Department for review by staff and the Committee,

- and further -

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

- and further -

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

3. Approval for the repair/replacement of wood trim and other elements to include gutter, flashing, handrails, windows repairs and replacement, roofing, door repairs and replacement, walkway, relocation of wood stairs and railing, extension of rear deck with railing, removal of some vegetation at 36 Barrie Street.

THAT Application P18-403-007-2009 for a property located at 36 Barrie Street requesting approval for the repair/replacement of wood trim, window repairs to include the replacement of existing aluminum storm windows with wood storm windows, front door repairs, replacement of rear door, gutter, flashing, handrails, porch roof with new foundations, asphalt shingles and roof membrane system, concrete walk, removal of some vegetation and installation of new sod, extension of rear deck with railing, relocation of wood stairs and railing, concrete pad, repair bird deterrent BE APPROVED with details described within a submission filed January 23, 2009 and deemed complete by the Cultural Services Department January 23, 2009.

THAT details of wood storm window installation to indicate the placement of these units relative to the existing window frame be re-submitted to the Cultural Services Department for review by staff and the Committee,

- and further -

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

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

REPORTS (CONTINUED)
Report No. 31 of the Kingston Municipal Heritage Committee (LACAC)

4. Approval for an alteration to two existing windows by replacing two existing exhaust fans with grills at 216 Ontario Street.

THAT application P18-273-008-2009 for a property located at 216 Ontario Street requesting approval for an alteration to two existing windows by replacing two existing exhaust fans with grills BE APPROVED with details described within a submission filed February 3, 2009 and deemed complete by the Cultural Services Department February 3, 2009.

5. By-law to Amend By-law 84-650 for 19-23 Queen Street

WHEREAS Section 30.1 of the Ontario Heritage Act provides for the updating of existing designation by-laws; and

WHEREAS the ‘Reasons for Designation for 19-23 Queen Street do not meet current provincial requirements; and

WHEREAS the Council of the Corporation of the City of Kingston approved on September 19, 2006 as Clause 7 of Report 108 the updating of designation by-laws for City of Kingston property; and

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Kingston hereby enacts as follows:

THAT the attached by-law entitled “A BY-LAW TO AMEND BY-LAW No. 84-650 “A By-law to designate Certain Properties to be of Historic and/or Architectural Value or Interest, pursuant to Section 29 of the Ontario Heritage Act ” TO REFLECT ITS CULTURAL HERITAGE VALUE AND INTEREST be presented for third reading;

- and further –

THAT the Clerk of the Corporation of the City of Kingston shall:

a) cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property to be served on both the owner of the property, and the Ontario Heritage Trust;

b) shall cause a copy of the by-law to be registered against the property in the land registry office;

- and further -

THAT the property’s entry on the City of Kingston’s Heritage Properties register shall be amended to reflect the new by-law.

(See By-Law No. (10), 2009-15)
A copy of the by-law was attached to the agenda as Schedule Pages 82-87

CARRIED
REPORTS (CONTINUED)
Report No. 32 of the Nominations Advisory Committee

Moved by Councillor MacLeod-Kane
Seconded by Deputy Mayor Schmolka

THAT Report No. 32 of the Nominations Advisory Committee be received and adopted.

Report No. 32

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

February 23, 2009

1. Appointments to the Affordable Housing Development Committee

THAT the following individuals be appointed to the Affordable Housing Development Committee for the term ending November 30th, 2009:

- Barb Butler
- Cindy Cameron
- Gwyn Griffith
- Chris Grimshaw
- Bryan Metcalfe
- Mark Michener
- Jennifer Stacey
- Jason Taylor

2. Appointment to the Arts Advisory Committee

THAT the following individual be appointed to the Arts Advisory Committee for a term ending November 30th, 2009:

- Nancy Cervenko

3. Appointments to the Committee of Adjustment

THAT the following individuals be appointed to the Committee of Adjustment for a term effective April 1, 2009 and ending November 30th, 2010:

- Robert Burge
- Chris Cannon
- Barry Gardiner
- Sheldon Laidman
- Richard Paget
- Peter Skebo
- Laurence Trainor; and
THAT a by-law be presented to Council to appoint the aforementioned individuals to the Committee of Adjustment; and

REPORTS (CONTINUED)
Report No. 32 of the Nomination Advisory Committee

THAT By-Laws 2007-32, being a by-law to appoint members to the Committee of Adjustment (Rural Panel) for 2007 – 2010 and By-Law 2007-33, being a by-law to appoint members to the Committee of Adjustment (Urban Panel) for 2007 – 2010, be repealed.
(See By-Law No. (1), 2009-40, (2), 2009-41)

Deputy Mayor Schmolka withdrew from the meeting.

4. Appointments to the Lemoine Point - Cataraqui Region Conservation Authority (CRCA) Committee

THAT the following individuals be appointed to the Lemoine Point - Cataraqui Region Conservation Authority (CRCA) Committee for a term ending November 30th, 2009:

- John Casnig
- John Diemer
- Chris Hargreaves
- F. J. Hunter
- Shelagh Mirski
- Marie Surridge

Deputy Mayor Schmolka returned to the meeting.

5. Appointments to the Kingston Community Memorial Centre Advisory Committee

THAT the following individuals be appointed to the Kingston Community Memorial Centre Advisory Committee a term ending November 30th, 2009:

- Cynthia Bell
- Jamie Masse

6. Appointments to the Municipal Accessibility Advisory Committee

THAT the following individuals be appointed to the Municipal Accessibility Advisory Committee:

- Mary Margaret Dauphinee
- Susan Edgecombe
- Lorraine Farrar
- Randy Fisher
- Eleanor Hands
- Elizabeth Moore
- Mike Murphy
- J. R. Glen Outhwaite; and

THAT since the Municipal Accessibility Advisory Committee operates on a staggered term system, that the Municipal Accessibility Advisory Committee be directed to confirm the terms for the above-noted appointees and report back to Council.
REPORTS (CONTINUED)
Report No. 32 of the Nomination Advisory Committee

7. Appointments to the Taxi Commission

THAT the following appointment be made to the Taxi Commission for a term ending November 30th, 2009:

- Robert Baird
- Michael Fawcett
- Mohammad Khan
- Kenneth W. Matthews
- Rod Macdonald

CARRIED

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INFORMATION REPORTS

(1) Implementation of Resident Assessment Instrument (RAI) at Rideaucrest Home

The purpose of this report is to provide Council with information in regards to a new resident assessment system at Rideaucrest, known as the Resident Assessment Instrument-Minimum Data Set 2.0 (RAI-MDS). The purpose of the new (RAI MDS) is to introduce a standardized assessment form and process to all long-term care facilities in the province.

(The Report of the Commissioner of Community Development Services (09-057) was attached to the agenda as Schedule Pages 88-90)
(File No. CSU-S02-000-2009)

(2) Annual Report of the Medical Director – Rideaucrest Home

The purpose of this report is to provide Council with the 2008 Annual Report of the Medical Director of Rideaucrest Home which outlines the statistics of deaths, objectives of the MD, overall care by physicians in the Home as well as infection control.

(The Report of the Commissioner of Community Development Services (09-058) was attached to the agenda as Schedule Pages 91-96)
(File No. CSU-S02-000-2009)

(3) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of January 2009

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 January 2009 and report additional information on contracts awarded by senior staff between the $20,000 and $50,000 level for the month of January 2009.

(The Report of the Director of Financial Services (09-064) was attached to the agenda as Schedule Pages 97-100)
(File No. CSU-F18-000-2009)
INFORMATION REPORTS (CONTINUED)

(4) Earth Hour 2009 – Description of City Activities

The purpose of this report is to provide Council with a list of measures that the City of Kingston and Utilities Kingston will undertake as this municipality’s contribution to the Earth Hour 2009 event on March 28, 2009 between 8:30 pm and 9:30 pm.

(The Report of the Commissioner of Sustainability and Growth (09-091) was attached to the agenda as Schedule Pages 101-107)
(File No. CSU-E05-000-2009)

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MISCELLANEOUS BUSINESS

(1) Moved by Councillor Glover
Seconded by Councillor Hector

THAT at the request of Connie Ball, PR Coordinator, Kingston Humane Society, Council proclaim May 2009 as “Kingston Humane Society Month” in the City of Kingston.
(See Communication No. 07-133)
(Distributed to all Members of Council on February 27, 2009)

CARRIED

(2) Moved by Councillor Garrison
Seconded by Councillor Hutchison

THAT Council appoint Councillors Gerretsen and Smith and Brian McCurdy, Cultural Director, to sit on the Operating Grants Review Committee and Councillors Gerretsen and Schmolka and Brian McCurdy, Cultural Director, to sit on the Project Grants Review Committee for the 2009 City of Kingston Arts Fund.
(See Clause (d), Report No. 23)

CARRIED

(3) Moved by Councillor Garrison
Seconded by Councillor Meers

THAT, as requested by Our Lady of Fatima Parish, Council declare the following dates as a Community Festival of Municipal Significance to which Special Occasion Permits may be issued by the Liquor License Board to Our Lady of Fatima Parish, 588 Division Street, in conjunction with the:

- Festival of Our Lady of Fatima: May 8th, 9th, and 10th
- Festival of the Holy Spirit: June 5th, 6th, and 7th
- Senhor Santo Cristo: September 4th, 5th and 6th

(See Communication No. 07-141)

CARRIED
MISCELLANEOUS BUSINESS (CONTINUED)

(4) Moved by Councillor Smith
Seconded by Deputy Mayor Schmolka

THAT the Kingston & District Agricultural Society appointments to the Kingston Community Memorial Centre Advisory Committee for the term ending November 30th, 2009, as outlined below, be confirmed:

- Janine Handforth
- John Patrick
- Gail Shook (alternate)
- Connie Selle (alternate).

CARRIED

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MOTIONS

(1) Moved by Councillor Gerretsen
Seconded by Councillor Matheson

THAT the City of Kingston hereby endorses the following resolution from the City of Ottawa in respect to the Provincial Review of Property Assessment System:

WHEREAS the City of Ottawa’s property taxes are based on a rate set by the municipality (for local purposes) and the provincial government (for education purposes) applied against the assessed value of a property, as determined by rules set by the provincial government;
WHEREAS the provincial government’s property assessment system is based on current market value of a property, as assessed by the Municipal Property Assessment Corporation, based on market sales;
WHEREAS Ottawa’s housing market has led to significantly higher housing prices, leading to higher assessments of residential properties, leading in turn to higher property taxes for many homeowners, despite no increase in City services and unrelated to any change to the homeowner’s income;
WHEREAS the current provincial re-assessment of residential properties will lead to over 90,000 homes in Ottawa (over one-third) facing property tax increases as a result of higher assessments, causing distress particularly to young families with children and seniors with retirement incomes, who now face tax increases through no action of the City of Ottawa and no change in their financial circumstances;
WHEREAS this creates a taxation system that lacks accountability, creates financial hardship without relation to either the value of municipal services being provided or the taxpayer’s ability to pay;

THEREFORE BE IT RESOLVED THAT the City of Ottawa urge the Provincial Government, through the Premier of Ontario, the Minister of Finance, and the Minister of Municipal Affairs & Housing, to begin a public review of its system of property assessment, including review of possible alternatives; and
THAT the Association of Municipalities in Ontario be requested to endorse this request by the City of Ottawa for such a public review of Ontario’s system of property assessment; and
THAT this motion be copied to Ottawa – area M.P.P.s and the Municipal Affairs critics of the two opposition parties, and other municipalities in Ontario; and

THAT the City of Ottawa be provided with a copy of this motion as well as the Honourable Jim Watson, Minister, Municipal Affairs and Housing, the Honourable John Gerretsen, M.P.P., Kingston and the Islands, and the Municipal Affairs Critics of the two opposition parties.

CARRIED (With Agreed To Amendments)

(2) Moved by Mayor Rosen
Seconded by Councillor Meers

WHEREAS the Police Officer Recruitment Fund has been introduced by the federal government as an initiative to add front-line police officers in Canada; and
WHEREAS through the allocation provided to the Province of Ontario, the Province has agreed to fund the Kingston Police Services Board by granting funds to the City of Kingston for the purpose of increasing the number of sworn officers of the Kingston Police for the objectives of the funding program; and
WHEREAS the Kingston Police hired two new officers in August 2008 who meet the criteria for funding under this initiative;

THEREFORE BE IT RESOLVED THAT the City of Kingston approves entering into an agreement with the Ministry of Community Safety and Correctional Services and the Kingston Police Services Board, to take advantage of grant funds under the Police Officers Recruitment Fund;

- and further-

THAT the Mayor and City Clerk be authorized to execute the agreement on behalf of the City of Kingston.
(See Communication No. 07-131)
(Distributed to all Members of Council on February 27, 2009)

CARRIED

NOTICES OF MOTION
(1) Moved by Deputy Mayor Schmolka  
Seconded by Councillor Osanic

**WHEREAS** Parks Canada is undertaking, at its expense, a Rideau Corridor Landscape Strategy to identify cultural and heritage character and values along the Rideau system and has invited Rideau corridor municipalities to participate in this project; and

**WHEREAS** working with Parks Canada and other municipalities on this project will be valuable to the City of Kingston.

**THEREFORE BE IT RESOLVED THAT** Council support the concept of a Parks Canada Rideau Corridor Landscape Strategy and direct staff to participate in meetings to contribute to and stay informed about this work.

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

**WHEREAS** the federal government has announced its intentions to close the remaining prison farms across the country including the farms at Joyceville and Collins Bay; and

**WHEREAS** the farms have great rehabilitation value for the prisoner farmers giving them a sense of responsibility and self-esteem; and

**WHEREAS** the farms produce food for use in prisons which is a significant contribution to sustainability; and

**WHEREAS** the abattoir at Joyceville is one of the only remaining abattoirs in the region and is very important to the economic opportunities for farmers here; and

**WHEREAS** Kingston City Council supports farmers and supports the local production of food and recognizes the importance of farming here to our goal of becoming Canada’s most sustainable City,

**THEREFORE BE IT RESOLVED THAT** the City of Kingston communicate to the Solicitor General its disappointment over the plan to close the prison farms and urge him to keep them operating; and

**BE IT FURTHER RESOLVED THAT** the City of Kingston notify the federal government that should it proceed with its plans to close the prison farms and decide to declare the land surplus that the City of Kingston requests it be given the first opportunity to acquire the land before it is put on the open market.

**NOTICES OF MOTION (CONTINUED)**

(3) Moved by Councillor Matheson
WHEREAS the K-Rock Centre did not meet its operational targets for 2008; and

WHEREAS the City of Kingston Suite is underutilized due to agencies that it is being provided to, not being able to take advantage of the City’s generosity, due to their own financial constraints and resulting inability to purchase tickets to the various events being hosted,

THEREFORE BE IT RESOLVED THAT the appropriate staff of the City of Kingston make necessary preparations and proceed to auction off to the highest bidder our Suite at the K-Rock Centre, until such time as the K-Rock’s operational revenues are sufficient to meet the targets set, and the facility pay for itself,

BE IT FURTHER RESOLVED THAT once these operational revenue targets are met, that the City of Kingston undertake a review of whether the City of Kingston Suite should continue to be rented and or return it to being ours to be used by our community and various service agencies. That City staff through Kingston Economic Development Corporation (KEDCO) and Arcturus seek out potential partners to help with sponsorship of the use of the Suite during actual events, to enable our community partners and service agency volunteers and workers to be able to attend events when they are granted use of the City of Kingston Suite.

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MINUTES

Moved by Councillor Hutchison
Seconded by Councillor Glover

THAT the Minutes of City Council Meeting No. 06-2009, held Tuesday, February 17, 2009 be confirmed.

CARRIED

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TABLING OF DOCUMENTS

2009-22 The Cataraqui Source Protection Committee
Minutes of Meeting # 13, December 11, 2008
(File No. CSU-D03-000-2009)

2009-23 The Cataraqui Region Conservation Authority
Annual Full Authority Meeting Minutes – February 4, 2009
(File No. CSU-D03-000-2009)

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COMMUNICATIONS

Council consented to the addition of Communication No. 07-145.

Filed
07-125 From the City of Peterborough, acknowledging support of Council's resolution regarding “Christmas Wrapping Paper”.
(File No. CSU-E07-000-2009)

07-126 From the Corporation of the City of Brantford, acknowledging receipt of Council’s resolution regarding “Christmas Wrapping Paper”.
(File No. CSU-E07-000-2009)

07-127 From the United Counties of Prescott and Russell, acknowledging receipt of Council’s resolution regarding “Christmas Wrapping Paper”.
(File No. CSU-E07-000-2009)

07-128 From Ted Stratford, Planning and Development, providing information regarding a Notice of Appeal submitted to the Ontario Municipal Board (OMB) for the property located at 284 Frontenac Street.
(File No. CSU-L01-001-2008)

07-129 From the Corporation of the City of London, acknowledging receipt of Council’s resolution regarding “Christmas Wrapping Paper”.
(File No. CSU-E07-000-2009)

07-130 From Moya Greene, President and Chief Executive Officer, Canada Post Corporation, acknowledging receipt of Council’s resolution regarding postal outlets in Kingston.
(File No. CSU-A08-000-2009)

07-132 From Diane Belanger, Policy Assistant, Federation of Canadian Municipalities (FCM), acknowledging receipt of a request from Council, for (FCM) to endorse a resolution in regards to “Tax Incentives for Heritage Properties” at its Annual Conference, stating that it had been submitted past the deadline of January 26, 2009 and therefore at best would be forwarded to the September Board Meeting if requested.
(File No. CSU-R01-000-2009)

07-136 From Sushi Q, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 409 Johnson Street.
(File No. CSU-P09-000-2009)

07-137 From Dan Hefkey, Assistant Deputy Minister and Chief, Emergency Management Ontario, congratulating the City of Kingston for completing all of the mandatory emergency management activities required under the Emergency Management and Civil Protection Act for 2008.
(File No. CSU-P03-000-2009)

07-140 From Brock Carlton, Chief Executive Officer, Federation of Canadian Municipalities (FCM), asking for nominations to the (FCM) Roll of Honour.
(File No. CSU-A01-002-2009)

Digitally distributed to all Members of Council on February 09, 2009

COMMUNICATIONS (CONTINUED)

Filed

07-144 From the Committee of Adjustment, a Notice of Decision for the following applications:
CONSENT – In respect of an application to sever the property at 176 Mowat Avenue, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is March 17, 2009.

CONSENT – In respect of an application for the purpose of a Lot Addition at 176 Mowat Avenue, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is March 17, 2009.

CONSENT – In respect of an application to sever the property at 1189 Westbrook Road, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is March 17, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 14 Karlee Court, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is March 16, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 76-26 for the property at 708 Muirfield Crescent, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is March 16, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 795-799 Division Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is March 16, 2009.  

(See Miscellaneous Business Item No. 1)

Referred to All Members of Council

07-131 From S.J. Tanner, Chief of Police, asking that Council enter into an agreement with the Ministry of Community Safety and Correctional Services and the Kingston Police Services Board, to take advantage of grant funds under the Police Officers Recruitment Fund.  
(File No. CSU-F11-000-2009)  
(See Miscellaneous Business Item No. 1)

07-133 From Connie Ball, PR Coordinator, Kingston Humane Society, asking that Council proclaim May 2009 “Kingston Humane Society Month” in the City of Kingston.  
(File No. CSU-M10-000-2009)  
(See Miscellaneous Business Item No. 1)

07-135 From the City of Hamilton, asking for Council’s support of a resolution that supports the efforts of MPP Andrea Horwath with respect to the current Bill 138 - Protection of Public Participation Act, 2008.  
(File No. CSU-L11-000-2009)  
(Digitally distributed to all Members of Council on February 11, 2009)

07-138 From the Town of Ajax, asking for Council’s support of a resolution that the Government of Ontario be requested to amend the Municipal Elections Act, 1996 to provide all municipalities in the Province with the authority to pass a by-law that would prohibit a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario from making a contribution to or for any candidate for an office on the respective municipal council.  
(File No. CSU-C07-000-2009, CSU-L11-000-2009)

COMMUNICATIONS (CONTINUED)

Referred to All Members of Council
07-142 From Our Lady of Fatima Parish, asking that Council declare the following dates as a Community Festival of Municipal Significance to which Special Occasion Permits may be issued by the Liquor License Board to Our Lady of Fatima Parish, 588 Division Street, in conjunction with the:

- Festival of Our Lady of Fatima: May 8th, 9th, and 10th
- Festival of the Holy Spirit: June 5th, 6th, and 7th
- Senhor Santo Cristo: September 4th, 5th, and 6th

(File No. CSU-P09-000-2008, CSU-M02-000-2008)

(See Miscellaneous Business Item No. 4)

07-145 From Jeff Garrah, CEO, KEDCO, and Jeff Gouveia, Family Physician Recruiter, KEDCO, a memorandum in regards to the Family Physician Recruitment Support Program Update.

(File No. CSU-S08-000-2009)

(Distributed to all Members of Council on February 27, 2009)

Referred to the City Clerk

07-134 From Tim Laprade, Public Education Coordinator, asking that Council proclaim May 17-23, 2009 as “Public Works Week” in the City of Kingston.

(File No. CSU-M10-000-2009)

07-141 From Jamie Masse, asking that Council proclaim 8:30 pm, March 28, 2009 as “Earth Hour” in the City of Kingston.

(File No. CSU-M10-000-2009)

07-143 From Joan Gowsell, Fundraising Coordinator, Canadian Cancer Society, asking that Council proclaim April 2009 as “Daffodil Month” in the City of Kingston.

(File No. CSU-M10-000-2009)

Referred to the President and CEO of Utilities Kingston

07-139 From Tim Edwards, Special Project Engineer, Ministry of the Environment, providing information on the introduction of a new type of Certificate of Approval available for waste disposal sites that receive, store and sort municipal waste.

(File No. CSU-E07-000-2009)

(Digitally distributed to all Members of Council on February 17, 2009)

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BY-LAWS

(A) Moved by Councillor Smith

Seconded by Councillor Garrison
THAT By-Laws (1) through (9) be given their first and second reading.  

CARRIED

(B) Moved by Councillor Meers  
Seconded by Deputy Mayor Schmolka  
THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (3) and (7) three readings.  

CARRIED

(C) Moved by Councillor Gerretsen  
Seconded by Councillor Hector  
THAT By-Laws (3) through (13) be given their third reading.  

CARRIED

FIRST AND SECOND READINGS  
(See Clause (3), Report No. 32)  
PROPOSED NO. 2009-40

(2) A By-Law To Appoint Members To The Committee Of Adjustment For The Term April 1, 2009 And Ending November 30th, 2010.  
FIRST AND SECOND READINGS  
(See Clause (3), Report No. 32)  
PROPOSED NO. 2009-41

(3) A By-Law To Amend By-Law No. 2007-170 Of The City Of Kingston, Being "A By-Law To Prohibit And Regulate The Destruction Or Injury Of Trees In The City Of Kingston"  
THREE READINGS  
(See Clause (1), Report No. 28)  
PROPOSED NO. 2009-42

(4) 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 ‘E’ To ‘B1.382’, 225 And 227 Earl Street)  
THREE READINGS  
(See Clause (3), Report No. 28)  
PROPOSED NO. 2009-43

(5) 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 ‘A5’ To ‘B1.226-H’, 1177 Montreal Street)  
THREE READINGS  
(See Clause (2), Report No. 28)  
PROPOSED NO. 2009-44

BY-LAWS (CONTINUED)

(6) 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" (Modify Site Specific Zoning – ‘C2-64-H’, 1281 Midland Avenue)  
THREE READINGS  
PROPOSED NO. 2009-45
(See Clause (4), Report No. 28)

THREE READINGS
(See Clause (c), Report No. 26) PROPOSED NO. 2009-46

(8) A By-Law To Establish Block 7 On Registered Plan 13M-74 As Part Of The Public Highway Known As Centennial Drive In The City Of Kingston In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001, As Amended.
THREE READINGS
(Delegated Authority) PROPOSED NO. 2009-47

(9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, March 3, 2009
THREE READINGS
(City Council Meeting No. 07-2009) PROPOSED NO. 2009-48

(10) A By-Law To Amend By-Law No. 84-650 “A By-Law To Designate Certain Properties To Be Of Historic And/Or Architectural Value Or Interest, Pursuant To Section 29 Of The Ontario Heritage Act “ To Reflect Its Cultural Heritage Value And Interest
THIRD READING
(See Clause (5), Report No. 31) PROPOSED NO. 2009-15

(11) A By-Law To Authorize The Temporary Closing Of A Portion Of Market Street From Ontario Street To Mid-Block, On Tuesday, March 17, 2009 From 6:00 A.M. Until 1:00 A.M. Wednesday, March 18, 2009 (Community Purposes – St. Patrick’s Day Celebration)
THIRD READING
(See Clause (2), Report No. 23) PROPOSED NO. 2009-36

(12) A By-Law To Amend By-Law No. 81-218, “A By-Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying A Disabled Person From The Provisions Of By-Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston”
THIRD READING
(See Clause (1), Report No. 23) PROPOSED NO. 2009-37

BY-LAWS (CONTINUED)

(13) 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”
THIRD READING
(See Clause (1), Report No. 23) PROPOSED NO. 2009-38
**ADJOURNMENT**

Moved by Councillor Gerretsen
Seconded by Councillor Glover

**THAT** Council do now adjourn.

CARRIED

Council adjourned at 10:30 pm.

(Signed) Carolyn Downs  Harvey Rosen
City Clerk  Mayor