The Regular Meeting of City Council was held on Tuesday, December 1, 2009, and was called to order at 5:45 pm in the Council Chamber, City Hall. Regular business commenced at 7:45 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 5:45 pm to 7:35 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster (arrived 5:55 pm), Councillor Garrison (arrived 6:00 pm), Deputy Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison (arrived 6:02 pm), Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers (arrived 5:55 pm), Councillor Osanic (arrived 6:25 pm), Councillor Schmolka, Councillor Smith (arrived 5:50 pm) (13)

Absent: (0)

(Councillors’ Lounge)

Administrative Staff Present:
Mrs. C. Downs, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Mr. S. Kanellos, Director, Real Estate and Construction Services
Mr. J. Keech, President and CEO, Utilities Kingston
Ms. D. Krakow, Project Manager, Real Estate and Construction Services
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. L. Thurston, Commissioner of Community Development Services
Mr. G. Wallace, Director, Planning and Development

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COMMITTEE OF THE WHOLE “IN CAMERA”

(1) Moved by Deputy Mayor Gerretsen
Seconded by Councillor Glover

THAT Council resolve itself into the Committee of the Whole “In Camera” to consider the following items:

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

(b) Advice that is subject to solicitor-client privilege and litigation or potential litigation – Drive Through Policies, Adopted Official Plan

(c) Labour relations or employee negotiations – Professional Firefighter Association; Ontario Nursing Association

CARRIED

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(Council Chamber)

Administrative Staff Present:
Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. G. Coons, Executive Assistant, Office of the Mayor
Mr. J. de Hoop, Director, Community and Family Services
Mrs. C. Downs, City Clerk
Mr. J. Hale, Driver/Labourer, Public Works

Administrative Staff Present (continued):
Mr. G. Hunt, Chief Administrative Officer  
Ms. L. Hurdle, Director, Recreation and Leisure Services  
Mr. S. Kanellos, Director, Real Estate and Construction Services  
Mr. J. Keech, President and CEO, Utilities Kingston  
Ms. L. Kimble, Assistant Supervisor, Community Development, Recreation and Leisure Services  
Mr. D. Leger, Commissioner of Corporate Services  
Mr. H. Linscott, Director, Legal Services  
Ms. S. Powley, Committee Clerk, Clerk's Department  
Mr. L. Thurston, Commissioner of Community Development Services  
Mr. G. Wallace, Director, Planning and Development

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REPORT OF THE COMMITTEE OF THE WHOLE “IN CAMERA”

(2) Moved by Councillor Foster  
Seconded by Councillor Smith  
THAT Council rise from the Committee of the Whole “In Camera” without reporting.  
CARRIED

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DISCLOSURE OF PECUNIARY INTEREST

Councillor MacLeod-Kane declared a possible pecuniary interest in the matter of Motion No. (2) because she is an employee of the Limestone District School Board.

Councillor Garrison declared a possible pecuniary interest in the matter of Motion No. (2) because he is an employee of the Algonquin Lakeshore Catholic District School Board (ALCDSB).

Deputy Mayor Gerretsen declared a possible pecuniary interest in the matter of Motion No. (2) because his mother is an employee of the Algonquin Lakeshore Catholic District School Board (ALCDSB) and in the matter of Clause 2 of Report No. 3 of the Planning Committee, as he is partial owner of a property management firm which owns and rents property in the vicinity of the subject land.

Councillor Meers declared a possible pecuniary interest in the matter of Motion No. (2) due to her professional association with the school boards.

Councillor Schmolka declared a possible pecuniary interest in the matter of Clause 4 of Report No. 5 of the Nominations Advisory Committee as an applicant for a position on the Affordable Housing Committee is the fundraising chair for a Land Conservancy for Kingston, Frontenac, Lennox and Addington project and she is the President of that organization. This is not a pecuniary interest but there could be a perception of bias.

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PRESENTATIONS

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DELEGATIONS

Council consented to the addition of Delegation No. (1).
(1) Ms. Liz Schell, President of Domino Theatre Inc. was present and spoke to Council regarding the report entitled "Domino Theatre Accommodations in a City Owned Facility". 
(See Clause (1), Report No. 2)

Moved by Councillor Garrison 
Seconded by Deputy Mayor Gerretsen

THAT Council waive the rules of By-Law No. 98-1, “Council Procedural By-Law”, in order to allow Mr. Paul McFadden to speak regarding Sunday hunting. 

CARRIED

(A 2/3 Vote of Council Was Received)

(2) Mr. Paul McFadden was present and spoke to Council regarding Sunday hunting. 
(See Clause 1, Report No. 4)

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BRIEFS

Council consented to the amendment of Briefing No. (2).

(1) Ms. Donna Morrin, Assistant Deputy Commissioner of Institutional Operations for Correctional Service of Canada, was present and spoke to Council regarding the Frontenac and Pittsburgh Institutions, the risks to the community regarding the recent escapes and the steps that are being considered or implemented to prevent future escapes.

(2) Lieutenant-Commander Robert W. Houle, Commanding Officer of HMCS KINGSTON, was present and spoke to Council regarding the Navy's Centennial Namesake Project.

(3) Councillor Dorothy Hector, Chair of the Community Task Force for the Olympic Torch Relay Community Celebration, was present and spoke to Council regarding the Kingston celebration plans for December 14 and 15, 2009.

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PETITIONS

(1) A petition bearing approximately 15 signatures was presented by Councillor MacLeod-Kane and referred to the Planning Committee and reads as follows:

"Please accept this petition from the following landowners in objection to the re-classification of their land in the new Official Plan. The following landowners were not advised of the change in classification of their lands and no public meeting was held in our area. The following landowners would like to see the new Official Plan be amended and their properties remain under the existing classification."

REFERRED TO THE PLANNING COMMITTEE

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MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Congratulations
Council consented to the addition of Motions of Congratulations (2) through (5).

(1) Moved by Deputy Mayor Gerretsen
    Seconded by Councillor Osanic
    THAT congratulations be extended on behalf of The City of Kingston to local firefighters Craig Rundle and Tim Restoule, for the heroic off-duty rescue of a woman involved in a car accident in a northern Ontario snowstorm. Mr. Rundle and Mr. Restoule demonstrated their professionalism and valour by acting swiftly and skilfully for nearly one hour until a rescue team arrived on the scene.

(2) Moved by Councillor Garrison
    Seconded by Councillor Glover
    THAT the congratulations of Kingston City Council be extended to former Councillor Don Rogers and his wife, Lorraine, on the birth of their first grandchild, a girl, Diem Del Brocco, born to Daina and Dave on November 20, 2009, in Tuscany, Italy.

(3) Moved by Councillor Hector
    Seconded by Councillor Schmolka
    THAT the congratulations of Kingston City Council be extended to Shirley de Silva, Airport Manager, on her new position. Thank you for your service to the City and your good work at improving Kingston's airport.

(4) Moved by Councillor MacLeod-Kane
    Seconded by Deputy Mayor Gerretsen
    THAT the congratulations of Kingston City Council be extended to Ms. Jean Snider, who will celebrate her 80th birthday on December 9, 2009.

(5) Moved by Mayor Rosen
    Seconded by Deputy Mayor Gerretsen
    THAT the congratulations of Kingston City Council be extended to the Queen's University Gaels Football team on their Vanier Cup victory over the Calgary Dinos, on Saturday November 28th. The Gaels scored 26 unanswered points, rallying from a 25-7 halftime deficit to defeat Calgary, 33-31, at Laval University in Quebec. This victory gave Queen's their fourth Vanier Cup title and their first since 1992. A special note of thanks to the people of Ville de Quebec and the Laval fans who were very hospitable and welcoming to the spirited, local group that travelled eastward to support the team.

CARRIED

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REPORTS
Report No. 1 the Chief Administrative Officer (Consent)

Moved by Councillor Garrison
Seconded by Councillor Schmolka

THAT Report No. 1 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the amendment of Clause (c) and the separation of Clause (h) of Report No. 1 of the Chief Administrative Officer (Consent).

Report No. 1

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) 2009 Healthy Community Fund

THAT Council approve the Healthy Community Fund recommendations for distribution as outlined in the United Way 2009 Healthy Community Fund Report which is attached as Exhibit “A”.

(The Report of the Commissioner of Sustainability and Growth (10-006) was attached as Schedule Pages 1-7)

(File No. CSU-F25-000-2010)

(b) Canada-Ontario Affordable Housing Program – Endorsement of Housing Proposal on Severed Land; North Frontenac Housing Corporation

THAT Council endorse the proposal by North Frontenac Housing Corporation (NFHC) to sever land on Clement Road in Sharbot Lake and to convey this parcel of land to a new corporation, Central Frontenac Housing Corporation, for the construction and ownership of a five-unit seniors’ affordable housing project;

- and further -

THAT Council endorse the submission of an application for this affordable housing project to the Ministry of Municipal Affairs and Housing (MMAH) for consideration for funding under the Canada-Ontario Affordable Housing Program, Extension 2009.

(The Report of the Commissioner of Community Development Services (10-007) was attached as Schedule Pages 8-11)

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

(c) Award of Tender F18-PWS-SW-2-2009 for the Supply of Recycling Boxes to Norseman Plastics Ltd.

THAT Norseman Plastics Ltd. be awarded the contract in response to Tender No. F18-PWS-SW-2-2009 for the supply of recycling boxes for the City of Kingston blue box / grey box recycling program for two years with an optional one year extension to be exercised at the sole discretion of the City of Kingston;

- and further -

THAT an agreement be prepared in a form satisfactory to the Legal Services Department;

REPRESENTS (CONTINUED)
Report No. 1 the Chief Administrative Officer (Consent)

- and further -
THAT the Mayor and Clerk be authorized to sign the agreement.
(The Report of the President and CEO of Utilities Kingston (10-014) was attached as Schedule Pages 12-14)
(File No. CSU-F18-000-2010)

(d) Arch Street – Temporary Road Closure
THAT a by-law be presented to City Council to provide for the temporary closure, for construction purposes, of Arch Street from Stuart Street northerly for a distance of approximately 80 meters to just south of the former Deacon Street right of way, from December 2009 to December 2010;
- and further -
THAT this by-law be given all three readings.
(The Report of the President and CEO of Utilities Kingston (10-017) was attached as Schedule Pages 15-21)
(File No. CSU-T08-000-2010)
(See By-Law No. (1), 2010-2)

(e) Grant of Easement to Canadian Renewable Energy Corporation Over the Driveway to City Lands at 546 Gardiners Rd.
THAT Council authorize the Mayor and Clerk to sign all necessary documents to grant an easement in favour of Canadian Renewable Energy Corporation (CREC) over the driveway of the City Lands known as 546 Gardiners Road “(City Lands)”, in a form satisfactory to the City Solicitor.
(The Report of the Commissioner of Corporate Services (10-019) was attached as Schedule Pages 22-27)
(File No. CSU-D15-000-2010)

(f) Central Airways Ltd. – Proposed Lease Amendment
THAT Council authorize the Mayor and Clerk to execute a lease amending agreement, to the satisfaction of the Director of Legal Services, to allow Central Airways Ltd. to sublet vacant office space in their building to Executrans and Ovation Travel Experiences Inc. for a period of three years.
(The Report of the Commissioner of Corporate Services (10-021) was attached as Schedule Pages 28-30)
(File No. CSU-L15-000-2010)

(g) Cataraqui Clippers Soccer Club Donation
THAT the Mayor and Clerk be authorized to enter into an agreement with the Cataraqui Clippers Soccer Club, to the satisfaction of the Director of Legal Services, for the donation of $50,000 which is to be allocated towards turf improvements to Jim Beattie East Soccer Field and the purchase of new soccer goal frames.
(The Report of the Commissioner of Sustainability and Growth (10-022) was attached as Schedule Pages 31-33)
(File No. CSU-F11-000-2010)
(h) **Authorization for Mayor and Clerk to Sign Easement Agreement for the Rock Dowels on City Property Adjacent to the Marine Museum of the Great Lakes Dry Dock**

**THAT** Council authorize the Mayor and the Clerk to sign easement agreements as necessary, in a form satisfactory to the Director of Legal Services, with Public Works and Government Services Canada to permit the placement of rock dowels within a portion of the Navy Memorial Park at 61 Ontario Street, and to permit municipal infrastructure within a portion of lands owned by Public Works and Government Services Canada.

(The Report of the Commissioner of Corporate Services (10-023) was attached as Schedule Pages 34-38)

(File No. CSU-D15-000-2010)

**CARRIED**

(i) **Award of Contract to Dragonfly Information Technology Inc. for the Development and Hosting of the Newcomers Web Portal (RFI No. F32-SG-SEC-2009-1)**

**THAT** Council authorize the Mayor and Clerk to enter into a time and materials contract with Dragonfly Information Technology Inc., in a form satisfactory to the Director of Legal Services, in reference to RFI No. F32-SG-SEC-2009-1, for an amount not exceeding $50,000, with annual web hosting and maintenance fees to be determined.

(The Report of the Commissioner of Sustainability and Growth (10-025) was attached as Schedule Pages 39-43)

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

**CARRIED**

(Clauses (a) through (g), and (i))

Moved by Councillor MacLeod-Kane
Seconded by Deputy Mayor Gerretsen

**THAT** Council waive the rules of By-Law No. 98-1, “Council Procedural By-Law”, in order to amend the Orders of the Day to deal with Report No. 4 of the Administrative Policies Committee at this point in the meeting.

**CARRIED**

(A 2/3 Vote of Council Was Received)

(See Page No. 13)

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Report No. 2 of the Chief Administrative Officer (Recommend)

Moved by Deputy Mayor Gerretsen
Seconded by Councillor Osanic

**THAT** Report No. 2 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to the addition of Clause (1) of Report No. 2 of the Chief Administrative Officer (Recommend).

**Report No. 2**

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

(1) **Domino Theatre Accommodations in a City Owned Facility**

**THAT** staff be authorized to negotiate the terms of agreement for the accommodation of the Domino Theatre at the Cook Brothers Arena space with final approval of the terms of the agreement to be provided to Council for approval;

**REPORTS (CONTINUED)**

Report No. 2 of the Chief Administrative Officer (Recommend)
- and further -

**THAT** staff provide a project budget for the renovations of the Cook Brothers Arena to Council for its approval once the major conditions of the terms of the occupancy have been negotiated;

- and further -

**THAT** the City enter into an agreement with the Domino Theatre for use of the Cook Brothers Arena for use as temporary storage space for the air conditioning unit that will not be installed until the space is completed in 2010. (The Report of the Commissioner of Sustainability and Growth (10-024) was distributed separately from the agenda.) (File No. CSU-R50-000-2010)

CARRIED

(See Motion To Defer Which Was LOST)

Moved by Councillor Matheson
Seconded by Deputy Mayor Gerretsen

**THAT** Clause (1) of Report No. 2 of the Chief Administrative Officer (Recommend) be deferred until January 2010 in order to allow staff to report back with options;

- and further -

**THAT** communication be undertaken with other potential user groups.

LOST

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Report No. 3 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Glover

**THAT** Report No. 3 of the Planning Committee be received and adopted.

Council consented to the separation of Clause 1 of Report No. 3 of the Planning Committee.

**Report No. 3**

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.

November 19, 2009

1. **Draft Decision for City’s Adopted Official Plan 2009**

**THAT** Council endorse the Draft Notice of Decision which incorporates both the revisions recommended by the Ministry of Municipal Affairs and Housing, and the staff recommended changes, as follows:

**THAT** in Section 1.4 Definitions, the definition for “Alternative Energy” be deleted;

REPORTS (CONTINUED)
Report No. 3 of the Planning Committee
THAT in Section 1.4 Definitions, the definition for “Renewable Energy” be deleted and replaced as follows: “Renewable Energy Source: an energy source that is renewed by natural process and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy, tidal forces and such other energy sources as may be prescribed by the regulations, but only if the energy source satisfies such criteria as may be prescribed by the regulations for that energy source (Green Energy Act, 2009);";

THAT in Section 1.4 Definitions, the definition for “Sustainable Energy” be deleted;

THAT in Section 2.1.1, Sustainable Development, the word “alternative” be deleted;

THAT in Section 2.7.5b) a new sentence be added as follows: “When identifying a required distance separation related to livestock operations, the Minimum Distance Separation formulae will be used”;

THAT in Section 3.1., Generally Permitted Uses, the second sentence of Section 3.1.5 be replaced with the following: “In Prime Agricultural and Mineral Resource Areas, and areas with mineral and aggregate reserves as shown on Schedules 3 and 12, parks are permitted only as accessory uses, subject to the policies of the respective designation”;

THAT Section 3.4.A.5 be deleted and replaced as follows: “New drive-through facilities are subject to the policies of Section 10A.3.6 of this Plan”;

THAT in Section 3.4.A.7, Central Business District, the following clause be added at the end of the section “...and as set out in Section 10A.2.6, requires ground floor commercial land use in specific locations”;

THAT in Section 3.4.C.2, Main Street Commercial, the following text be added “...For properties within the Williamsville Main Street Commercial area, land use on the ground floor is required to be commercial”;

THAT Section 3.4.C.4 be deleted and replaced as follows: “Existing automotive sales, gas stations or gas bars are anticipated to be phased out over time, but in the interim, may be restricted to specific locations in the zoning by-law. New drive-through facilities will not be permitted in the Main Street Commercial designation in order to protect and enhance the pedestrian environment. However, there may be exceptional circumstances where a drive-through facility may be permitted where the intent of this Plan regarding the Main Street Commercial designation can otherwise be preserved. Applications for a new drive-through facility are also subject to the requirements of Section 9 of this Plan”;

THAT in Section 3.4.C.5, Main Street Commercial, the following text be deleted: “or as independent buildings”;

THAT Section 3.4.G.7 be deleted and replaced as follows: “Drive through facilities have particular operational characteristics. The City has an interest in the form and location of such uses to ensure that such uses will be appropriate for any particular site. Land use compatibility, parking, signage, landscaping, and impacts on the streetscape and the pedestrian and vehicle environments will be key considerations in the review of new or expanding drive-through facilities. Detailed regulations for new or expanding drive through facilities will be contained within the implementing zoning by-law. New or expanding drive-through facilities are subject to site plan control review. As part of the development review process the proponent is required to submit such supporting studies and reports as set out in Section 9.12 of this Plan as may be relevant to enable the City to fully evaluate the proposed drive-through facility”;

THAT in both Sections 3.5.12 and 3.5.16, Institutional, the words “Tett Centre” be replaced with the words “Stella Buck Building”;

THAT in Section 3.6, Employment Areas, references in Sections 3.6.10, 3.6.A.2 f), 3.6.B.2 g), and 3.6.C.2 b) the words “alternative energy and” be deleted;

REPORTS (CONTINUED)
Report No. 3 of the Planning Committee
THAT for Section 3.6.B.5, General Industrial, that a new section be added, as follows: “It is the intent of this Plan to encourage the redevelopment of the Division Street and Montreal Street frontages for Business Park uses in accordance with the policies of Section 3.6.A;”

THAT for Section 3.12, Prime Agricultural Area, that subsection 3.12.2, permitted uses, item c) be deleted and replaced with the following: “that the use is required to be located in close proximity to the farm operation;”

THAT for Section 3.12.3, Prime Agricultural Area, Accessory Uses, that the last sentence of the subsection be deleted in its entirety and replaced with the following: “Such accessory uses are to be limited in scale and generally conducted within a building;”

THAT Sections 3.12.7 and 3.12.8, Prime Agricultural Area, “Agricultural Service and Supply” be deleted in their entirety, and that the following sections be renumbered accordingly;

THAT Section 3.18 Site Specific Policies be modified to include a new Site Specific Policy, as follows:

S.3.18.37 The lands located at 1035 Gardiners Road and the southerly portion of 1085 Gardiners Road, identified on Schedule 3-A of this Plan as being designated Business Park Industrial, are partly designated Business Park Industrial and partly designated General Industrial by this Plan. The Business Park Industrial designation applies to the portion of the lands generally located within 90 metres of the front property line. The General Industrial designation applies to the portion of the lands generally located between the terminus of the Business Park Industrial designation and the rear lot line. In addition to the Business Park Industrial and the General Industrial permissions applicable to the property, for the lands located at 1035 Gardiners Road and a portion of 1085 Gardiners Road, permitted uses shall also include one (1) large-format home improvement retail warehouse store with accessory and ancillary uses, including an associated garden sales centre. (Margin note to read: 1035 and portion of 1085 Gardiners Road, SSP. No. 37);

THAT Section 5.27, Air Quality, the term “sustainable” in the fourth line be replaced by the word “renewable;”

THAT in Section 6.1.2 – Natural Heritage Area “A”, in the second sentence, following the word “development” the words “or site alteration” be inserted;

THAT in Section 6.1.3 – Natural Heritage “A” Features and Areas, at the end of the first sentence, the following new wording be inserted: “The designation of locally significant wetlands as Natural Heritage “A” features and areas does not preclude or hinder the consideration of new aggregate extraction operations, nor will it prohibit access to mineral aggregate resources;”

THAT Section 6.2, Energy Conservation and Production, be deleted and replaced in its entirety, with revised text as attached as Exhibit ‘B’;

THAT in Section 7, Cultural Heritage Resources, General Policies, in Section 7.1.10 c) the clause be reworded as follows: “using zoning by-law provisions as appropriate, to preserve identified significant cultural heritage resources;”

THAT in Section 7, Cultural Heritage Resources, General Policies, in Section 7.1.10, a new clause be added as subsection “h) using heritage easements as a means to protect significant heritage resources, where appropriate;”

REPORTS (CONTINUED)
Report No. 3 of the Planning Committee

THAT in Section 7, Cultural Heritage Resources, General Policies, a new Section 7.1.12 be inserted to read as follows: “In the event that human remains or cemeteries are identified or encountered during assessment, site
alteration or development, all work must immediately cease and the site must be secured. The appropriate provincial and municipal authorities must be notified. Required provisions under the Cemeteries Act, Ontario Heritage Act, along with other applicable protocol or policy must be followed. Where there are First Nation burials, they will be addressed by consultation with all relevant First Nations communities. Licensed archaeologists may be required to assess and/or monitor the property, and recommend conservation strategies;

THAT Section 7, Cultural Heritage Resources, General Policies, Section 7.1.12 be renumbered to Section 7.1.13;

THAT a new Section 7.3.B.5 be added as follows: “Impacts and encroachments on known cemeteries or burial sites must be assessed and mitigated under applicable legislation and policy”;

THAT in Section 7.4.1, Archaeological Resource Conservation, first sentence, be deleted and replaced as follows: “The recently completed Archaeological Master Plan is intended to manage significant archaeological resources in the City and provide policy direction in assessing areas of archaeological potential”;

THAT Section 10A.3.6 be deleted and replaced as follows: “New drive-through facilities will not be permitted in the Downtown and Harbour Special Policy Area in order to protect and enhance the unique sense of place and the cultural heritage resources that characterize the Downtown and Harbour Special Policy Area as shown on Schedule DH-1. On Prime Pedestrian Streets, as shown on Schedule DH-3, vehicle crossings of the sidewalk may be limited or restricted, in order to enhance the safety and convenience of pedestrian movement. However, there may be exceptional circumstances where a drive-through facility may be permitted where the intent of this Plan regarding the Downtown and Harbour Special Policy Area can otherwise be preserved. Applications for a new drive-through facility are subject to site plan control review and the policies of Section 9 and Section 10A.6.4 of this Plan”;

THAT in Section 10A.5.7, a new section be added, as follows: “Development on this site is subject to the policies of Section 3.18.36 of this Plan” and add a corresponding margin note as follows: “Queen Street Dock (Site 7)”;

THAT in Section 10B, Rideau Community Secondary Plan, a new Section 10B.14 Site Specific Policies be added as follows:

S. 10B.14.1 217/235 Gore Road: “Notwithstanding the provisions in Section 10B.4, a one storey, stand alone, single use commercial building will be permitted. The development will be oriented to the existing commercial context to facilitate ease of movements and will be complementary to the existing plaza through the design of the building, lighting, and signage in order to provide a cohesive sense of place. The building façade will be strongly defined with windows along the street front and entrance areas. The building will set back from the street to allow appropriate separation and screening of the drive through facility from the existing residential uses to the north. The development will encourage pedestrian and cycling movements through the provision of amenities and through connections to the street and the existing commercial plaza. Extensive multilevel landscaping will be provided to screen the parking and enhance the streetscape and islands will be provided to soften the parking areas and improve pedestrian safety and comfort.” (Margin note to read: 217/235 Gore Road, SSP No. RC-1-1);

THAT a corresponding mapping change be made to Schedule RC-1 to refer to the above noted site specific policy, Site Specific Policy RC-1-1;

THAT on Schedule 3-A, the designation north of Walmart (East side of Midland Avenue, south of Cataraqui Woods Drive) be redesignated from General Industrial to Business Park Industrial;

REPORTS (CONTINUED)
Report No. 3 of the Planning Committee

THAT on Schedule 3-C, the Harbour designation associated with the Trident Yacht Club be expanded to include additional waters off the westerly landholdings of the Club;

THAT on Schedule 3-D, a new Site Specific Policy No. 37 is added (to recognize the approved Lowes application);
THAT on Schedule DH-2, a new “Site 7” be added to denote the location of the Queen Street Dock property;

THAT Planning Committee supports Option 3 which is “To proceed with the adopted land use schedules but with a commitment from Council to work with OMAFRA to revise the land use schedules through an amendment to the Official Plan in the near future” as contained in the MMAH letter dated November 6, 2009 and staff will report back to Planning Committee on the issue including matters of time and budget;

- and further -

THAT Council endorse the Draft Notice of Decision and that this be forwarded to the Minister of Municipal Affairs and Housing for approval as modifying the Official Plan for the City of Kingston Planning Area.

(Note: A copy of Exhibit ‘B’ was attached as Schedule Pages 44-48)

CARRIED

(See Motion To Defer Which Was LOST)

Moved by Councillor Glover
Seconded by Councillor Garrison

THAT Council waive the rules of By-Law No. 98-1, “Council Procedural By-Law”, in order to allow Councillor MacLeod-Kane to speak beyond 5 minutes.

CARRIED

(A 2/3 Vote Of Council Was Received)

Moved by Councillor MacLeod-Kane
Seconded by Councillor Garrison

THAT Clause 1 of Report No. 3 of the Planning Committee be deferred for two weeks until the Council meeting on December 15, 2009.

LOST (5:8)

A Recorded Vote was requested by Councillor MacLeod-Kane

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor MacLeod-Kane, Councillor Meers, Councillor Smith (5)

NAYS: Councillor Foster, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka (8)

Deputy Mayor Gerretsen withdrew from the meeting.


THAT the Application for Zoning By-Law Amendment (Our File No. D14-153-2009) submitted by IBI Group, on behalf of 1324777 Ontario Ltd., for the property municipally known as 177-179 Alfred Street, BE APPROVED.

REPORTS (CONTINUED)
Report No. 3 of the Planning Committee

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

1. By Adding a new subsection Part VII, Section 388 thereto as follows:

“(388) 177-179 Alfred Street”
Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, for the lands Zoned 'B.388' on Schedule ‘A’ hereto, the following regulations shall apply:

1. Shall have a total of 6 dwelling units containing a maximum total of 24 bedrooms;
2. Maximum Interior Side Yard Width of 2.50 metres;
3. Maximum lot coverage of 37.5%;
4. Minimum Amenity and Play Space Area of 467 square metres;
5. Minimum driveway width of 2.5 metres; and
6. A single vehicle ingress and egress shall be permitted.

AND FURTHER THAT the Amending By-Law be presented to City Council for all three readings.
(Note: A copy of the draft by-law was attached as Schedule Pages 49-50)
(See By-Law No. (2), 2010-3)

CARRIED

Deputy Mayor Gerretsen returned to the meeting.

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Report No. 4 of the Administrative Policies Committee

Moved by Councillor Hector
Seconded by Councillor Meers

THAT Report No. 4 of the Administrative Policies Committee be received and adopted.

Council consented to the separation of Clause 1 of Report No. 4 of the Administrative Policies Committee.

Report No. 4

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.

November 23, 2009

1. Sunday Hunting

THAT no action be taken on the proposed motion of Councillor MacLeod-Kane and Councillor Garrison, which reads as follows:

REPORTS (CONTINUED)

Report No. 4 of the Administrative Policies Committee

THAT the City of Kingston endorse Sunday hunting in the areas as outlined in the map contained in Appendix A, being a draft by-law to regulate the discharge of firearms, attached to Report AP-09-022; and,

THAT the City of Kingston make application to the Ministry of Natural Resources to add the City to the Regulation which lists all of the municipalities in southern Ontario in which Sunday hunting is permitted.

DEFERRED
(See Motion To Defer Which Was CARRIED)
THAT Clause 1 of Report No. 4 of the Administrative Policies Committee be deferred and referred back to the Administrative Policies Committee to hold a public meeting in January 2010 in the rural area.

CARRIED

2. Canadian Coalition of Municipalities Against Racism and Discrimination

WHEREAS the Canadian Commission of UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Canadian Coalition of Municipalities Against Racism and Discrimination and be part of UNESCO's international coalition launched in 2004; and,

WHEREAS the Federation of Canadian Municipalities endorses the Call for a Canadian Coalition of Municipalities against Racism and Discrimination and encourages its members to join; and,

WHEREAS municipal governments in Canada, along with other levels of government, have responsibilities under Canada’s Charter of Rights and Freedoms as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;

THEREFORE BE IT RESOLVED THAT The Corporation of the City of Kingston agrees to join the Canadian Coalition of Municipalities Against Racism and Discrimination and, in joining the Coalition, endorses the Common Commitments (listed on Page 5 of Report No. AP-09-025) and agrees to develop or adapt its own unique Plan of Action accordingly;

- and further -

THAT these Common Commitments and Kingston's unique Plan of Action will be an integral part of the municipality's vision, strategies and policies;

- and further -

THAT in developing or adapting and implementing Kingston's own unique Plan of Action toward progressive realization of the Common Commitments, the municipality will cooperate with other organizations and jurisdictions, including other levels of government, Aboriginal people, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights;

- and further -

THAT Kingston will set its priorities, actions and timelines and allocate resources according to its unique circumstances, and within its means and jurisdiction. Kingston will exchange its expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.

(Note: A copy of Page 5 of Report No. AP-09-025 was attached as Schedule Page 51)

CARRIED

**********

REPORTS (CONTINUED)

Report No. 5 of the Nominations Advisory Committee

Moved by Councillor MacLeod-Kane
Seconded by Councillor Hutchison

THAT Report No. 5 of the Nominations Advisory Committee be received and adopted.

Report No. 5

To the Mayor and Members of Council:
The Nominations Advisory Committee reports and recommends as follows:
1. **Appointments to the Rural Affairs Advisory Committee**

   **THAT** the following individuals be appointed to the Rural Affairs Advisory Committee for a term ending November 30, 2010:
   - Barry Aiken
   - Dan Rickards
   - Brian Tolls.

2. **Appointments to the Municipal Accessibility Advisory Committee**

   **THAT** the following individuals be appointed to the Municipal Accessibility Advisory Committee for a term ending November 30th, 2010:
   - Bill Brown
   - Robert Baird
   - William Hendry
   - Gary Larson
   - Albert Mezzetta
   - Heidi Penning
   - Rebecca Pero
   - Ryan Taylor.

3. **Appointments to the Kingston Economic Development Corporation (KEDCO) Board of Directors**

   **THAT** the following individuals be appointed to the Kingston Economic Development Corporation Board of Directors for the following terms:
   - January 1st, 2010 to December 31st, 2010
     - Shailesh (Shai) Dubey
     - Dean Byrnes
     - Douglas Green;
   - January 1st, 2010 to December 31st, 2011
     - Tim Sugrue;

- **REPORTS (CONTINUED)**

  **Report No. 5 of the Nominations Advisory Committee**

  January 1st, 2010 to December 31st, 2012
  - Gord McDougall
  - David Rutenberg
  - Debi Wells
  - Derek Winton;

  - **and further** -

  **THAT** the aforementioned recommendation be forwarded to the Kingston Economic Development Corporation Board of Directors for approval.
Councillor Schmolka withdrew from the meeting.

4. Appointments to the Affordable Housing Committee

THAT the following individuals be appointed to the Affordable Housing Committee for a term to expire November 30th, 2010:

- Marilyn Birmingham
- Barbara Butler
- Cindy Cameron
- Gwyn Griffith
- Chris Grimshaw
- Bryan Metcalfe
- Mark Michener
- Patricia Streich.

CARRIED

Councillor Schmolka returned to the meeting.

5. Appointments to the Arts Advisory Committee

THAT the following individuals be appointed to the Arts Advisory Committee for a term ending November 30th, 2010:

- Frances Berry
- Lynne Kenny.

6. Appointments to the Focus Kingston Steering Committee

THAT the following individuals be appointed to the Focus Kingston Steering Committee for a term ending November 30th, 2010:

- Dan Corbett
- Adam Davidson-Harden
- Daniel Hendry
- Kathy Horton
- Linda Whitfield.

REPORTS (CONTINUED)

Report No. 5 of the Nominations Advisory Committee

7. Appointments to the Appeals Committee

THAT the following individuals be appointed to the Appeals Committee for a term ending November 30th, 2010:

- Tony Dowling
- Blaine Fudge
- Michael Gourgon.

8. Appointments to the Cataraqui Region Conservation Authority – Lemoine Point Advisory Committee
THAT the following individuals be appointed to the Cataraqui Region Conservation Authority – Lemoine Point Advisory Committee for a term ending November 30th, 2010:

- Jack Aldridge
- Dr. Heather Delanghe
- Chris Hargreaves
- Shelagh Mirski
- Roy O’Donnell
- Marie Surridge.

9. Appointments to the Kingston Community Memorial Centre Advisory Committee

THAT the following individuals be appointed to the Kingston Community Memorial Centre Advisory Committee for a term ending November 30th, 2010:

- Jim Neill
- Kevin Offord.

10. Appointment to the Kingston Environmental Advisory Forum

THAT David Carnegie be appointed to the Kingston Environmental Advisory Forum for a term ending November 30th, 2010.

11. Appointment to the Kingston Frontenac Public Library Board

THAT Erik Knutsen be appointed to the Kingston Frontenac Public Library Board for a term commencing January 1, 2010, and ending November 30th, 2010.

12. Appointment to the Kingston Municipal Heritage Committee (LACAC)

THAT Donald Taylor be appointed to the Kingston Municipal Heritage Committee (LACAC) for a term ending November 30th, 2010.

REPORTS (CONTINUED)

Report No. 5 of the Nominations Advisory Committee

13. Appointment to the Kingston Police Services Board

THAT Andrea Risk be appointed to the Kingston Police Services Board for a term ending November 30th, 2010.

14. Appointments to the Taxi Commission

THAT the following individuals be appointed to the Taxi Commission for a term ending November 30th, 2010:

- Mohammed Aliraza Khan
- Charles Lapointe
- Kenneth Mathews
INFORMATION REPORTS

(1) K-ROCK Centre Year-to-Date Operations Report for the Period Ending September 30, 2009

The purpose of this report is to allow Arcturus/SMG the opportunity to provide its quarterly review of operations, and the corresponding financial results, for the nine months ending September 30, 2009, relative to the expected results based on their 2009 budget submission.

(The Report of the Commissioner of Corporate Services (09-340) was attached as Schedule Pages 52-65)

Moved by Deputy Mayor Gerretsen
Seconded by Councillor MacLeod-Kane

THAT Information Report No. (1) be deferred to the beginning of the next Council meeting on December 15, 2009, to be dealt with prior to the Report of the Chief Administrative Officer (Consent).

(2) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of October 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 October 2009 and to report additional information on contracts awarded by senior staff between the $20,000 and $50,000 level for the month of October 2009.

(The Report of the Deputy Treasurer (10-002) was attached as Schedule Pages 66-70)

MISCELLANEOUS BUSINESS

Council consented to the amendment of Miscellaneous Business Item No. (3) to add Councillor Hector to the list of applicants for Kingston & Frontenac Housing Corporation, resulting in more applicants than vacancies; and the amendment of Miscellaneous Business Item No. (5) to add Councillor Garrison to the list of applicants for the Administrative Policies Committee and to delete Councillor Matheson from the Taxi Commission, resulting in sufficient applicants; and for the addition of Miscellaneous Business Item No. (8).

(1) Moved by Councillor Garrison
Seconded by Councillor Hector

THAT, at the request of ABC CANADA Literacy Foundation, Council proclaim January 27, 2010, as “Family Literacy Day” in the City of Kingston.
(See Communication No. 21-557 on the November 3 agenda)
(Distributed to all Members of Council on October 23, 2009)
(2) Moved by Councillor Schmolka
   Seconded by Councillor Foster

   THAT, at the request of the Heart and Stroke Foundation of Ontario, Council proclaim the month of February 2010 as “Heart Month” in the City of Kingston.
   (See Communication No. 01-003)
   (Distributed to all Members of Council on November 27, 2009)

CARRIED

(3) Moved by Councillor Osanic
   Seconded by Councillor Glover

   WHEREAS Members of Council indicated their choices to serve on the under noted Boards/Commission/Committees for a term ending November 30th, 2010; and,

   WHEREAS there were sufficient vacancies to accommodate each Councillor;

   THEREFORE BE IT RESOLVED THAT the following Members of Council be appointed to serve on the under noted Boards/Commission/Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th># of Appointments</th>
<th>Names</th>
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</thead>
<tbody>
<tr>
<td>Administrative Policies Standing</td>
<td>6 Councillors</td>
<td>Councillor L. Foster</td>
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<tr>
<td>Committee</td>
<td></td>
<td>Councillor S. Garrison</td>
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<td>Councillor D. Hector</td>
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<td>Councillor S. Meers</td>
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<td>Councillor V. Schmolka</td>
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<td>Councillor E. Smith</td>
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<tr>
<td></td>
<td>November 30, 2010</td>
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<tr>
<td>Arts, Recreation &amp; Community</td>
<td>6 Councillors</td>
<td>Councillor S. Garrison</td>
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<tr>
<td>Policies Committee</td>
<td></td>
<td>Councillor M. Gerretsen</td>
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<td></td>
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<td>Councillor B. Glover</td>
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<td>Councillor R. Hutchison</td>
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<td>Councillor S. Meers</td>
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<td>Councillor L. Osanic</td>
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<td>November 30, 2010</td>
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<tr>
<td>Planning Committee</td>
<td>6 Councillors</td>
<td>Councillor M. Gerretsen</td>
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<td>Councillor B. Glover</td>
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<td>Councillor D. Hector</td>
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<td>Councillor L. Osanic</td>
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<td>Councillor V. Schmolka</td>
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<td></td>
<td>November 30, 2010</td>
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<tr>
<td>Affordable Housing Committee</td>
<td>1 Councillor</td>
<td>Councillor M. Gerretsen</td>
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<td>November 30, 2010</td>
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<tr>
<td>Appeals Committee</td>
<td>2 Councillors</td>
<td>Councillor B. Glover</td>
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<td></td>
<td>Councillor V. Schmolka</td>
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<td>November 30, 2010</td>
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</table>
### Arts Advisory Committee

**Note:** Councillor must be a member of the Arts, Recreation, and Community Policies Committee.

<table>
<thead>
<tr>
<th># of Appointments Required</th>
<th>Names</th>
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<tbody>
<tr>
<td>1 Councillor</td>
<td>Councillor B. Glover</td>
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<td>November 30, 2010</td>
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### Awards Committee

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<thead>
<tr>
<th># of Appointments Required</th>
<th>Names</th>
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<tbody>
<tr>
<td>Mayor + 2 Councillors</td>
<td>Mayor H. Rosen Councillor V. Schmolka Councillor S. Meers</td>
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<td>November 30, 2010</td>
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### Cataraqui Region Conservation Authority (CRCA) Board

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<tr>
<th># of Appointments Required</th>
<th>Names</th>
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<tbody>
<tr>
<td>4 Councillors</td>
<td>Councillor S. Garrison Councillor D. Hector Councillor R. Matheson Councillor L. Osanic</td>
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<td>November 30, 2010</td>
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</table>

### Cataraqui Region Conservation Authority (CRCA) – Lemoine Point Advisory Committee

**Note:** Councillors must also be members of the CRCA Board.

<table>
<thead>
<tr>
<th># of Appointments Required</th>
<th>Names</th>
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<tbody>
<tr>
<td>2 Councillors</td>
<td>Councillor S. Garrison Councillor R. Matheson</td>
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<td>November 30, 2010</td>
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### Court of Revision (Drainage Act)

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<tr>
<th># of Appointments Required</th>
<th>Names</th>
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<tbody>
<tr>
<td>3 Councillors</td>
<td>Councillor L. Foster Councillor S. Garrison Councillor E. Smith</td>
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<td>November 30, 2010</td>
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### FOCUS Kingston Steering Committee

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<th># of Appointments Required</th>
<th>Names</th>
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<tbody>
<tr>
<td>2 Councillors</td>
<td>Councillor L. Foster Councillor D. Hector</td>
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<td>November 30, 2010</td>
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### Grand Theatre Community Advisory Board

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<th># of Appointments Required</th>
<th>Names</th>
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<tbody>
<tr>
<td>1 Councillor</td>
<td>Councillor M. Gerretsen</td>
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<td>November 30, 2010</td>
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### MISCELLANEOUS BUSINESS (CONTINUED)

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<tr>
<th>Committee</th>
<th># of Appointments Required &amp; Length of Term</th>
<th>Names</th>
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</thead>
<tbody>
<tr>
<td>Kingston Community Memorial Centre Advisory Committee</td>
<td>1 Councillor November 30, 2010</td>
<td>Councillor E. Smith</td>
</tr>
<tr>
<td>Municipal Accessibility Advisory Committee</td>
<td>1 Councillor November 30, 2010</td>
<td>Councillor M. Gerretsen</td>
</tr>
<tr>
<td>Nominations Advisory Committee</td>
<td>5 Councillors</td>
<td>Councillor B. Glover Councillor R. Hutchison</td>
</tr>
</tbody>
</table>
(4) Moved by Councillor Matheson
Seconded by Councillor Garrison

WHEREAS there were more applications from Members of Council than vacancies for the following Boards/Committees; and,

WHEREAS votes were taken as required with the outcome as noted herewith;

THEREFORE BE IT RESOLVED THAT Council appoint the following Members of Council to serve on the following Boards/Committees:

MISCELLANEOUS BUSINESS (CONTINUED)

<table>
<thead>
<tr>
<th>Committee</th>
<th># of Appointments &amp; Length of Term</th>
<th>Names</th>
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</thead>
</table>
| Court of Revision (Municipal Act)              | 3 Councillors November 30, 2010    | Councillor S. Garrison
                                                      |                                    | Councillor S. Meers
                                                      |                                    | Councillor E. Smith                  |
| Kingston & Frontenac Housing Corporation        | 3 Councillors November 30, 2010    | Councillor M. Gerretsen
                                                      |                                    | Councillor B. Glover
                                                      |                                    | Councillor D. Hector                 |
| Kingston Police Services Board                  | Mayor + 1 Councillor               | Mayor H. Rosen
                                                      |                                    | Councillor M. Gerretsen               |
(5) Moved by Councillor Glover  
Seconded by Councillor Smith  

THAT the following Members of Council to be appointed to serve on the following Boards/Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th># of Appointments Required &amp; Length of Term</th>
<th>Names</th>
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</table>
| Environment, Infrastructure & Transportation Policies Committee | Amended to 6 Councillors November 30, 2010 | Councillor L. Foster  
Councillor B. Glover  
Councillor R. Hutchison  
Councillor R. Matheson  
Councillor V. Schmolka  
Councillor E. Smith |

CARRIED

(6) Moved by Councillor Schmolka  
Seconded by Deputy Mayor Gerretsen  

WHEREAS the City of Kingston annually appoints the Mayor, three Councillors and one alternate Councillor to the Kingston Economic Development Corporation (KEDCO) Board; and  
WHEREAS four Members of Council have put their names forward to fill the vacancies on the KEDCO Board;  
THEREFORE BE IT RESOLVED THAT the following Members of Council be appointed to serve on the Board:

| Kingston Economic Development Corporation (KEDCO) | Mayor + 3 Councillors 1 Councillor (Alt) | Mayor H. Rosen  
Councillor D. Hector (Alternate)  
Councillor R. Hutchison  
Councillor V. Schmolka  
Councillor E. Smith |
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CARRIED

MISCELLANEOUS BUSINESS (CONTINUED)

(7) Moved by Councillor Glover  
Seconded by Councillor Hutchison  

THAT the Council of the Corporation of the City of Kingston extend its appreciation and recognition to the citizens of Kingston who have volunteered their time, effort, expertise, and knowledge by serving on one of the local boards / committees / commissions in 2009, for the betterment of the community.  

CARRIED

(8) THAT, pursuant to Section 239(3.1) of the Municipal Act, 2001 S.O., C.25, Council hereby authorizes the holding of a Closed Session Meeting on Tuesday, December 8, 2009, commencing at 6:00 p.m. in the British American Room, 3rd Floor, Four Points by Sheraton Hotel, 285 King Street East, in order to conduct a Education and Training Session on:  
- Roles and responsibilities of Council and staff as outlined in the Municipal Act, with an emphasis given to best practices and case analysis;  
- “Lame Duck Status” as Council enters an election year;  
- Council / staff relations;  
- Economic overview from a National and Provincial perspective as it pertains to municipal governments.
MOTIONS

(1) Moved by Councillor Matheson
Seconded by Councillor Glover

WHEREAS the District system is the preferred choice of this and previous Councils’ since amalgamation, representing the desires for governance of the majority of Citizens in Kingston; and,

WHEREAS it has been 10 years since amalgamation and Kingston has experienced growth and population redistribution; and,

WHEREAS currently there is not a process in place to review Kingston’s electoral District system nor the current boundaries; and,

WHEREAS each District should be divided as closely as possible by population numbers, so that citizens are fairly represented;

NOW THEREFORE BE IT RESOLVED THAT the City Clerk report back with a process to review Kingston’s current District boundaries and population distribution within each, with a suggested timeline for review, that allows for public input and adequate Council deliberation; and,

BE IT FURTHER RESOLVED THAT this review process be brought back to Council for consideration by February 2010, for a target date for review by within the 2nd year of office of the next Council, so that any new District format would be in place by 2014.

DEFERRED

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Motion No. (3) be amended to add the following:

- and further -

THAT as part of this process, the Clerk take into account such factors as, but not limited to, the following:

MOTIONS (CONTINUED)

1. The importance of established neighbourhoods and communities, socio-demographic factors, geographic boundaries, natural barriers and identifiable growth areas;

2. The under-representation of certain demographic groups (e.g. students, renters) in the current census data and the need to obtain population data from other sources such as, but not limited to, the Kingston Community Profile;

LOST (4:5)

3. The need for input from independent experts with experience in issues pertaining to establishing electoral boundaries;

LOST

- and further -

THAT as part of this process, the Clerk be authorized to consider the possibility of increasing the number of electoral districts.

LOST (3:6)

(2) Moved by Councillor Schmolka
Seconded by Councillor Foster
WHEREAS communities across Ontario are concerned with the Accommodation Review Committee process and the impact this flawed process has on the socio-economic fabric of our municipalities; and,

WHEREAS many schools are the hubs of their communities, a better accommodation review system is needed to address the educational facility needs of our residents; and,

WHEREAS a system to address the educational facility needs in Ontario must ensure that school boards and municipal councils partner on decisions regarding education infrastructure; and,

WHEREAS greater accountability for school board decisions is needed; and,

WHEREAS a thorough review of the governance model for school accommodation decisions must include an opportunity to appeal these decisions; and,

WHEREAS the accommodation review process should respect and value the input of students, parents, the community and municipality;

NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be petitioned to implement a “smart moratorium” on disputed school closings to provide the opportunity for the Ministry of Education, school boards and municipalities to work together to develop policies addressing such issues as planning for declining enrolments, a mutually agreed upon Accommodation Review Committee process, a review of funding to rural and small community schools, and transparency and accountability between municipalities and school boards;

AND BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to The Honourable Kathleen Wynne, Minister of Education, Mowat Block, 900 Bay Street, Toronto, Ontario M7A 1L2, Canada and to the Community Schools Alliance, 399 Ridout Street N, London, Ontario, N6A 2P1, reycraft@mdlsx.ca

DEFERRED

(3) Moved by Councillor Garrison
Seconded by Councillor Osanic

THAT the following motion, considered at the July 14th/15th, 2009 Council be reconsidered:

MOTIONS (CONTINUED)

“THAT a by-law be presented to amend By-Law 2006-122 being “A By-Law to Provide for the Regulation of Water Supply for the City of Kingston” to allow for the use of children’s water sprinklers/toys during the period June 15 to September 15 for the sole purpose of allowing children to play and remain cool during the summer, it being understood that children must be present when these toys are in use, and the devices are not to be used as a means to circumvent the watering by-law; and

THAT staff report back regarding enforcement at the August 4th, 2009 Council meeting, prior to Third Reading." A 2/3 Vote of Council is required.

DEFERRED

(4) Moved by Councillor MacLeod-Kane
Seconded by Councillor Osanic

WHEREAS Council has asked the Arts, Recreation and Community Policies Committee to review the Fire & Rescue Action Plan 2010-2015; and,

WHEREAS a Maclean's magazine report on cities, July 27, 2009, gives Kingston's fire services a "D" rating for effectiveness, judged by monetary losses per fire, and ranks costs to taxpayers per dwelling at $394, significantly higher than, for example, top ranking Quebec City of $198 per dwelling and Saskatoon at $295 per dwelling;
NOW THEREFORE BE IT RESOLVED THAT Council asks the Arts, Recreation and Community Policies Committee to include in its report to Council on the Fire & Rescue Action Plan any recommendations it deems appropriate with respect to the effectiveness and costs of fire services in Kingston.

DEFERRED

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

WHEREAS the City's lease on the British Whig is coming to an end in the near future; and,
WHEREAS Kingston Utilities has indicated the need to expand their building on John Counter Boulevard; and,
WHEREAS the current economic situation should encourage Council to practice fiscal restraint;

THEREFORE BE IT RESOLVED THAT City staff make all preparations necessary to have the Midland Ave Building ready for occupancy, as a minimum, for the following staff, Planning, Engineering, and Buildings and Licensing Departments and a payment centre no later than February 2010; and,

BE IT FURTHER RESOLVED THAT Kingston Utilities report to Council on the probable impact of their office space requirements over the next ten years, including the need to expand the building, if the Planning, Engineering, and Building and Licensing Departments vacate their current space, no later than the first Council meeting in September 2009.

(See Clause (4), Report No. 90, which was approved and in part resulted in Council re-endorsing 1211 John Counter Blvd. as the administrative hub and including 1425 Midland Ave. as part of a parcel of land to be assembled for employment lands)

DEFERRED

(6) Moved by Councillor Hutchison
Seconded by Councillor Garrison

WHEREAS Ontario's 2009 budget has proposed to harmonize sales taxes, the implementation of which will apply to electricity rates starting July 1, 2010, having the effect of increasing electricity rates by 8% across the Province; and,

MOTIONS (CONTINUED)

WHEREAS this increase in taxation on electricity bills will provide undue hardship to the residents and businesses of Ontario, particularly middle and low income families who are being hard pressed during the current economic recession due to reduced incomes and job losses and small businesses that are struggling to stay financially viable;

THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to exempt electricity sales from the provincial portion of the single harmonized sales tax;

- and further -

THAT this resolution be forwarded to all Ontario municipalities with a population over 50,000 for their support;

- and further -

THAT this Resolution be forwarded to the Premier, Deputy Premier/Minister of Energy and Infrastructure, Minister of Finance, Minister of Municipal Affairs and Housing, and the AMO.

DEFERRED

(7) Moved by Councillor Smith
Seconded by Councillor Schmolka

THAT it is Council's request that the Kingston Community Roundtable on Poverty Reduction brief Council on a regular basis on its endeavours in the community.

DEFERRED
THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:15 pm.  

LOST  
(A 2/3 Vote Of Council Was Not Received)

WHEREAS it has been contended in the public that the City has numerous sites or properties available for affordable housing development;

BE IT RESOLVED THAT staff be requested to report back to Council with a list of all properties owned by the City that may be utilized for affordable housing and that list identify the properties that are either vacant, or have been declared surplus, or any City owned properties with or without buildings that may have potential for the building of affordable housing;

- and further -

THAT a separate list be provided identifying lands that are (a) brownfields in tax default or (b) subject to potential tax sales in the next year;

- and further -

THAT both lists be annotated as to the suitability of the lands for affordable housing.

DEFERRED

WHEREAS, a global reduction in the emissions of carbon dioxide (CO2) and its significant contribution to the creation of greenhouse gases (GHG) is necessary to slow climate change and reduce the risks to our economy, human health, the physical environment and quality of life; and,

MOTIONS (CONTINUED)

WHEREAS, human activities have caused a dramatic increase in the amount of carbon dioxide (CO2) in the earth's atmosphere. Since the mid 1700s, the concentration of CO2 has risen from about 280 parts per million (ppm) to reach 387 ppm in 2009. This is amount is likely the highest concentration in the atmosphere in the past 20 million years; and,

WHEREAS, evidence presented in the Intergovernmental Panel of Climate Change (IPCC) November 2007 report indicates that "Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level" and "Most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic GHG concentrations. It is likely that there has been significant anthropogenic warming over the past 50 years averaged over each continent (except Antarctica)."; and,

WHEREAS, reducing greenhouse gases makes economic sense. New and improved infrastructure, renewable energy technologies, energy efficiency, energy conservation, waste reduction, building retrofits, transit, walking, cycling, water conservation, better fleet management, more effective wastewater treatment and distribution, etc., can reduce short-term and/or long-term municipal operating costs and help maintain community services, while having a positive impact on the environment; and,

WHEREAS the impacts of climate change as well as the responsibility for mitigation will fall primarily on the municipalities; and,
WHEREAS, in December, national governments from around the world will meet in Copenhagen, Denmark to negotiate terms and conditions of a global climate agreement for the period after 2012 (i.e., after the Kyoto Protocol). It is critical that Canada has the support it needs during these negotiations to conclude negotiations; and,

WHEREAS, mayors and municipal leaders responsible for the well-being of communities across Canada have urged federal and provincial/territorial governments to make climate protection a priority;

BE IT RESOLVED THAT the Corporation of the City of Kingston send a strong message to the Federal Government of Canada of the importance to the citizens and businesses of the City of Kingston of a world-wide climate agreement;

- and further -

THAT we encourage municipalities across Ontario and Canada to join the City of Kingston in requesting the Federal Government to make every effort to reach an international agreement on climate change;

- and further -

THAT we urge the Federation of Canadian Municipalities to rally the support of its membership and send a strong message to the Federal Government of Canada of the importance to the citizens and businesses of a world-wide climate agreement.

DEFERRED

(10) Moved by Councillor Smith
Seconded by Councillor Foster

THAT Council authorize the Kingston and District Sports Hall of Fame to present their inductees for 2010 at the Council meeting scheduled for January 5, 2010.

DEFERRED

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NOTICES OF MOTION

(1) Moved by Councillor Glover
Seconded by Deputy Mayor Gerretsen

WHEREAS on 14 August 2007 Council authorized staff to "explore" options with the Hotel Dieu Hospital about their parking needs in relation to the Chown Parking Garage; and,

WHEREAS subsequent to further direction from Council to staff on 5 February 2008, on 17 June 2008 Council approved an arrangement for the sale of the structure while retaining ownership of the land; and,

WHEREAS at that time representation had been made as to the urgency of progressing the work to provide additional parking by December 2008; and,

WHEREAS in December 2009 the approved sale has yet to be concluded;

THEREFORE BE IT RESOLVED THAT staff be directed to report to Council not later than 19 January 2010 on:

1. The status of the discussions with the Hotel Dieu Hospital about the sale; and,
2. The legal obstacles that would prevent council from rescinding its 17 June 2008 approval.

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REPORTS (CONTINUED)
REPORT NO. 6 OF THE COMMITTEE OF THE WHOLE
Moved by Councillor Matheson  
Seconded by Councillor Osanic  
THAT Report No. 6 of the Committee of the whole be received and adopted.

Report No. 6

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

November 3, 2009

Rideaucrest Home Organizational Development Strategy – Status Report

1. THAT no action be taken on the staff recommendation outlined in Clause (2), Report No. 95, which reads as follows:

THAT Council receive Report Number 09-300 from the Commissioner of Community Development Services and endorse in principle strategies to further improve public accountability, resident-centred care and human resource development within Rideaucrest Home, as outlined in the attached report entitled, Rideaucrest Home: Organizational Development Framework – Status Report, dated September 30, 2009;

- and further -

THAT Council direct the Commissioner of Community Development Services to prepare a strategic implementation report, no later than the end of February 2010 for consideration, that will:

a) Set out objectives for meeting the mandate of providing quality resident-centred care at levels of service that are in keeping with comparable municipal long-term care facilities;
b) Lay out the steps and time lines required to bring the performance indicators of Rideaucrest in line with comparable municipal long-term care facilities; and
c) Provide the phasing plan and time lines for reducing the municipal subsidy by up to 1.5M by the year 2014;

REPORTS (CONTINUED)
REPORT NO. 6 OF THE COMMITTEE OF THE WHOLE

- and further -

THAT Council direct the Commissioner to provide semi-annual update reports on the progress being made on implementation strategies contained within the Rideaucrest organizational development framework and as approved by Council.

(Note: This item originally appeared as Report No. 126 of the Committee of the Whole on the agenda for the Council meeting on November 17, 2009, and was deferred due to lack of time.)

RULED OUT OF ORDER

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MINUTES

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TABLING OF DOCUMENTS

2010-01 KFL&A Public Health
Agenda – Board Meeting – November 25, 2009
(File No. CSU-S08-001-2010)
COMMUNICATIONS

Filed

01-002 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application for the purpose of a technical consent to recognize an established lot know as 2 Mallard Lane on Cartwright Point with any necessary easement and/or right of way according to the draft survey filed with the application, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is December 11, 2009.

CONSENT – In respect of an application for consent to sever the property at 434 Taylor-Kidd Boulevard, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is December 15, 2009.

CONSENT – In respect of an application for consent to sever the property at 3140 Woodburn Road, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is December 15, 2009.

CONSENT – In respect of an application for consent to sever the property at 4273 Accommodation Road, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is December 15, 2009.

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 76-26 for the property at 2821 Princess Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is December 14, 2009.

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

COMMUNICATIONS (CONTINUED)

01-004 From the Ontario Municipal Water Association (OMWA), a letter congratulating Mayor and Council and staff on receiving the new five-part provincial license for the City’s municipal drinking water system, one of the most rigorous licenses of its kind in North America.

(File No. CSU-P09-000-2010)

01-005 From the Community Foundation for Kingston and Area, providing information on their activities for the past year.

(File No. CSU-A01-000-2010)

01-006 From the National Union of Public and General Employees, thanking Council for acknowledging the second annual Community Social Service Workers Appreciation Day on November 6, 2009.

(File No. CSU-M10-000-2010)

Referred to All Members of Council

01-003 From the Heart and Stroke Foundation of Ontario, asking that Council proclaim the month of February 2010 as “Heart Month” in the City of Kingston.

(File No. CSU-M10-000-2010)

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

(See Miscellaneous Business Item No. (1))
Referred to All Members of Council and the City Treasurer

01-008 From the Cataraqui Region Conservation Authority, providing details of their draft budget for 2010.  
(File No. CSU-d03-000-2010)

Referred to the City Clerk

01-001 From Independent Living Centre Kingston, asking that Council proclaim December 3, 2009, as “International Day of Persons with Disabilities” in the City of Kingston.  
(File No. CSU-M10-000-2010)  
(Distributed to all Members of Council on November 27, 2009)

Referred to the Awards Committee

01-007 From the Minister of Citizenship, Immigration and Multiculturalism, providing information regarding the Paul Yuzyk Award for Multiculturalism, which honours those dedicated to promoting multiculturalism in Canada.  
(File No. CSU-R08-000-2010)

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BY-LAWS

(A) Moved by Councillor MacLeod-Kane  
Seconded by Councillor Matheson  
THAT By-Laws (1) through (3) be given their first and second reading.  
CARRIED

(B) Moved by Councillor Hutchison  
Seconded by Councillor Hector  
THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (1) three readings.  
CARRIED

(C) Moved by Councillor Glover  
Seconded by Councillor Garrison  
THAT By-Laws (1) through (12) be given their third reading.  
CARRIED

(1) A By-Law To Authorize The Temporary Closing Of A Portion Of Arch Street From Stuart Street Northerly For A Distance Of Approximately 80 Meters To Just South Of The Former Deacon Street Right Of Way, From December 2009 To December 2010 (Construction Purposes – Queen’s School of Medicine)  
THREE READINGS  
(See Clause (d), Report No. 1)  
PROPOSED NO. 2010-2
(2) A By-Law To Amend By-Law No. 8499, “Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston” (Zone Change from Special Education and Medical Use ‘E’ Zone to Special Three to Six Family Dwelling ‘B.388’ Zone, 177-179 Alfred Street)  
THREE READINGS  
(See Clause (2), Report No. 3)  
PROPOSED NO. 2010-3

(3) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, December 1, 2009  
THREE READINGS  
(City Council Meeting No. 01-2010)  
PROPOSED NO. 2010-4

(4) A By-Law To Declare Surplus To Municipal Need And Sell Parts 2, 3 And 4 On Plan 13R-18278, Known As Part Of The Knox Farm Site Along Perth Road  
THIRD READING  
(See Clause (e), Report No. 110)  
PROPOSED NO. 2009-163

(5) A By-Law To Regulate The Discharge Of Firearms  
THIRD READING  
(See Clause 1, Report No. 120)  
PROPOSED NO. 2009-170

BY-LAWS (CONTINUED)

(6) A By-Law To Amend By-Law No. 10, “A By-Law Respecting Streets” (delete section 65)  
THIRD READING  
(See Clause 1, Report No. 120)  
PROPOSED NO. 2009-171

(7) A By-Law To Repeal By-Law No. 69-23, “A By-Law To Prohibit The Discharge Of Guns Or Other Firearms, Air Guns And Spring Guns Within The Limits Of That Part Of The Municipal Corporation Of The Township Of Kingston South Of 401 Highway”  
THIRD READING  
(See Clause 1, Report No. 120)  
PROPOSED NO. 2009-172

(8) A By-Law To Repeal By-Law No. 92-42, “A By-Law To Amend By-Law 69-23 Regarding Discharge Of Guns South Of 401 Highway”  
THIRD READING  
(See Clause 1, Report No. 120)  
PROPOSED NO. 2009-173

(9) A By-Law To Repeal By-Law No. 92-63, “A By-Law To Amend By-Law 69-23 As Amended By By-Law 92-42 And To Define Firearm”  
THIRD READING  
(See Clause 1, Report No. 120)  
PROPOSED NO. 2009-174
(10) A By-Law to Repeal By-Law No. 94-103, "A By-Law To Amend By-Law 69-23 Regarding Discharge Of Firearms South Of Highway 401"
   THIRD READING  
   (See Clause 1, Report No. 120)  
   PROPOSED NO. 2009-175

(11) A By-Law To Repeal By-Law No. 49-92, "Being A By-Law To Regulate The Discharge Of Firearms Within The Township Of Pittsburgh"
   THIRD READING  
   (See Clause 1, Report No. 120)  
   PROPOSED NO. 2009-176

(12) A By-Law To Amend By-Law No. 99-169, "A By-Law To Provide For The Annual Paying Of An Allowance To The Members Of Council For The Corporation Of The City Of Kingston" (to confirm the remuneration paid to the Mayor and Members of Council – effective December 1, 2010)
   THIRD READING  
   (See Clause 1, Report No. 125)  
   PROPOSED NO. 2009-177

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ADJOURNMENT
Council adjourned at 11:00 pm.

(Signed) Carolyn Downs Harvey Rosen  
City Clerk Mayor