The Regular Meeting of Kingston City Council was held on Tuesday, September 21, 2010, and was called to order at 6:45 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Harvey Rosen presided.

There was a “Closed Meeting” of the Committee of the Whole from 6:45 pm to 7:29 pm in the Councillors’ Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Schmolka, Councillor Smith (12)

Absent: Councillor Osanic (1)

(Councillors’ Lounge)

Administrative Staff Present:
Ms. C. Beach, Commissioner, Sustainability and Growth
Mrs. C. Downs, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Mr. H. Linscott, Director, Legal Services

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COMMITTEE OF THE WHOLE “CLOSED MEETING”

(1) Moved by Councillor Foster
Seconded by Councillor Garrison

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

(a) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Cataraqui West Open Space Lands

CARRIED

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(Council Chamber)

Administrative Staff Present:
Ms. J. Amini, Committee Clerk
Ms. C. Beach, Commissioner, Sustainability and Growth
Mrs. C. Downs, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Director, Recreation and Leisure Services
Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. B. McCurdy, Director, Cultural Services
Mr. A. McLeod, Senior Legal Counsel
Mr. M. Van Buren, Director, Engineering
Mr. G. Wallace, Director, Planning and Development
Mr. T. Willing, Acting Commissioner, Community Services

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REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”
(2) Moved by Councillor Matheson
Seconded by Councillor MacLeod-Kane
THAT Council rise from the Committee of the Whole “Closed Meeting” without reporting.
CARRIED

APPROVAL OF ADDEDS

Moved by Councillor Hector
Seconded by Councillor Glover
THAT the addeds be approved.
CARRIED
(A 2/3 Vote of Council was Received)

DISCLOSURE OF PECUNIARY INTEREST

Councillor Hector declared a possible pecuniary interest in the matter of Clauses 16, 17, 19 and 20 of Report No. 126 of the Kingston Municipal Heritage Committee, as she has a contract with Hughes Downey Architects.

Councillor Hutchison declared a possible pecuniary interest in the matter of Information Report No. (4), as his employer, Kingston Co-operative Homes, Inc., may have an interest in applying for funding under the DOORS program or the Affordable Housing Program in the future and it is unclear under which of these programs, if either, such an application may come.

Councillor Gerretsen declared a possible pecuniary interest in the matter of the amendment to Motion No. (1) as put forward by Councillor Garrison regarding rental properties, as he is the owner of rental properties.

PRESENTATIONS

Council consented to the addition of Presentation (1).

(1) Mayor Rosen presented Councillor Foster with a plaque of appreciation from the Federation of Canadian Municipalities (FCM), noting the conclusion of her tenure on its National Board of Directors.

DELEGATIONS

(1) Mr. Boyd Hartley was present and spoke to Council regarding the motion concerning off-campus student behaviour problems.
(See Motion No. (1), Page No. 653)

(2) Ms. Caroline Davis and Ms. Ann Browne, Vice Principal (Finance and Administration), Queen’s University, were present and spoke to Council regarding proposed alterations and additions to the property located at 390 King Street West.
(See Clause 3, Report No. 126, Page No. 630)

DELEGATIONS (CONTINUED)

(3) Mr. David Hudson was present and spoke to Council regarding the motion concerning off-campus student behaviour problems.
PETITIONS

(1) A petition bearing approximately 89 signatures was presented by Councillor Foster and referred to the Planning Committee and reads as follows:

“We the undersigned request that the existing entrance from Highway 15 to the River’s Edge Subdivision be retained when the Baxter Farm Subdivision is developed (contrary to the present subdivision agreement).”

REFERRED TO THE PLANNING COMMITTEE

(2) A petition bearing approximately 61 signatures was presented by Councillor MacLeod-Kane and referred to the Engineering Department and reads as follows:

“Petition to Council for the repair and proper drainage of the 6th Concession Road, RR# 1 Joyceville.”

REFERRED TO THE ENGINEERING DEPARTMENT

(3) A petition bearing approximately 19 signatures was presented by Councillor Matheson and referred to the Director of Transportation and reads as follows:

“We, the undersigned, oppose the following motion because it is discriminatory against people with disabilities and seniors:

Kingston Transit – Priority Seating Policy

The Report of the Commissioner of Transportation, Properties and Emergency Services (EITP-10-031) recommends:

THAT the Environment, Infrastructure and Transportation Policies Committee recommend that Council adopt a Priority Seating Policy for Kingston Transit that designates the front space as priority seating for seniors, people with disabilities, and passengers travelling with children in strollers, on a first come, first serve basis;

and,

THAT the policy establish a maximum size of 30 inches wide x 48 inches long for wheelchairs, scooters and strollers.

It is discriminatory to expect seniors and people with disabilities to wait on the side of the road for the next bus, possibly in inclement weather, if the front seats are being used by parents with strollers. They can buy a smaller stroller and, if necessary, move to the back of the bus. People who need to use an assistive device such as a wheelchair, walker, cane, crutches, a guide dog, or some other form of assistive device, do not. Further, by law, wheelchairs must be secured in a moving vehicle.”

REFERRED TO THE DIRECTOR OF TRANSPORTATION AND THE EITP COMMITTEE

PETITIONS (CONTINUED)

(4) A petition bearing approximately 11 signatures was presented by Councillor Hutchison and referred to the Administrative Policies Committee and reads as follows:
* * * * * * * * * * * *

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

**Motions of Congratulations**

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

    **THAT** the congratulations of Kingston City Council are extended to Gordon and Joan Bales on the occasion of their 50th Wedding Anniversary on Sept 12th, 2010.

**Motions of Condolences**

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

    **THAT** the sincere condolences of Kingston City Council be extended to the family and friends of the late Ken MacDonald, Custodian with Recreation and Leisure Services, who passed away on September 12.

(2) Moved by Councillor Foster
    Seconded by Councillor Hector

    **THAT** the sincere condolences of Kingston City Council be extended to the family and friends of the late Barbara Smith, long-time resident of the former Pittsburgh Township, who died last Wednesday.

    **CARRIED**

**DEFERRED MOTIONS**

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

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

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

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

**DEFERRED MOTIONS (CONTINUED)**

    **THEREFORE BE IT RESOLVED THAT** Council direct the Chief Administrative Officer to contact appropriate officials within the Correctional Service of Canada to find out what is planned for these two sites and for the abattoir and to provide a preliminary report to Council at its meeting on October 5, 2010, with a full report to Council at its meeting on November 2, 2010.
CARRIED
(With Agreed To Amendments)

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REPORTS

Report No. 124 the Chief Administrative Officer (Consent)

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Report No. 124 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 124

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

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

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

Note: Clauses (a) through (d) were deferred from the meeting held on September 7, 2010, due to lack of time.

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

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

- and further -

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

- and further -

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

- and further -

THAT Council approve “A By-Law To Delegate The Authority For The Appointment Of Livestock Valuers And Fence Viewers Pursuant To Section 23.1 Of The Ontario Municipal Act, 2001”, attached as Exhibit A to Report 10-248.
(The Report of the Acting Commissioner of Community Services (10-248) was attached as Schedule Pages 1-5)
(File No. CSU-P01-000-2010)
(See By-Law No. (1), 2010-192, By-Law No. (2), 2010-193, By-Law No. (3), 2010-194)

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

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

- and further -

2. THAT the by-law shall come into force and take effect on the date of its passing.
(The Report of the Deputy Treasurer (10-262) was attached as Schedule Pages 6-11)
(File No. CSU-E09-000-2010)
(See By-Law No. (4), 2010-195)

REPORTS (CONTINUED)
City Council Meeting No. 21-2010
Minutes
Tuesday, September 21, 2010

Report No. 124 the Chief Administrative Officer (Consent)

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

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

- and further -

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

- and further -

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

(The Report of the Acting Commissioner of Community Services (10-263) was attached as Schedule Pages 12-16)

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

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

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

(See By-Law No. (5), 2010-196)

(e) 2016 Can-Am Police-Fire Games

THAT Council approve the submission of a bid by the Kingston Economic Development Corporation for the City of Kingston to host the 2016 Can-Am Police-Fire Games.

(CARRIED)

Report No. 125 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report No. 125 of the Planning Committee be received and adopted.

Council consented to the separation of Clause 4.

Report No. 125

REPORTS (CONTINUED)
Report No. 125 of the Planning Committee
To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

Note: Clauses 1 and 2 were deferred from the meeting held on September 7, 2010, due to lack of time.

July 22, 2010

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

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

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

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

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

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

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

   3.18.42 The properties from 1293 Princess Street to 1343 Princess Street inclusive, are within the Arterial Commercial designation as shown on Schedule 3-A. The Plan recognizes that as these properties, shown on Schedule 3-D as SSP No. 42, undergo a transition from low-density residential use to Arterial Commercial uses, the following site specific policies shall guide the development/redevelopment of these lands:

   a. Uses on these properties shall include permitted Arterial Commercial and existing Residential uses and small-scale service oriented office and financial services uses such as real estate, insurance, branch banks, medical and professional uses;
   b. Commercial uses will be limited to those uses which will be compatible with the residential character of the area;
   c. A comprehensive program of land assembly will be encouraged;
   d. Any commercial developments are required to support the residential character of the area in terms of building design, landscaping, rear yard parking, and building location on the lot;
   e. Vehicular access to the area from Alexander Street will be prohibited;
   f. The number of vehicular access points from Princess Street shall be minimized in the context of redevelopment and project design;
   g. Development or redevelopment will require the provision of adequate impact mitigation measures such as the provision of buffers, landscaping, site design, building arrangements and building design to ensure compatibility with any adjacent residential uses.”

REPORTS (CONTINUED)
Report No. 125 of the Planning Committee

AND BE IT FURTHER RESOLVED that the by-law be presented to City Council for all three readings.
(See By-Law No. (8), 2010-199)
2. Approval of an Application for Final Plan of Condominium for Lots 48 to 54, 148 to 154, and 167 to 195, Blocks 223 to 225 and 227 to 232, Registered Plan 13M-58

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

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

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

3. Revisions to the “Civic Addressing and Road Naming By-Law”

THAT By-law No. 2005-98 “A By-law to Direct the Orderly Addressing of Buildings and Properties and Appropriate Naming of Roads Within the City of Kingston” be amended to update the existing provisions regarding civic address renumbering, road renaming, administrative responsibility for the by-law, the use of alpha characters, civic address conventions for multiple frontages, public and private utilities, road naming conventions, addressing in plans of subdivision, urban area green blades, and address engraving;

AND BE IT FURTHER RESOLVED THAT the draft by-law to amend By-Law No. 2005-98, attached hereto, in order to implement the proposed changes, be recommended to City Council for its consideration and first and second readings;

AND FURTHER THAT Section 3B, Road Naming, Subsection 4 be deleted and replaced with the following:

"4) The Official Record of road names shall be those road names listed in the Kingston Street Atlas Map Book as maintained by the City."

(Note: A copy of the draft by-law was attached as Schedule Pages 31-35)

(See By-Law No. (6), 2010-197)

CARRIED

(Clause 1, 2, and 3)

REPORTS (CONTINUED)

Report No. 125 of the Planning Committee

4. Approval of an Application for a Zoning By-Law Amendment for the Property Located at 780 Division Street

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-177-2010) submitted by Unicum Management Corp., for the property located at 780 Division Street, _BE APPROVED_.

CARRIED

(Clause 1)
AND THAT the City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. That Schedules “E-1”, “E-2” and “E-3” be deleted in their entirety.

2. That Section 61 to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS of the By-Law be replaced in its entirety, with the following:

“61. **780 Division Street**
Notwithstanding any provisions of Section 14 to the contrary, on the lands zoned ‘B1.61’ on Schedule “A” attached hereto, the following provisions shall apply to the entire area zoned ‘B1.61’:

a) **MINIMUM FRONT YARD ALONG DIVISION STREET:**
   - (i) 5.0 metres for a row dwelling; and,
   - (ii) 7.5 metres for an apartment building

b) **MAXIMUM DENSITY:** 80 dwelling units per hectare

AND BE IT FURTHER RESOLVED 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 Page 36)

(See By-Law No. (9), 2010-200)

DEFERRED
(See Motion To Defer Which Was CARRIED)

Moved by Councillor Garrison
Seconded by Councillor Hutchison

THAT Clause 4 of Report No. 125 of the Planning Committee be deferred and referred to the Planning Committee to request that the proponent submit a new proposal with only one new structure to allow for more green space.

CARRIED (8:4)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Schmolka (8)

NAYS: Councillor Foster, Councillor Hector, Mayor Rosen, Councillor Smith (4)

ABSENT: Councillor Osanic (1)

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Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover
Seconded by Councillor Smith

THAT Report No. 126 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Council consented to the separation of Clauses 2, 3, 16, 17, 19, and 20, and to deal with Clause 2 first.

REPORTS (CONTINUED)

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

Report No. 126

To the Mayor and Members of Council:
The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:
All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

Note: There are no clauses (below) which must be dealt with this evening in order to meet the requirements of the Ontario Heritage Act, which states that a Council decision must be made within 95 days of notice of receipt of a complete application being mailed to the applicant.

August 9, 2010

Note: Clause 1 was deferred from the meeting held on September 7, 2010, due to lack of time.

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

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

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

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

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

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

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

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

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

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

   **WHEREAS** the Heritage Impact Statement (July 23, 2010) prepared by Andre Scheinman includes a response to Heritage Committee concerns regarding the windows by quoting the Queen’s Architect’s memo which expresses an intention to refurbish and reuse existing wood windows and the Heritage consultant specifically notes windows in the West elevation of Stella Buck and the North Wall of the former Domino Theatre and this intention is reiterated in a response to comments by the Heritage Committee; and,
WHEREAS a public meeting held July 26, 2010, indicated no major concerns related to the proposed development; and,

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

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

THEREFORE BE IT RESOLVED

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

- and further -

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

- and further -

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

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

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

- Those areas subject to the Stage 4 Assessment prepared by Past Recovery and dated June 19, 2009, are to be considered completely assessed and any remains therein are considered eligible for removal.

REPORTS (CONTINUED)

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

- All below grade excavations associated with the proposed Queen’s University Performing Arts Centre must be monitored by a licensing archaeologist with a protocol developed and provisions made for recording archaeological remains and recovering significant archaeological deposits revealed by this activity, a protocol which would both ensure that sufficient archaeological information is recovered while not causing significant delays in the construction schedule. This particularly applies to the areas surrounding the two operations investigated during the Stage 4 assessment – the building in Operation 1 is known to have continued below the current officer’s mess and the brick floor in Operation 2 appears to continue below the ‘doghouse’ to the north
extending out from the Stella Buck Building. Both of these structures are slated for demolition; provisions must be made to allow for the continued recording of these features during this process.

- A section of the stone box drain, found in trenches 14 and 20, is required to be recorded by a licensed archaeology through measured drawings before it is removed if it is to be affected by proposed construction.

WITHDRAWN

September 13, 2010

2. Withdrawal of recommendation regarding an application for alterations and additions to a property located at 390 King Street West also known as the Stella Buck and Domino Theatre Building

WHEREAS it was recognized that the language of the recommendation could be clarified in regard to the interior and the west wall windows; and,

WHEREAS consideration has been given to clarification of maintaining old windows in the old structure, and recommending new windows in the new structure; and,

WHEREAS the Heritage Committee reconsidered its recommendation with respect to the Queen's University heritage application for the Stella Buck Building and chimney forming part of the Queen's Performing Arts Centre complex;

THEREFORE BE IT RESOLVED THAT the KMHC recommendation regarding the Queen's University heritage application for the Stella Buck Building and chimney forming part of the Queen's Performing Arts Centre complex BE WITHDRAWN from the KMHC report to Council dated August 9, 2010.

CARRIED

3. Approval (Reconsidered) of an application for alterations and additions to a property located at 390 King Street West also known as the Stella Buck and Domino Theatre Building

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

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

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

REPORTS (CONTINUED)

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

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

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

WHEREAS the Heritage Committee has had an opportunity to meet with Queen’s agents on a number of occasions during regular meetings of the Committee, through appointed sub-committees and during site visits; and,
WHEREAS the applicant has presented a proposed plan for the development of this property and after a series of discussions with the Committee is found to have taken into consideration the historic character of this site and its character defining elements with the exception of the chimney and the windows; and,

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

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

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

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

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

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

WHEREAS the Heritage Window Guidelines adopted by Council on 22 January 2002 remain in effect and should be applied consistently; and,

WHEREAS current Heritage practices do not emphasize one period at the expense of another; and,

WHEREAS the integrated site ideally will reflect all phases of its use;

THEREFORE BE IT RESOLVED THAT Application P18-714-092-2010 for a property located at 390 King Street West also known as the Stella Buck Building requesting approval for alterations of the Stella Buck Building, Stable Buildings and construction of a Performing Arts Centre BE APPROVED with details described within a submission received July 5, 2010, most recent documents received dated July 6, 2010 and July 7, 2010 within a submission which was deemed complete by the Planning and Development Department July 26, 2010, with the understanding that all windows in the east wall of the Stella Buck Building will be refurbished, and the existing wood windows in the west wall will be retained and refurbished on the first and second floors, with the following exceptions to openings in the west wall:

Windows

a) 2 windows in the basement will be replaced with metal louvres (for ventilation and mechanical rooms), and the central bay will have new doors to serve access and equipment,
b) 3 windows on the 1st floor will be constructed of wood to match the existing window detail and pattern,
c) 5 windows on the 2nd floor will be replaced with metal louvres (for ventilation and mechanical rooms), and 2 windows will be constructed of wood to match the existing window detail and pattern,
d) New windows on the 3rd floor will generally be proportioned to match the historic window openings,
e) Aluminum windows on the 3rd floor in the stone tower will ideally be replaced with new windows constructed of wood to match the historic windows;

CARRIED

(See Motion To Amend Which Was LOST)

Chimney

a) The chimney will be retained;

LOST (6:6)
Elements of the interior structure

a) Elements of the interior structure of the Stella Buck Building as described in the Heritage Impact Statements, will ideally be maintained if possible;

- and further -

THAT detailed plans for the current proposal will be submitted to the Planning and Development Department when prepared for circulation to the Heritage Committee to confirm compliance with this motion;

- and further -

THAT the following archaeological requirements be fulfilled as outlined within correspondence dated June 1, 2010, to Associate Vice-Principal (Facilities), Queen’s University from the City’s Heritage Planner:

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

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

- Those areas subject to the Stage 4 Assessment prepared by Past Recovery and dated June 19, 2009 are to be considered completely assessed and any remains therein are considered eligible for removal.

- All below grade excavations associated with the proposed Queen’s University Performing Arts Centre must be monitored by a licensing archaeologist with a protocol developed and provisions made for recording archaeological remains and recovering significant archaeological deposits revealed by this activity, a protocol which would both ensure that sufficient archaeological information is recovered while not causing significant delays in the construction schedule. This particularly applies to the areas surrounding the two operations investigated during the Stage 4 assessment – the building in Operation 1 is known to have continued below the current officer's mess and the brick floor in Operation 2 appears to continue below the ‘doghouse’ to the north extending out from the Stella Buck Building. Both of these structures are slated for demolition; provisions must be made to allow for the continued recording of these features during this process.

- A section of the stone box drain, found in trenches 14 and 20, is required to be recorded by a licensed archaeology through measured drawings before it is removed if it is to be affected by proposed construction.

(Note: A copy of the window plan and concept plan was attached as Schedule Pages 37-38)

CARRIED

REPORTS (CONTINUED)

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Smith
Seconded by Councillor Hector

THAT Paragraph 17 of Clause 3 of Report No. 126 of the Kingston Municipal Heritage Committee (LACAC) be amended such that the word “retained” be changed to “replaced” and the remainder of the sentence and the following section regarding windows be deleted so it will read:

THEREFORE BE IT RESOLVED THAT Application P18-714-092-2010 for a property located at 390 King Street West also known as the Stella Buck Building requesting approval for alterations of the Stella Buck Building, Stable Buildings and construction of a Performing Arts Centre BE APPROVED with details described within a submission received July 5, 2010, most recent documents received dated July 6, 2010 and July 7, 2010 within a submission which was deemed complete by the Planning and Development Department July 26,
2010, with the understanding that all windows in the east wall of the Stella Buck Building will be refurbished, and the existing wood windows in the west wall will be replaced.

**LOST (2:10)**

(See Recorded Vote No. 2)

**1.** A Recorded Vote was requested by Councillor MacLeod-Kane

**YEAS:** Councillor Foster, Councillor Glover, Councillor Hector, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers (6)

**NAYS:** Councillor Garrison, Councillor Gerretsen, Councillor Hutchison, Mayor Rosen, Councillor Schmolka, Councillor Smith (6)

**ABSENT:** Councillor Osanic (1)

**2.** A Recorded Vote was requested by Councillor Gerretsen

**YEAS:** Councillor Hector, Councillor Smith (2)

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

**ABSENT:** Councillor Osanic (1)

**4.** **Update to Designation By-Law for 176 Mowat Avenue**

**WHEREAS** Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to enact By-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

**WHEREAS** when the Council of a municipality has appointed a Municipal Heritage Committee, the Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee; and,

**WHEREAS** the property at 176 Mowat Avenue was subject to a Committee of Adjustment decision that changed the legal description of the property; and,

**WHEREAS** the current reasons for designation are not sufficient under the current requirements of the *Ontario Heritage Act*; and,

**REPORTS (CONTINUED)**

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

**WHEREAS** a Heritage Impact Statement was prepared by Bray Heritage, Dr. Jennifer McKendry, and André Scheinman that evaluated the property based on the City’s evaluation template and provided an updated statement of significance to be used as the basis of a new Designation By-law.

**THEREFORE BE IT RESOLVED THAT** Council serve Notice of Intent to Update the Designation By-Law under the *Ontario Heritage Act* for the property located at 176 Mowat Avenue (All of Lot 5, and Part of Lots 4, 6 and 7, Plan 168, in the City of Kingston, County of Frontenac, being Part 1 on Plan 13R-19569);

- and further -

**THAT** the description of the property on the City of Kingston Heritage Properties Register be amended to reflect the new statement of significance in accordance with the requirements of the *Ontario Heritage Act as amended*;

- and further -
THAT as required within the requirements of Section 67 of the *Ontario Heritage Act*, the Clerk of the Municipality shall serve a copy of the Notice of Intention to Amend the Designation By-law, attached hereto as Schedule ‘A’, on the owner of the property and on the Ontario Heritage Trust by Registered Mail and that this Notice shall include: an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and a statement that Notice of Objection to the designation may be served on the Clerk within 30 days after the date of publication of the Notice of Intention in a newspaper of general circulation in the municipality;

- and further -

THAT as required under the *Ontario Heritage Act*, the Clerk of the municipality shall ensure that Notice is published in a newspaper having general circulation in the municipality and that this Notice shall include: an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; a statement that further information respecting the proposed amendments is available from the municipality; and a statement that Notice of Objection to the designation may be served on the Clerk within 30 days after the date of publication of the Notice of Intention in a newspaper of general circulation in the municipality.

(Note: The Report of the Commissioner of Sustainability and Growth (KMHC-10-013) was distributed with the September 13, 2010, KMHC agenda as Schedule Pages 1-6.)

5. Notice of Intention to Amend the Designation By-Law for 1 Baiden Street

WHEREAS Section 30.1 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to update Designation By-laws for real property; and,

WHEREAS the *Ontario Heritage Act* requires the Council of a municipality to service Notice of Intention to Amend a Designation By-Law;

THEREFORE BE IT RESOLVED THAT Council serve Notice of Intention to Amend Designation By-Law No. 80-63 to amend the description for the property located at 1 Baiden Street (all and singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston in the Province of Ontario, and being composed of Part of Lot 5 north of Baiden Street (formerly Centre Street), southwest quarter of Lot 19, Concession 1, Registered Plan 54 (Portsmouth) which is more particularly described in Instrument No. 298894) under the *Ontario Heritage Act*;

- and further -

REPORTS (CONTINUED)

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

THAT as required under the *Ontario Heritage Act*, the Clerk of the municipality shall ensure that a copy of the Notice, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, attached hereto as Exhibit ‘A’, shall be served in accordance with the requirements of Sections 30.1 and 67 of the *Ontario Heritage Act* on the owner of the property and on the Ontario Heritage Trust.

(Note: The Report of the Commissioner of Sustainability and Growth (KMHC-10-014) was distributed with the September 13, 2010, KMHC agenda as Schedule Pages 7-12.)

6. Approval of an application for relocation of an electric meter at 44 Earl Street

WHEREAS the Committee consulted with Utilities Kingston;

THEREFORE BE IT RESOLVED THAT Application P18-597-077-2010 for a property located at 44 Earl Street requesting approval for the relocation of an electric meter BE APPROVED with the understanding that the meter will
remain on the outside of the building, and that the top of the meter box will be located not closer to the underside of
the sill than 1”;

- and further -

THAT documentation be submitted to the Planning and Development Department regarding the repositioning of the
box;

- and further -

THAT any work involving the masonry is recommended to be completed in accordance with the Heritage Masonry
Guidelines.

7. Approval of an application for installation of a new picket fence at 406 Regent Street, Barriefield Village

THAT Application P18-435-114-2010 for a property located at 406 Regent Street, Barriefield Village requesting
approval to install a new picket fence along Regent Street and Sharmans Lane BE APPROVED in accordance with
details described within a submission filed July 27, 2010, and deemed complete by the Planning and Development
Department August 27, 2010;

- and further -

THAT it is suggested that the design of pickets could follow the design of the historic fence;

- and further -

THAT it be understood that the approval is subject to a satisfactory review by staff for site triangles for street traffic;

- and further -

THAT the approval is subject to the following conditions:

1) In accordance with the Barriefield Heritage Conservation District Plan, all existing property line plant material is
retained (Section 5.4) and that existing tree cover is retained (Map of Landscape Improvements).

2) The City will not be responsible for any damage that may occur to the fence as a result of any City operational
activities.

REPORTS (CONTINUED)
Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

8. Approval of an application for replacement of an asphalt roof with a standing seam metal roof with metal
flashings and parapet covers at 42 Kennedy Street

THAT Application P18-170-119-2010 for a property located at 42 Kennedy Street requesting approval to replace the
asphalt roof (including rear addition) with standing seam metal roof with metal flashings and parapet covers matching
in colour BE APPROVED in accordance with details described within a submission filed July 29, 2010 and deemed
complete by the Planning and Development Department August 23, 2010;

- and further -

THAT a preference for a charcoal grey colour and a flat pan roof with stiffener ribs removed is recommended.

9. Approval of an application for addition of black solar panels and flashing on rear roof and at 42 Kennedy
Street

THAT Application P18-170-120-2010 for a property located at 42 Kennedy Street requesting approval to add black
solar panels to rear roof and with an option to install flashing around edges of the panels BE APPROVED in
accordance with details described within a submission filed July 29, 2010, and deemed complete by the Planning and Development Department August 23, 2010;

- and further -

THAT it be understood that the flashing will match the colour of the roofing as closely as possible;

- and further -

THAT the approval is subject to the following conditions:

1) A building permit and a letter from a professional engineer is required to confirm that the roof is adequate to support the proposed solar panels. If any additional works are required to support the roof, a permit for that would also be required. The solar panel system design and type is also required prior to permit issuance (manufacturer’s specifications).

10. Approval of an application for the installation of a vent chimney at 251 Ontario Street

THAT Application P18-274-121-2010 for a property located at 251 Ontario Street also known as the Fire Hall requesting approval for the installation of a 4” vent chimney through the second floor east facing wall and mansard roof BE APPROVED in accordance with details described within a submission filed August 4, 2010, and deemed complete by the Planning and Development Department August 23, 2010;

- and further -

THAT the approval is subject to the following conditions:

1) A building permit is required to ensure that the B vent is properly fire stopped where it breaches a fire separation. The Torte machine may require a hood suppression system and if so, also requires a permit.

11. Approval of an application for replacement of eavestroughing at 45 King Street East

THAT Application P18-175-122-2010 for a property located at 45 King Street East requesting approval to replace green eavestroughing with eavestroughing of a similar colour BE APPROVED in accordance with details described within a submission filed August 11, 2010, and deemed complete by the Planning and Development Department August 23, 2010.

REPORTS (CONTINUED)
Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

12. Approval of an application for replacement of a portion of an exterior step at 297 King Street East

THAT Application P18-508-123-2010 for a property located at 297 King Street East also known as the Bank of Montreal building requesting approval to replace a portion of the exterior step to provide a portion of the entrance at grade BE APPROVED in accordance with details described within a submission filed August 17, 2010, and deemed complete by the Planning and Development Department August 24, 2010;

- and further -

THAT the following options be permitted:

- an option to relocate the accessible button to the side wall of the entrance alcove;
- installation of a guard to separate the lower step from the upper step at the entrance of the building; or,
- having the whole exterior pad level and threshold for the right hand door at the door;

- and further -

THAT the approval is subject to the following conditions:

1) A permit for barrier free access is required. Architect drawings are required.
2) Prior to commencement of the work the contractor will be required to make application to the Engineering Department for an encroachment permit in the event that the materials required to undertake the alteration encroach in the public right of way (i.e. scaffolding, dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk. The contact person in the Engineering Department is Brad Morton, Engineering Technician, at (613) 546-4291 ext. 3147. The encroachment application form can be found in the City's website at http://www.cityofkingston.ca/business/development/engineeringfees.asp.

3) Also a cut permit will be required to ensure proper reinstatement of the City of Kingston’s right-of-way. We note that the works are located in an area where the City has undertaken enhanced sidewalk construction with decorative pavers etc. The reinstatement plans of the area will need to be reviewed and approved prior to commencing work. The contact person in the Engineering Department is William Cartwright, Engineering Technologist, at wcartwright@cityofkingston.ca or contact at (613) 546-4291 Extension: 3113.

13. Approval of an application for replacement of a steel door, rear window, doorbell, mailbox, lighting and street number sign at 185 William Street

[A pecuniary interest was declared by Member, Michael Gemmell]

THAT Application P18-407-124-2010 for a property located at 185 William Street requesting approval to replace the existing steel door, rear window with privacy glass, plastic front doorbell with brass/brown doorbell, mailbox, front exterior lighting, and street number sign BE APPROVED in accordance with details described within a submission filed August 17, 2010, and deemed complete by the Planning and Development Department September 3, 2010;

- and further -

THAT it is suggested that a period door and a wooden window be installed, and that the window be either an awning style, or a double casement unit which is preferred.

REPORTS (CONTINUED)
Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

14. Approval of an application for replacement of cedar shake roof with shingles and repair of roof decking at 103 Wellington Street

THAT Application P18-389-125-2010 for a property located at 103 Wellington Street requesting approval to replace the cedar shake roof with shingles and repair roof decking BE APPROVED in accordance with details described within a submission filed August 18, 2010, and deemed complete by the Planning and Development Department August 25, 2010;

- and further -

THAT it be understood that the roof will be reshingled with flat 3-tab shingles in grey, black or weathered wood, and that any venting will not be on the street side of the roof;

- and further -

THAT the approval is subject to the following condition:

1) If replacing entire roof sheathing, any structural work required will require a building permit.
Approval of an application for addition of deck and staircase for a fire escape, replacement of window with patio door, installation of a door, window well and repair of roof decking at 221 King Street East

THAT Application P18-198-126-2010 for a property located at 221 King Street East also known as 33 Earl Street requesting approval to add a new deck with staircase for a fire escape, replace a window with a patio door, install a new door for the Earl Street apartment, and a new window well and repair roof decking for the King Street East apartment BE APPROVED in accordance with details described within a submission filed August 18, 2010, and deemed complete by the Planning and Development Department August 30, 2010;

- and further -

THAT it be understood that the railing system will be stained grey within one year;

- and further -

THAT the approval is subject to the following condition:

1) A building permit is required for this project.

Councillor Hector withdrew from the meeting.

Approval of an application for repairs to woodwork, scraping and painting woodwork, and addition of flashing over brick at 73-75 Brock Street

THAT Application P18-080-128-2010 for a property located at 73-75 Brock Street requesting approval for repairs to woodwork with detailing to match existing, scraping and painting woodwork at the top of walls, flashing over decayed brick on wall around roof of 73 Brock BE APPROVED in accordance with details described within a submission filed August 26, 2010, and deemed complete by the Planning and Development Department August 27, 2010;

- and further -

THAT the approval is subject to the following conditions:

REPORTS (CONTINUED)
Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

1) Prior to commencement of the work the contractor will be required to make application to the Engineering Department for an encroachment permit in the event that the materials required to undertake the alteration encroach in the public right of way (i.e. scaffolding, dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk. The contact person in the Engineering Department is Brad Morton, Engineering Technician, at (613) 546-4291 ext. 3147. The encroachment application form can be found in the City’s website at http://www.cityofkingston.ca/business/development/engineeringfees.asp.

2) Any work involving the masonry is recommended to be completed in accordance with the Heritage Masonry Guidelines.

Approval of an application for repairs to woodwork, scraping and painting woodwork at 77-79 Brock Street

THAT Application P18-081-129-2010 for a property located at 77-79 Brock Street requesting approval for repairs to woodwork with detailing to match existing, and scraping and painting woodwork at top of walls BE APPROVED in
THAT the approval is subject to the following conditions:

1) Prior to commencement of the work the contractor will be required to make application to the Engineering Department for an encroachment permit in the event that the materials required to undertake the alteration encroach in the public right of way (i.e. scaffolding, dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk. The contact person in the Engineering Department is Brad Morton, Engineering Technician at (613) 546-4291 ext. 3147. The encroachment application form can be found in the City’s website at http://www.cityofkingston.ca/business/development/engineeringfees.asp.

Councillor Hector returned to the meeting.

18. Approval of an application for replacement of soffit and decking on front porch and painting replacement elements at 18 Barrie Street

THAT Application P18-056-138-2010 for a property located at 18 Barrie Street requesting retroactive approval for replacement of soffit and decking on front porch, and painting replacement elements BE APPROVED in accordance with details described within a submission filed September 3, 2010, and deemed complete by the Planning and Development Department September 3, 2010;

- and further -

THAT it be understood that an alternate colour scheme can be determined with staff through the Delegated Authority process.

Councillor Hector withdrew from the meeting.

REPORTS (CONTINUED)
Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

19. Denial of an application for siding materials and colours and approval of an application for the continuation of the stucco on the end of the addition at 218 King Street East

[A pecuniary interest was declared by Member, Bruce Downey]

WHEREAS Application P18-196-130-2010 for a property located at 218 King Street East also known as 39 Earl Street requesting approval for siding materials and colours BE DENIED in accordance with details described within a submission filed September 1, 2010, and deemed complete by the Planning and Development Department September 2, 2010;

- and further -

THAT continuation of the stucco on the end of the addition BE APPROVED as a logical treatment of the area as opposed to the wood panel proposed;

- and further -

THAT an update of the Designation By-Law be initiated for this property;

- and further -

THAT the approval is subject to the following conditions:
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Minutes  
Tuesday, September 21, 2010

1) Prior to commencement of the work the contractor will be required to make application to the Engineering Department for an encroachment permit in the event that the materials required to undertake the alteration encroach in the public right of way (i.e. scaffolding, dumpsters). In particular there will need to be consideration for the rerouting of pedestrian traffic if the works require closure of the sidewalk. The contact person in the Engineering Department is Brad Morton, Engineering Technician, at (613) 546-4291 ext. 3147. The encroachment application form can be found in the City’s website at http://www.cityofkingston.ca/business/development/engineeringfees.asp;

WHERE Council refuses the application, the owner may, within thirty days after receipt of the notice under Subsection (4) of Section 33 of the Ontario Heritage Act, apply to Council for a hearing before the Conservation Review Board;

THAT applications requesting a hearing before the Conservation Review Board may be filed with the office of the Clerk of the City of Kingston, 216 Ontario Street, Kingston, ON K7L 2Z3 within 30 days of the receipt of this notice.

20. Approval of an application for repainting doors and brick mould at 16 Market Street

[A pecuniary interest was declared by Member, Bruce Downey]

THAT Application P18-252-131-2010 for a property located at 16 Market Street and 37 Clarence Street requesting approval for repainting doors and repainting brick mould to match stone grey and the cladding of the dormer in charcoal grey pre-painted metal BE APPROVED in accordance with details described within a submission filed September 1, 2010, and deemed complete by the Planning and Development Department September 3, 2010.

CARRIED (Clauses 16, 17, 19 and 20)

Councillor Hector returned to the meeting.

REPORTS (CONTINUED)

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

21. Approval of an application for landscape plan at 77 Alwington Avenue

THAT Application P18-012-136-2010 for a property located at 77 Alwington Avenue requesting approval for a landscape plan to include paver driveway and walkways, ornamental limestone boulders and step stones BE APPROVED in accordance with details described within a submission filed September 3, 2010, and deemed complete by the Planning and Development Department September 3, 2010, with the understanding that only wooden board fencing of the same height as the proposed fencing on Union Street would be acceptable, and that the request for pvc fencing is denied;

- and further -

THAT the approval is subject to the following conditions:

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

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

3) If accessing property from location other than driveway proper permit/permission is required.

4) No building permit required unless retaining wall required and greater than 1 metre.

22. Approval of an application for lowering proposed landfill and changing the slope of the roof from 37 degrees to 34 degrees at 250 Main Street, Barriefield Village

THAT Application P18-519-139-2010 for a property located at 250 Main Street, Barriefield Village requesting approval for lowering the proposed landfill to include adjusting the location of the sills and lintels by 10 cm, and changing the slope of the roof from 37 degrees to 34 degrees BE APPROVED in accordance with details described within a submission filed September 3, 2010, and deemed complete by the Planning and Development Department September 3, 2010.

23. Approval of an application for an exhaust fan at 146 Barrie Street

THAT Application P18-061-140-2010 for a property located at 146 Barrie Street requesting approval for an exhaust fan on the north side of the building BE APPROVED in accordance with details described within a submission filed September 3, 2010, and deemed complete by the Planning and Development Department September 7, 2010.

24. Approval of an application for the replacement of two windows with double hung windows at 239 Main Street, Barriefield Village

THAT Application P18-061-141-2010 for a property located at 239 Main Street, Barriefield Village requesting approval for the replacement of two second floor north facing windows with wooden double hung windows BE APPROVED in accordance with details described within a submission filed September 7, 2010, and deemed complete by the Planning and Development Department September 7, 2010;

- and further -

REPORTS (CONTINUED)
Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

THAT it be understood that the muntins be ⅝" rather than ¾", and that a ½" bead be applied around the inside edge of the exterior of the jam and head.

25. Approval of an application for replacement and repair of eavestroughing at 49 King Street East

THAT Application P18-176-133-2010 for a property located at 49 King Street East requesting approval for replacement and repair of eavestroughing BE APPROVED in accordance with details described within a submission filed September 2, 2010, and deemed complete by the Planning and Development Department September 13, 2010.

26. Approval of an application for chimney repairs at 49 King Street East

THAT Application P18-176-134-2010 for a property located at 49 King Street East requesting retroactive approval for chimney repairs BE APPROVED in accordance with details described within a submission filed September 2, 2010 and deemed complete by the Planning and Development Department September 13, 2010.

27. Reaffirmation of Emergency Approval for the replacement of a security camera and upgrades to basement access/egress door at 5-21 Court Street
THAT Application P18-109-116-2010(EA) for a property located at 5-21 Court Street which received an Emergency Approval for the replacement of a security camera on the north side of the existing building and security upgrades to the basement access/egress door **BE REAFFIRMED** in accordance with details described within a submission filed August 4, 2010 and deemed complete by the Planning and Development Department August 9, 2010.

28. **Reaffirmation of Emergency Approval for replacement of asphalt shingles with architectural shingles at 406 Regent Street, Barriefield Village**

THAT Application P18-435-113-2010(EA) for a property located at 406 Regent Street, Barriefield Village which received an Emergency Approval for the replacement of asphalt shingles with architectural shingles **BE REAFFIRMED** in accordance with details described within a submission filed July 27, 2010, and deemed complete by the Planning and Development Department August 4, 2010.

29. **Reaffirmation of Emergency Approval for the replacement of a flat roof in courtyard, replacement of flashings and ice and water shield at 68-74 Princess Street**

THAT Application P18-032-081-2010(EA) for a property located at 68-74 Princess Street also known as Rochleau House which received an Emergency Approval for the replacement of a flat roof in the former interior courtyard, the replacement of flashings in kind, and ice and water shield **BE REAFFIRMED** in accordance with details described within a submission filed June 1, 2010, and deemed complete by the Planning and Development Department June 25, 2010.

30. **Final Approval of a Heritage Grant Application for brickwork repair at 50 Montreal Street**

WHEREAS the owner of 50 Montreal Street has requested final approval for Heritage Grant Application HG-05-2010; and,

REPORTS (CONTINUED)

Report No. 126 of the Kingston Municipal Heritage Committee (LACAC)

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

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-05-2010 for 50 Montreal Street **BE APPROVED** for brickwork repair;

- and further -

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

31. **Final Approval of a Heritage Grant Application for repointing a limestone foundation at 52-56 Earl Street**

WHEREAS the owner of 52-56 Earl Street has requested final approval for Heritage Grant Application HG-02-2009; and,

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

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-02-2009 for 52-56 Earl Street **BE APPROVED** for the repointing of a limestone foundation;

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

CARRIED

(Clauses 4 through 15, 18, and 21 through 31)

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Report No. 127 of the Administrative Policies Committee

Moved by Councillor Hector
Seconded by Councillor Smith

THAT Report No. 127 of the Administrative Policies Committee be received and adopted.

Council consented to the separation of Clauses 1, 2 and 6, and that Clause 6 be dealt with first.

Report No. 127

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

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

Note: Clauses 1 through 4 were deferred from the meeting held on September 7, 2010, due to lack of time.

July 15, 2010

REPORTS (CONTINUED)

Report No. 127 of the Administrative Policies Committee

1. Code of Conduct

THAT Council approve the Code of Conduct for Council and Committee Members.
(Note: A copy of the Code of Conduct was attached as Schedule Pages 39-42)

CARRIED AS AMENDED (12:0)
(See Clause 6 Below)
(See Recorded Vote)
(See Motion To Amend Which Was CARRIED)

Moved by Councillor Hutchison
Seconded by Councillor MacLeod-Kane

THAT Clause 1 of Report No. 127 of the Administrative Policies Committee be amended such that Section 2.4 a) of the Code of Conduct be deleted and the balance of the sections be re-lettered accordingly.

CARRIED

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Mayor Rosen, Councillor Schmolka, Councillor Smith (12)

NAYS: (0)
2. **Public Nuisance By-Law**

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

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

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

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

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

   **CARRIED (9:3)**

   *(See Recorded Vote)*

   A Recorded Vote was requested by Councillor Gerretsen

   **YEAS:** Councillor Foster, Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Mayor Rosen, Councillor Schmolka, Councillor Smith (9)

   **NAYS:** Councillor Gerretsen, Councillor Hector, Councillor Meers (3)

   **ABSENT:** Councillor Osanic (1)

**REPORTS (CONTINUED)**

**Report No. 127 of the Administrative Policies Committee**

*August 18, 2010*

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

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

   - and further –

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

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

   1. **THAT** City Council approve the continuation of the policy that provides for the reimbursement of legal expenses incurred by members of City Council to obtain independent legal advice as to whether, pursuant to the *Municipal Conflict of Interest Act*, they have a pecuniary interest in a matter before Council or a committee or local board of
City Council Meeting No. 21-2010  
Minutes  
Tuesday, September 21, 2010

Council that will require them to disclose that interest and not take part in the discussion, vote on or attempt to influence the vote on the matter.

- and further -

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

- and further -

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

- and further -

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

September 9, 2010

5. Amended Advertising Revenue Generation Policy

THAT the amended Advertising and Revenue Generation Policy, dated September 9, 2010, be accepted and implemented by staff.

(Note: A copy of the amended Advertising and Revenue Generation Policy is attached as Schedule Pages 43-50)

CARRIED

(Clauses 3, 4 and 5)

REPORTS (CONTINUED)

Report No. 127 of the Administrative Policies Committee

6. Amended Code of Conduct

WHEREAS the Administrative Policies Committee recommended that Council approve the Code of Conduct for Council and Committee Members, dated July 15, 2010; and,

WHEREAS the Administrative Policies Committee reconsidered the Code of Conduct for Council and Committee Members at the September 9, 2010, Committee meeting;

THEREFORE BE IT RESOLVED THAT the Code of Conduct for Council and Committee Members, dated July 15, 2010, be amended to include a revised Section 6.

(Note: A copy of the Revised Code of Conduct was attached as Schedule Pages 51-54)

CARRIED

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Report No. 128 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison
Seconded by Councillor Meers

THAT Report No. 128 of the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 128

To the Mayor and Members of Council:
The Arts, Recreation and Community Policies Committee reports and recommends as follows:
Note: Clause 1 was deferred from the meeting held on September 7, 2010, due to lack of time.

July 21, 2010

1. **Completion and Implementation of the Kingston Culture Plan (KCP)**
   
   THAT the Kingston Culture Plan dated July 2010 and attached to Report No. ARCP-10-034 as Exhibit “A” be amended as noted below and be approved as Kingston’s first cultural master plan;
   
   - and further -
   
   THAT Council approve the recommendations contained within the Kingston Culture Plan as a framework for supporting community development and cultural vitality within Kingston;
   
   - and further -
   
   THAT staff proceed with the implementation of the Kingston Culture Plan as described based on the recommendations, actions and timelines outlined with the first step being the preparation of a priority action plan, to be completed in the first quarter of 2011;
   
   - and further -
   
   THAT the City establish an interdepartmental culture team to support collaborative working relationships and to provide advice on the effective use of cultural resources to achieve City-wide cultural and strategic objectives;
   
   - and further -
   
   THAT staff be directed to budget for increased investment in culture annually beginning in 2011, and for the next 4 years to support the implementation of the Kingston Culture Plan;

   **REPORTS (CONTINUED)**

   **Report No. 128 of the Arts, Recreation and Community Policies Committee**

   - and further -
   
   THAT a budget envelope of $750K be included in the 2011 operating budget for the implementation of the Culture Plan;
   
   - and further -
   
   THAT operating budget projections be prepared for the years 2012, 2013 and 2014 to include incremental annual investment in the amount of $500K of increased operating funding in support of the Kingston Culture Plan with staff preparing more detailed financing plans that minimize impacts on taxation;
   
   - and further -
   
   THAT the 10 year capital budget be revised to reflect the recommendations in the Plan;
   
   - and further -
   
   THAT Recommendation #42 on page 59 of the Kingston Culture Plan be amended to add ‘from labour organizations’, so that the recommendation now reads:

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

   - and further -
   
   THAT Recommendation #41 on page 59 of the Kingston Culture Plan be amended to add after the word ‘businesses’ ‘individuals, and organizations’, so that the recommendation now reads:
That the City institute a Mayor’s Arts Awards, a high-profile annual community-wide event where awards are presented by the Mayor in a number of categories. The awards could be sponsored and funded by local businesses, individuals, and organizations and recipients selected through a juried process.

- and further -

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

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

CARRIED AS AMENDED (12:0)
(See Recorded Vote)
(See Motion To Amend Which Was CARRIED)

Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT Paragraph 3 of Clause 1 of Report No. 128 of the Arts, Recreation and Community Policies Committee be amended by adding the following wording at the end of the sentence:

“with the first step being the preparation of a priority action plan, to be completed in the first quarter of 2011.”

CARRIED

REPORTS (CONTINUED)

Report No. 128 of the Arts, Recreation and Community Policies Committee

A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Mayor Rosen, Councillor Schmolka, Councillor Smith (12)

NAYS: (0)

ABSENT: Councillor Osanic (1)

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Report No. 129 of the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Foster
Seconded by Councillor Hutchison

THAT Report No. 129 of the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 129

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

Note: Clause 1 was deferred from the meeting held on September 7, 2010, due to lack of time.
1. **Completion of a Multi-Purpose Trail on the West Side of the Greater Cataraqui River from the LaSalle Causeway to Kingston Mills Road**

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

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

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

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

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

   - and further -

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

   CARRIED

**REPORTS (CONTINUED)**

Report No. 130 of the Municipal Accessibility Advisory Committee

Moved by Councillor Gerretsen
Seconded by Councillor Schmolka

THAT Report No. 130 of the Municipal Accessibility Advisory Committee be received and adopted.

Council consented to the separation of Clauses 1, 2 and 3.

**Report No. 130**

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

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

Note: Clause 1 was deferred from the meeting held on September 7, 2010, due to lack of time.

August 5, 2010

1. **Establishment of an International Day for Persons with Disabilities Award (Time Sensitive)**

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

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

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

DEFERRED
(See Motion To Defer Which Was CARRIED)

Moved by Councillor Glover
Seconded by Councillor MacLeod-Kane

THAT Clause 1 of Report No. 130 of the Municipal Accessibility Advisory Committee be deferred and referred back to the Committee for the purpose of establishing a selection process.

CARRIED

September 9, 2010

2. Barrier Free Pathways at Snider Park

THAT staff prepare a report on the feasibility of providing barrier free pathways to the amenities and play features of Snider Park, located at 146 Guthrie Drive.

CARRIED

REPORTS (CONTINUED)
Report No. 130 of the Municipal Accessibility Advisory Committee

3. Grand Theatre Stage Renovations

WHEREAS in order to make the Grand Theatre more accessible, the one significant area that was not included in the scope of the current renovation project was back stage;

THEREFORE BE IT RESOLVED THAT staff report back in time for the 2011-2012 capital budget deliberations on the cost to renovate the stage area, including the washroom, in accordance with the City of Kingston Facility Accessible Design Standards (FADS) to make the stage area at the Grand Theatre accessible.

CARRIED AS AMENDED
(See Motions To Amend Which Were CARRIED)
(See Motion To Defer Which Was LOST)

Moved by Councillor Hutchison
Seconded by Councillor Matheson

THAT Clause 3 of Report No. 130 of the Municipal Accessibility Advisory Committee be amended to delete the words “$100,000 be allocated in the 2011 - 2012 capital budget” and replace them with “staff report back in time for the 2011-2012 capital budget deliberations on the cost”.

CARRIED

Moved by Councillor Gerretsen
Seconded by Councillor MacLeod-Kane

THAT Clause 3 of Report No. 130 of the Municipal Accessibility Advisory Committee be amended such that the word “allocated” be changed to the word “considered”.

CARRIED

Moved by Councillor Matheson
Seconded by Councillor Hector
THAT Clause 3 of Report No. 130 of the Municipal Accessibility Advisory Committee be deferred and referred to staff for a report back in the first quarter of 2011.

LOST (6:6)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Glover

YEAS: Councillor Foster, Councillor Glover, Councillor Hector, Councillor Matheson, Mayor Rosen, Councillor Smith (6)

NAYS: Councillor Garrison, Councillor Gerretsen, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Schmolka (6)

ABSENT: Councillor Osanic (1)

THAT Council waive the rules of By-Law No. 2010-1, “Council Procedural By-Law”, in order to extend the meeting to complete the agenda.

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

REPORTS (CONTINUED)

Report No. 131 of the Pine Grove Cemetery Board

Moved by Councillor MacLeod-Kane
Seconded by Councillor Matheson

THAT Report No. 131 of the Pine Grove Cemetery Board be received and adopted.

Report No. 131

To the Mayor and Members of Council:
The Pine Grove Cemetery Board reports and recommends as follows:

Note: Clause 1 was deferred from the meeting held on September 7, 2010, due to lack of time.

August 11, 2010

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

THAT the fee for cemetery lots at Pine Grove Cemetery be changed to $600.00 from the current fee of $450.00;
- and further -
THAT it be understood that the fee includes costs for care and maintenance.
(See By-Law No. (7), 2010-198)

CARRIED

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Report No. 132 of the Nominations Advisory Committee

Council consented to the addition of Report No. 132

Moved by Councillor MacLeod-Kane
THAT Report No. 132 of the Nominations Advisory Committee be received and adopted.

Report No. 132

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

1. Appointments to Kingston 2010 Election Compliance Audit Committee

THAT Jean Bedard, Scott Matthews and Barbara Haines be appointed to the Kingston 2010 Election Compliance Audit Committee for a term ending November 30, 2014.

CARRIED

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INFORMATION REPORTS

Note: Information Reports (1) through (5) were deferred from the meeting held on September 7, 2010, due to lack of time and were not re-distributed with this agenda.

(1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of June 2010

The purpose of this report is to advise Council of tenders/RFPs approved and contracts awarded greater than $50,000 that meet the established criteria of delegated authority for the month of June 2010 and to report additional information on contracts awarded by senior staff between the $20,000 and $50,000 level for the month of June 2010. (The Report of the Deputy Treasurer (10-226) was distributed with the September 7 agenda.) (File No. CSU-F18-000-2010)

(2) Second Quarter Operating Budget Report for 2010

The purpose of this report is to provide a financial status update of the general operating fund as at June 30, 2010, the end of the second fiscal quarter. (The Report of the Deputy Treasurer (10-232) was distributed with the September 7 agenda.) (File No. CSU-F05-000-2010)

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

The purpose of this report is to advise Council of purchases of land under $25,000 under delegated authority for the period of August 2009 to July 2010. (The Report of the Commissioner of Transportation, Properties and Emergency Services (10-264) was distributed with the September 7 agenda.) (File No. CSU-L18-000-2010)

(4) Update on the Status of the Potential Acquisition of Federal Surplus Land in Barriefield Village
The purpose of this report is to provide Council with an update on the public feedback received at the information meeting and the preferred site concept presented at the August 9, 2010, Public Information Centre. (The Report of the Acting Commissioner of Community Services (10-271) was distributed with the September 7 agenda.) (File No. CSU-S18-000-2010)

5) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of July 2010

The purpose of this report is to advise Council of tenders/RFPs approved and contracts awarded greater than $50,000 that meet the established criteria of delegated authority for the month of July 2010 and to report additional information on contracts awarded by senior staff between the $20,000 and $50,000 level for the month of July 2010. (The Report of the Deputy Treasurer (10-279) was distributed with the September 7 agenda.) (File No. CSU-F18-000-2010)

INFORMATION REPORTS (CONTINUED)


The purpose of this report is to provide Council with the K-Rock Centre statement of operations and key performance indicator (KPI) results for the 2nd quarter of 2010. (The Report of the Commissioner of Transportation, Properties and Emergency Services (10-261) was attached as Schedule Pages 55-62) (File No. CSU-R05-001-2010)

CARRIED

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MISCELLANEOUS BUSINESS

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

1) Moved by Councillor Gerretsen
Seconded by Councillor Foster

THAT, as requested by Kingston Immigration Partnership, Council proclaim September 25, 2010, as “Multicultural Day” in the City of Kingston. (See Communication No. 20-408, September 7 Agenda)

CARRIED

2) Moved by Councillor Matheson
Seconded by Councillor Schmolka

THAT, as requested by Marion Good, Medical Radiation Technology at KGH, Council proclaim November 7 to 13, 2010, as “Medical Radiation Technology Week” in the City of Kingston. (See Communication No. 21-420)

CARRIED

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NEW MOTIONS
WHEREAS off-campus behaviour problems of some students continue to be of concern to many residents of Kingston; and,

WHEREAS the City of Kingston, St. Lawrence College and Queen’s University are committed to resolving off-campus student behaviour problems; and,

WHEREAS it has been suggested by concerned neighbours that the need exists to form a committee specifically for the purpose of dealing with student related problems;

THEREFORE BE IT RESOLVED THAT City Council direct staff to bring forward a recommendation with a suggested structure for a committee which deals specifically with student related problems;

- and further -

THAT the recommendation on such a committee should include:

i) a clear mandate;

ii) a clear reporting structure;

iii) a composition which includes representation from at least:

NEW MOTIONS (CONTINUED)

i. the police department;

ii. by-law enforcement;

iii. the university and college (non-student);

iv. the AMS or the Graduate Society of Queen’s University

v. the student governing body of St. Lawrence College known as SA (Student Association);

vi. community representation from the following districts:

1. Sydenham;

2. Portsmouth;

3. Kings Town;

4. Williamsville;

vii. one City Councillor from one of the following districts:

1. Sydenham;

2. Portsmouth;

3. Kings Town;

4. Williamsville;

viii. one landlord or property manager;

- and further -

THAT staff consider the following when formulating a mandate/structure for the committee:

i) the need to establish and maintain a relationship between part-time and full-time residents of Kingston (students and non-students);

ii) the need to communicate with the university and college when problems arise outside their boundaries;

iii) the need to make recommendations from the committee to Council or a standing committee when necessary;

iv) the need to include both part-time and full-time residents (students and non-students) when making recommendations to Council or standing committee;

v) the need to have regularly scheduled meetings to deal with these sorts of concerns on an on-going basis;

- and further -

THAT staff submit their recommendation to ARCP (Arts, Recreation and Community Policies) Committee at its March meeting of 2011.

CARRIED AS AMENDED
(With Agreed To Amendments)
(See Motion To Amend Which Was CARRIED)
(See Motion To Amend Which Was LOST)
Moved by Councillor Hector  
Seconded by Councillor Glover  

**THAT** the last clause of the motion of Councillors Gerretsen and Glover be amended to change the date from January to March.  

**CARRIED**

Councillor Gerretsen withdrew from the meeting.

### NEW MOTIONS (CONTINUED)

Moved by Councillor Garrison  
Seconded by Councillor Meers  

**THAT** the motion of Councillors Gerretsen and Glover be amended to add the following:

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"- and further -

THAT as part of this report, staff consider the possibility of recommending that Council develop a slum landlord by-law that would impose greater regulations and penalties on landlords whose actions or lack thereof may contribute to the problems outlined in the whereas clauses of this resolution."
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**LOST (3:8)**  
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison  

**YEAS:** Councillor Garrison, Councillor Meers, Councillor Schmolka (3)  
**NAYS:** Councillor Foster, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Mayor Rosen, Councillor Smith (8)  
**ABSENT:** Councillor Gerretsen, Councillor Osanic (2)  

Councillor Gerretsen returned to the meeting.

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### NOTICES OF MOTION

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### MINUTES

Moved by Councillor Matheson  
Seconded by Councillor Meers  

**THAT** the Minutes of City Council Meeting No. 18-2010, held Tuesday, July 20, 2010, Meeting No. 19-2010, held Tuesday, August 24, 2010, and Meeting No. 20-2010, held Tuesday, September 7, 2010, be confirmed.

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### TABLING OF DOCUMENTS
COMMUNICATIONS

Note: Communications No. 20-397 through 20-417 were listed on the agenda for disposition and distributed for the Council meeting on September 7, 2010.

Filed

21-418 From the Ministry of Natural Resources, advising that a regulation amendment that adds the City of Kingston to the schedule of areas where Sunday gun hunting is permitted under the Fish and Wildlife Conservation Act, 1997 was filed with the registrar of regulations and came into effect on September 1, 2010.
(File No. CSU-L11-000-2010, CSU-R00-000-2010)

21-419 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application for consent to sever the property at 2377 Isle of Man Road, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is September 22, 2010.
(File No. CSU-D19-000-2010)

Referred to All Members of Council

21-420 From Marion Good, Medical Radiation Technology at KGH, asking that Council proclaim November 7 to 13, 2010, as “Medical Radiation Technology Week” in the City of Kingston.
(File No. CSU-M10-000-2010)
(See Miscellaneous Business Item No. (2))
(Distributed to all Members of Council on September 10, 2010)

Referred to the City Clerk

21-421 From the Children’s Aid Society for the City of Kingston and County of Frontenac, asking that Council proclaim October 17 to 23, 2010, as “Canadian Foster Family Week” in the City of Kingston.
(File No. CSU-M10-000-2010)

21-422 From Correctional Service Canada, asking that Council proclaim November 14 to 21, 2010, as “Restorative Justice Week” in the City of Kingston.
(File No. CSU-M10-000-2010)
From the Minister of Municipal Affairs and Housing, the Minister of Education, AMCTO, and AMO, providing information regarding Student Vote and Local Government Week, October 17 to 23, 2010, which provides the opportunity for students to learn about municipal government.  
(File No. CSU-M10-000-2010)

From the Association of Fundraising Professionals Chapter of South Eastern Ontario, asking that Council proclaim November 15, 2010, “National Philanthropy Day” in the City of Kingston.  
(File No. CSU-M10-000-2010)

From the Kingston Frontenac Public Library, asking that Council proclaim October 2010 as “Public Library Month 2010” in the City of Kingston.  
(File No. CSU-M10-000-2010)

COMMUNICATIONS (CONTINUED)
Referred to the Commissioner of Sustainability and Growth

From Bill Free, expressing his concerns regarding the future of the Salvation Army Church on Alfred Street.  
(File No. CSU-M04-000-2010)

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OTHER BUSINESS

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BY-LAWS

(A) Moved by Councillor Garrison  
Seconded by Councillor Foster  
THAT By-Laws (1) through (8), and (10) be given their first and second reading.  
CARRIED

(B) Moved by Councillor Hector  
Seconded by Councillor Matheson  
THAT Council waive the notice provisions of By-Law No. 2003-15, recognizing that the two week notice will be complete on September 25, 2010, and give By-Law No. (11) its third reading.  
CARRIED

(C) Moved by Councillor Meers  
Seconded by Councillor Schmolka  
THAT By-Laws (8) and (10) through (12) be given their third reading.  
CARRIED

(1) A By-Law To Repeal By-Law 98-13, “A By-Law To Designate The Authority Of The Clerk To The Commissioner of Community Development And Client Services For The Purposes Of The Livestock, Poultry And Honey Bee Protection Act, R.S.O. 1990, c. L. 24”  
FIRST AND SECOND READINGS  
(See Clause (a), Report No. 124)  
PROPOSED NO. 2010-192
(2) A By-Law To Repeal By-Law 2003-406, “A By-Law To Provide For the Arbitration Of Fencing Disputes Between Adjoining Property Owners”
FIRST AND SECOND READINGS
(See Clause (a), Report No. 124)
PROPOSED NO. 2010-193

(3) A By-Law To Delegate The Authority For The Appointment Of Livestock Valuers And Fence Viewers Pursuant To Section 23.1 Of The Ontario Municipal Act, 2001
FIRST AND SECOND READINGS
(See Clause (a), Report No. 124)
PROPOSED NO. 2010-194

(4) A By-Law To Delegate Authority To The Director Of Financial Services And The Director Of Engineering For Various Routine Processes Related To Tile Drainage Loan Applications Under The Tile Drainage Act
FIRST AND SECOND READINGS
(See Clause (b), Report No. 124)
PROPOSED NO. 2010-195

BY-LAWS (CONTINUED)

(5) A By-Law To Amend By-Law No. 2002-86, “A By-Law To Establish The Position Of Chief Administrative Officer”
FIRST AND SECOND READINGS
(See Clause (d), Report No. 124)
PROPOSED NO. 2010-196

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

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

(8) A By-Law To Amend The Official Plan For The City Of Kingston Planning Area (Amendment No. 3 – To change the properties known municipally as 1293 Princess Street to 1343 Princess Street inclusive from ‘Arterial Commercial’ to an ‘Arterial Commercial Site Specific Policy Area No. 42’)
THREE READINGS
(See Clause 1, Report No. 125)
PROPOSED NO. 2010-199

(9) A By-Law To Amend By-Law No. 8499, “Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston” (780 Division Street)
THREE READINGS
(See Clause 4, Report No. 125)
PROPOSED NO. 2010-200
WITHDRAWN

(10) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 21, 2010
THREE READINGS
(City Council Meeting No. 21-2010)
PROPOSED NO. 2010-201

(11) A By-Law To Approve The Renaming Of An Existing Private Road From Duty Drive To Navy Way, Located North Of Highway No. 2 And West Of Main Street, City Of Kingston
THIRD READING
(See Clause (a), Report No. 114)
PROPOSED NO. 2010-172

(12) A By-Law To Amend By-Law No. 2005-10, “A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston” (Reduction of INVISTA Centre’s Morning Ice Fees)
THIRD READING
(See Clause (p), Report No. 114)

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ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Meers

THAT Council do now adjourn.

Council adjourned at 11:36 pm.

(Signed) Carolyn Downs Harvey Rosen
City Clerk Mayor

CARRIED