The Regular Meeting of Kingston City Council was held on Tuesday, November 2, 2010, and was called to order at 7:03 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 7:05 pm to 7:20 pm in the Councillors' Lounge.

ROLL CALL
Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison (arrived 7:05 pm), Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic (arrived 7:05 pm), Councillor Schmolka, Councillor Smith
Absent: (0)

COMMITTEE OF THE WHOLE “CLOSED MEETING”
(1) Moved by Councillor Schmolka
Seconded by Councillor Meers
THAT Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following items:
(a) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
(b) Personal matters about identifiable individual(s), including municipal or local board employees.
CARRIED

(Council Chamber)
Administrative Staff Present:
Ms. C. Beach, Commissioner, Sustainability and Growth
Mr. J. de Hoop, Director, Community and Family Services
Mrs. C. Downs, City Clerk
Mr. J. Garrah, CEO, Kingston Economic Development Corporation
Ms. L. Hurdle, Commissioner, Community Services
Mr. S. Kanellos, Director, Real Estate and Construction Services
Mr. J. Keech, President and CEO, Utilities Kingston
Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. G. Wallace, Director, Planning and Development
Mr. T. Willing, Director, Building and Licensing

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REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

(2) Moved by Councillor Garrison
   Seconded by Councillor Glover
   THAT Council rise from the Committee of the Whole “Closed Meeting” without reporting.
   CARRIED

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APPROVAL OF ADDEDS

Moved by Councillor MacLeod-Kane
Seconded by Councillor Meers
THAT the addeds as presented be approved.
   CARRIED
   (A 2/3 Vote of Council was Received)

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DISCLOSURE OF PECUNIARY INTEREST

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PRESENTATIONS

Council consented to the amendment of Presentation (1).

(1) Maria Cronk, Downtown Kingston! BIA Board Chair, and Brian Osborne, downtown business owner, presented Mayor Rosen with the Downtown Kingston! BIA Pewter Ornament Collection for 2010.

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DELEGATIONS

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BRIEFINGS

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PETITIONS

(1) A petition bearing approximately 14 signatures was presented by Councillor Schmolka and referred to Council and the Commissioner of Community Services and reads as follows:

“The Polson Park Free Methodist Church, West 49 and the skateboarding community ask for your support in keeping the West 49 Lyon Skate Park intact and in its current location in the Polson Park Community. The City of Kingston is planning on removing the vital and much-used skate board equipment from the skate park in an effort to reduce usage of the skate park by teenagers. The users of the skate park have been unfairly accused of vandalism and noise violations, but the City of Kingston has not backed up these accusations with proof.

PETITIONS (CONTINUED)
The West 49 Lyon Skate Park is very popular, with the heaviest usage between 6 p.m. and 8 p.m. and on weekends. The users are mostly St. Lawrence, Queen’s, LCVI and Polson Park students. The atmosphere at the skate park is very positive, the cement pad is extremely clean and, although graffiti exists, it is minimal and non-offensive. City staff and the park users have indicated that the skateboarding community was not consulted before this decision was made. We feel that the users of the West 49 Lyon Skate Park should be included in any decisions that affect them.

We feel that a public meeting should be held with all interested parties before any action is taken regarding the West 49 Lyon Skate Park.

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

REFERRED TO COUNCIL AND THE COMMISSIONER OF COMMUNITY SERVICES

(2) A petition bearing approximately 95 signatures was presented by Councillor Hutchison and referred to the Commissioner of Sustainability and Growth and reads as follows:

“We, the undersigned, support the proposal to name the laneway running from Barrie St. to Sydenham St. (parallel with William and Johnson), “Romanes Lane”, and the laneway running from Clergy St. to Sydenham St. (parallel with Johnson and Brock), “Grant Allen Lane.”

REFERRED TO THE COMMISSIONER OF SUSTAINABILITY AND GROWTH

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

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Blair Johnson, Records and Information Officer, and his wife, Heather, on the birth of their first child, Emily Sandra Keirstead Johnson, on October 28, 2010.

(2) Moved by Mayor Rosen
Seconded by Councillor Foster

THAT the congratulations of Kingston City Council be extended to JL Richards and Associates on winning the 2010 Award of Excellence – Water Resources from the Canadian Engineering Companies for their design contributions to the Ravensview Water Pollution Control Plant upgrades. The company received its honour at an awards banquet in Ottawa on Tuesday October 26. 73 projects from across the country were submitted, with 11 projects receiving an award of excellence – Ravensview being one of them. Congratulations on winning this prestigious national award and for contributing to the long-term protection of our local and regional environment through your insightful design of the Ravensview project.
(1) Moved by Councillor Schmolka
Seconded by Councillor MacLeod-Kane

THAT the sincere condolences of Kingston City Council be extended to the family, friends, and colleagues of Dawn Wiltsie who died on October 12, 2010. Ms. Wiltsie was active in Scouting for over 35 years and the first woman to chair the national program committee of Scouts Canada leading to the inclusion of young women in Scouting programs. In recognition of her service, she received the Silver Wolf Award from the Governor General of Canada. After moving to Kingston, Ms. Wiltsie became the co-chair of the National Volunteers Association of Correctional Services Canada. She volunteered in Kingston's prison system for over 20 years.

CARRIED

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DEFERRED MOTIONS

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REPORTS
Report No. 139 the Chief Administrative Officer (Consent)

Moved by Councillor Hutchison
Seconded by Councillor Osanic

THAT Report No. 139 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the addition of Clause (j) and the separation of Clauses (d), (f), (g) and (i).

Report No. 139

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

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

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

(a) Queen's University 2010-2013 License Agreement for City Arenas

THAT Mayor and Clerk be authorized to execute a license agreement, in a form satisfactory to the Director of Legal Services, with Queen's University for City arenas, subject to final negotiation.

(The Report of the Commissioner of Sustainability and Growth (10-213) was attached as Schedule Pages 1-3)
(File No. CSU-R05-000-2010)

(b) Naming of Two Roads in the Cataraqui Estates Business Park Venture Drive and Resource Road

WHEREAS new road names are required for two roads that are located within the Cataraqui Estates Business Park; and,

WHEREAS it is proposed that the road that is legally described as Parts 22, 23 and 25 on Reference Plan 13R-19877, Part 14 on Reference Plan 13R-18629 and Part 10 on Reference Plan 13R-9699, City of Kingston, County of Frontenac currently known as the Fortune Crescent extension be renamed as Venture Drive; and,

WHEREAS it is proposed that the road legally described as Part 28 on Plan 13R 19877, City of Kingston, County of Frontenac be named as Resource Road; and,

WHEREAS the naming of Venture Drive and Resource Road is consistent with the adopted road naming conventions of Civic Addressing and Road Naming By-Law No. 2005-98 and emergency response requirements;

THEREFORE BE IT RESOLVED THAT the by-law to approve the naming of Resource Road be presented to Council for first and second reading and that the City Clerk be requested to advertise a Notice of Intention to Pass the by-law between the second and third reading of the by-laws;

- and further -

THAT the by-law to approve the renaming of the Fortune Crescent extension to Venture Drive be presented to Council for first and second reading and that the City Clerk be requested to advertise Notice of Intention to Pass the by-law between the second and third reading of the by-law;

- and further -

REPORTS (CONTINUED)
THAT at the request of affected landowners the third reading of the by-law for Venture Drive be withheld until the extension of Centennial Drive to the intersection of Venture Drive is open to the public.

(THAT the Report of the Commissioner of Sustainability and Growth (10-295) was attached as Schedule Pages 4-14)

(See By-Law No. (1), 2010-209 and By-Law No. (2), 2010-210)

THAT the RFP F31-CS-FL-2010-19 for the purchase of two single axle dump trucks with 11 ft. dump bodies and RFP F31-CS-FL-2010-20 for the purchase of one single axle dump trucks with a 9 ft. dump body be awarded to Edwards Ford Limited for the total purchase price of $108,383 plus applicable taxes.

(THAT the Report of the Commissioner of Transportation, Properties and Emergency Services (10-299) was attached as Schedule Pages 15-16)

THAT Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Zomer & Sons Landscaping and Contracting Limited, for Tender F18-PWS-PW-2010-3, Sidewalk Snow Plowing in Kingston East for sidewalk maintenance, in the amount of $60.00 per hour for a total estimated cost of $2,034.00, including all taxes per event for the 2010-2011 season.

THAT it be understood that the provision of this service will be brought in-house for the 2011-2012 season.

(THAT the Report of the President and CEO of Utilities Kingston (10-302) was attached as Schedule Pages 17-18)

THAT Clause (d) of Report No. 139 be amended to add the following:

THAT it be understood that the provision of this service will be brought in-house for the 2011-2012 season.
Moved by Councillor Gerretsen
Seconded by Councillor Hector

THAT the amendment to Clause 9 (d) of Report No. 139 be deferred in order to receive a report from staff to provide information on costing.

CARRIED (8:5)

(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Osanic, Mayor Rosen, Councillor Smith (8)

NAYS: Councillor Garrison, Councillor Glover, Councillor Matheson, Councillor Meers, Councillor Schmolka (5)

(e) Capital Project Status Report for the Third Quarter of 2010

1. THAT Council approve the financing of capital projects or (return of funds), as outlined in Appendix A of this report as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>($579,636)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Capital Reserve Fund</td>
<td>($579,636)</td>
</tr>
<tr>
<td>Municipal Equipment Replacement Reserve Fund</td>
<td>($111,432)</td>
</tr>
<tr>
<td>Solid Waste Reserve Fund</td>
<td>($40,000)</td>
</tr>
<tr>
<td>Library Parking Reserve</td>
<td>$44</td>
</tr>
<tr>
<td>Technology Reserve Fund</td>
<td>($151,970)</td>
</tr>
<tr>
<td>Transit Reserve Fund</td>
<td>($795)</td>
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<tr>
<td>Facility Repair Reserve Fund</td>
<td>($19,405)</td>
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<tr>
<td>Cash in lieu of Parkland Reserve Fund</td>
<td>($24,000)</td>
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<tr>
<td>Environment Reserve Fund</td>
<td>($119,359)</td>
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<tr>
<td>Parking Reserve Fund</td>
<td>$5,930</td>
</tr>
<tr>
<td>Arena Reserve Fund</td>
<td>$6,105</td>
</tr>
<tr>
<td>Playground Revitalization Reserve Fund</td>
<td>$36,325</td>
</tr>
<tr>
<td>Federal Gas Tax Reserve Fund</td>
<td>($126,324)</td>
</tr>
<tr>
<td>Provincial Funding Reserve Fund</td>
<td>$33,135</td>
</tr>
<tr>
<td>Development Charges Reserve Fund</td>
<td>($267,592)</td>
</tr>
</tbody>
</table>

Sub-Total-Other Reserve Funds & Reserves ($779,337)

Total Reserve Funds and Reserves ($1,358,973)

- and further -

2. THAT Council approve the increase (reduction) of approved debenture financing with reference to specific project as outlined in Appendix A of this report as follows:

REPORTS (CONTINUED)
Report No. 139 the Chief Administrative Officer (Consent)
3. **THAT** Council approve the closure of the Playground Revitalization Reserve Fund.

(The Report of the City Treasurer (10-307) was attached as Schedule Pages 19-38)

(File No. CSU-F05-000-2010)

- and further -

3. **THAT** Council approve the closure of the Playground Revitalization Reserve Fund.

(The Report of the City Treasurer (10-307) was attached as Schedule Pages 19-38)

(File No. CSU-F05-000-2010)

(f) **Affordable Housing Committee Mandate**

**THAT** a by-law be presented to amend By-Law No. 2010-205, “A By-Law To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston”, to include the Affordable Housing Advisory Committee as an Advisory Committee reporting to the Arts, Recreation and Community Policies Committee, and that the mandate be amended to increase the number of public members from 6 to 8, as outlined in Appendix A, be adopted and continue to function until such time as staff have completed an updated Municipal Housing Strategy for the City, which includes a component with regard to governance of the strategy and its implementation.

(The Report of the City Clerk (10-309) was attached as Schedule Pages 39-45)

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

(See By-Law No. (3), 2010-211)

CARRIED AS AMENDED

(See Motion To Amend Which Was CARRIED)

Moved by Councillor Hutchison

Seconded by Councillor Garrison

**THAT** Clause (f) of Report No. 139 be amended to add the words “be amended to increase the number of public members from 6 to 8” after the words “that the mandate”.

CARRIED

(g) **Addition of Pay and Display Parking Spaces for King Street/KGH**

1. **THAT** a by-law be presented to Council for three readings to amend By-Law No. 495, “A By-Law To Provide For Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters” and By-Law No. 24, “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston”, and By-Law No. 2010-128, “A By-Law To Regulate Parking”, to convert the north side of King Street between Lower University and St. Lawrence Avenue

CARRIED

2. and the south side of King Street between Emily and Maitland Streets to Pay and Display or metered parking.

(See By-Law No. (4), 2010-212, By-Law No. (5), 2010-213 and By-Law No. (6), 2010-214)

DEFERRED

(See Motion To Defer Which Was CARRIED)

**REPORTS (CONTINUED)**

**Report No. 139 the Chief Administrative Officer (Consent)**

Moved by Councillor Glover

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**Source of Financing**

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>($149,391)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Capital Reserve Fund</td>
<td>($149,391)</td>
</tr>
<tr>
<td>Total Net Debenture Requirement (reduction)</td>
<td>($149,391)</td>
</tr>
</tbody>
</table>
Seconded by Councillor Garrison

THAT Part 2 of Clause (g) of Report No. 139 be deferred and referred to the Kingston Municipal Heritage Committee for a review of the placement of the Pay and Display machines or metered parking on the south side of King Street for consideration of heritage impacts.

CARRIED

(h) Approval for the Execution of a Quit Claim Deed in Favour of the Owners for the Property Located at 558 MacDonnell Street

THAT Council authorize the execution of a quit claim deed in favour of the owners of 558 MacDonnell Street.

(The Report of the City Solicitor and Director of Legal Services (10-317) was attached as Schedule Pages 53-55)

(File No. CSU-L00-000-2010)

CARRIED

(i) Request for Council Authorization to Enter into an Agreement with George Wright and Sons to Utilize City Lands for Interim Access to 146 Hickson Avenue

THAT Council authorize staff to enter into an agreement, in a form satisfactory to the City Solicitor, with the owners of George Wright and Sons Ltd. to allow for interim access on City owned lands, designated as the future Wellington Street Extension, for the purpose of accessing their site at 146 Hickson Avenue.

(The Report of the President and CEO of Utilities Kingston (10-318) was attached as Schedule Pages 56-58)

(File No. CSU-L04-000-2010)

CARRIED

(j) Grant Application for the Creative Communities Prosperity Fund

THAT Council demonstrates their commitment to Cultural Planning and supports the development of an integrated Cultural Tourism Strategy and Heritage Strategy for the City of Kingston;

- and further -

THAT Council authorize the application to the Creative Communities Prosperity Fund (CCPF) as prepared by the Cultural Services Department.

(The Report of the Commissioner of Sustainability and Growth (10-319) was attached to the addeds.)

(File No. CSU-R00-000-2010)

CARRIED

(Clauses (a), (b), (c), (e), (h) and (j))

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Report No. 140 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Osanic

THAT Report No. 140 of the Planning Committee be received and adopted.

Council consented to the withdrawal of Clauses 2 and 3.

Report No. 140

REPORTS (CONTINUED)
Report No. 140 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.

October 7, 2010

1. Approval of an Application for Draft Plan of Subdivision for the Property located on the West Side of Augusta Drive, North of Crossfield Avenue (Block 133, Registered Plan 13M-69 and Part of Lot 14, Concession 3)

THAT the application for Draft Plan of Subdivision (Our File No. D12-031-2007) for the property located on the west side of Augusta Drive, north of Crossfield Avenue, BE APPROVED, subject to the following conditions:

1. Approved Draft Plan
   That this approval applies to the Draft Plan of Subdivision, prepared by Macaulay Shiomi Howson Ltd. and D.R. Barker & Associates Ltd., dated December 17, 2007 and revised September 3, 2010, which shows the following:
   - 65 residential lots (Lots 1-65);
   - 1 block for a walkway (Block 66); and,
   - 1 new roadway (Edward Riley Drive).

2. Streets and Civic Addressing
   (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
   (b) That the road allowances within the Plan shall be designed in accordance with the City’s engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
   (c) That prior to Final Plan Approval, the Owners shall submit proposed street names for approval by the Planning and Development Department which names shall be included on the first submission of the engineering drawings. The streets within this Plan shall be named to the satisfaction of the City, in consultation with the Planning and Development Department, in accordance with the City’s Civic Addressing and Road Naming By-Law.
   (d) That prior to Final Plan Approval, the Owners shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City’s Planning and Development Department, in accordance with the City’s Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
   (e) That for lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning and Development Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City’s Civic Addressing and Road Naming By-Law and emergency response requirements.
   (f) That the Owner shall agree that the location and design of any construction access shall be approved by the City and/or the appropriate authority.

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

3. Reserves, Easements and Conveyances
   (a) That any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 m reserve to be conveyed to the City free of all charges and encumbrances.
(b) That prior to Final Plan Approval, the daylighting triangles shall be conveyed to the City free of all charges and encumbrances.

(c) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

(d) That Block 66 shall be conveyed to the City of Kingston for a walkway, in a condition satisfactory to the City of Kingston and at no cost to the City of Kingston, and shall be fenced to the satisfaction of the City of Kingston.

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

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

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

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

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

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

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

6. **Holding Provisions**
   That the City shall require the use of ‘-H’ Holding Provisions for the residential lots within this Plan of Subdivision in accordance with Section 36 of the *Planning Act*. The terms for the removal of the ‘-H’ Holding Symbol shall require:

   (i) confirmation of sufficient servicing capacity for the development;

   (ii) that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner;

   (iii) that the appropriate application for an amendment to the Zoning By-Law to remove the ‘H’ Symbol has been approved by the City; and,
(iv) that City Council has given Notice pursuant to the requirements of the Planning Act of its intention to pass a By-Law to remove the ‘-H’ Holding Symbol and has passed the appropriate amendment to the Zoning By-Law to remove the ‘-H’ Holding Symbol pursuant to the Planning Act.

7. Engineering Drawings
   (a) That prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the City’s Subdivision Design Guidelines and to the satisfaction of the City. Such plans are to form part of the Subdivision Agreement.
   (b) That prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the City’s standard format for incorporation into the Pre-Servicing and/or Subdivision Agreement.

8. Revisions to Draft Plan
   (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the City.
   (b) That prior to Final Plan Approval of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
   (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the City.

9. Phasing
   (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees.
   (b) That the phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the City, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
   (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
   (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

10. Zoning By-Law Compliance
    (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the Planning Act.
    (b) That prior to Final Plan Approval, the Owner shall submit a Surveyor’s Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage requirement of the applicable Zoning By-Law.

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

11. Archaeological Assessment
    (a) That prior to Final Plan Approval and prior to commencement of any works on any site identified as being archaeologically significant, the Owner shall carry out archaeological excavations of such sites to the
satisfaction of the Ministry of Culture and the City; the Owner shall agree to take protective measures required by the City for such sites.

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

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

12. **Stormwater Management**
   That prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the City. The approved plans shall be included in the Subdivision Agreement.

   That prior to Final Plan Approval, the Owner shall submit a Stormwater Management Report and implementing plans for the development. The report shall be prepared by a qualified Professional Engineer, to the satisfaction of the City.

   That the recommendations of the Stormwater Management Report shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

   That prior to Final Plan Approval and prior to any works commencing on the site, the Owner shall submit for approval by the City, a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
   
   i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
   
   ii) the location and description of all outlets and other facilities;
   
   iii) stormwater management techniques which may be required to control minor and major flows;
   
   iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
   
   v) overall grading plans for the subject lands; and
   
   vi) stormwater management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.

   That the Owner shall agree to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period.

### REPORTS (CONTINUED)

**Report No. 140 of the Planning Committee**

13. **Noise Impact Study**
   
   (a) That prior to Final Plan Approval, the Owner shall submit a Noise Impact Study which demonstrates that the appropriate noise criteria can be achieved, in accordance with Ministry of the Environment guidelines. The Noise Impact Study must be prepared by a qualified Professional Engineer.
(b) That the recommendations of the Noise Impact Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

14. Geotechnical Study
   (a) That prior to Final Plan Approval, the Owner shall submit a Geotechnical Study which evaluates the soils and subsurface conditions of the site, including fill previously placed on the site. The Geotechnical Study must be prepared by a qualified Professional Engineer, to the satisfaction of the City.
   (b) That the recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

15. Servicing Study
   (a) That prior to Final Plan Approval, the Owner shall submit a Servicing Study, prepared by a qualified Professional Engineer, to the satisfaction of the City.
   (b) That the recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

16. Environmental Site Assessment
   (a) That should site remediation be required to meet the applicable soil and ground water criteria set out in the Guideline for Use at Contaminated Sites in Ontario (MOE, as amended), the Owner shall submit to the City, prior to Final Plan Approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment and to the satisfaction of the City.
   (b) That the Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria set out in the Guideline for Use at Contaminated Sites in Ontario (MOE, as amended).

17. Parkland Conveyance
   That prior to Final Plan Approval, the Owner shall deposit with the City of Kingston, a Letter of Credit in the amount of $50,000 as surety for future parkland conveyance in lieu of the under dedication in the present phase of development. The parkland conveyance deficiency is 0.15 ha and such parkland conveyance is to be delivered in a future phase of development of the owner’s land in this community. The City reserves the right to make the determination on whether it requires the parkland conveyance or the cash in lieu of the parkland conveyance, the value of which would be determined by appraisal at that time. The City further reserves the right to draw on the Letter of Credit at its discretion should the parkland conveyance not be delivered.

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

(d) That prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the City.

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

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

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

20. Fencing
(a) That the Owner shall construct chain link fencing along lots adjacent to Block 66.

(b) That the Owner shall construct a noise attenuation barrier, based on the findings of the Noise Impact Study.

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

22. Bell Canada
(a) That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

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

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

23. Utilities Kingston
   (a) That prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.
   
   (b) That the Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the City.
   
   (c) That the Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

24. Construction Traffic Route
   That prior to approval of any engineering drawings, arrangements shall be made to the satisfaction of the City of Kingston for a suitable construction traffic route.

25. Bus Stop Pads
   That the Owner shall show on the engineering drawings, bus stop pads in locations and of designs satisfactory to the City of Kingston.

26. Warning Clauses:
   That the Owner shall include the following warning clauses in a schedule to all offers of purchase and sale, or lease for all lots and blocks within this Plan. Additional warning clauses may be required as a result of the review of the Final Plan of Subdivision and will be identified in the Subdivision Agreement.
   
   (a) within the entire subdivision plan:
      • “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

   • “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions.”
   
   • “Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice.”

   • “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
• “Purchasers are advised that, where a fence has been installed by the Developer, the fence is to be maintained by the homeowner.”

• “Purchasers and/or tenants are advised that Augusta Drive and Atkinson Street may be used as transit routes in the future.

• “Purchasers and/or tenants of lots on cul-de-sacs and bulbed corners (lots with extended road widths to increase frontages) within this Subdivision are advised that the design of cul-de-sacs and bulbed corners presents challenges to the Municipalities clearing or removal operations. The Municipality will make every effort to keep the street clear of snow and to plow to the curb line. However, some property owners may experience higher volumes of snow at the end of their driveways or may have to remove snow from a portion of the roadway where it is not possible for the snow plow to reach the curb. Purchasers are further advised that it may be necessary for the Municipality to pile snow in the middle of the cul-de-sac or bulbed corners during or after significant storm events. The Municipality will only remove the snow piled in the middle of the cul-de-sac when ongoing snow clearing operations or normal vehicular access may be compromised.”

• “Purchasers and/or tenants are advised that driveways should not be widened beyond that provided by the home builder without the written approval of the City of Kingston. Maximum driveway widths are controlled through the Zoning By-Law.”

(b) abutting a park:
• “Purchasers and/or tenants are advised that Lots 1 to 7 abut an existing or future park, and periodically active and passive use of the park may interfere with the quiet enjoyment of their home or yard. Changes to the park may occur over time based on neighbourhood needs or operational requirements of the City. In addition, changes in park use may introduce new recreational noise sources, examples may include but not be limited to, off-leash dog parks, skateboard facilities, or recreational activities where whistles are used.”

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

28. General Conditions:
(a) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the City’s Tariff of Fees By-Law.

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

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

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

(d) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the City.
(e) That prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.

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

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

29. Clearance Letters:
That prior to Final Plan Approval, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.

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

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

2. Approval of an Application for Site Plan Control Approval for the Property Located at 326 Alfred Street

THAT the application for Site Plan Control Approval (Our File No. D11-290-2010) for the property located at 326 Alfred Street, requesting approval for the construction of an 18 unit multiple family dwelling, be APPROVED IN PRINCIPLE.

AND THAT the application be referred back to staff and that the Director of Planning and Development be authorized to issue final approval subject to:
(a) All outstanding technical issues being resolved to the satisfaction of the City;
(b) The Owner entering into a Site Plan Control Agreement with the City which shall list the approved plans and any special municipal conditions pertaining to the development; and,
(c) The Owner submitting the required financial security.

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

3. Approval of an Application for Site Plan Control Approval for the Property Located at 817 Division Street

THAT the application for Site Plan Control Approval (Our File No. D11-297-2010) for the property located at 817 Division Street, requesting approval for the construction of an administrative office building, be APPROVED IN PRINCIPLE.

AND THAT the application be referred back to staff and that the Director of Planning and Development be authorized to issue final approval subject to:
(a) All outstanding technical issues being resolved to the satisfaction of the City;
(b) The Owner entering into a Site Plan Control Agreement with the City which shall list the approved plans and any special municipal conditions pertaining to the development; and,
4. Approval of an Application for Zoning By-Law Amendment for the Property Located at 780 Division Street

WHEREAS the Planning Committee recommended that Kingston City Council approve the application for Zoning By-Law Amendment for the property located at 780 Division Street on September 2, 2010; and,

WHEREAS Kingston City Council referred the application back to the Planning Committee for further discussions with the applicant to consider developing only one new building on the subject property rather than the two new proposed buildings, concerns regarding the density of the development and the availability of open space; and,

WHEREAS the Planning Committee met on October 7 and this item was discussed further and staff are bringing forward an Information Report;

THEREFORE BE IT RESOLVED THAT the application for Zoning By-Law Amendment (Our File No. D14-177-2010) for the property located at 780 Division Street, BE APPROVED.

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 THAT the amending by-law be presented to City Council for all three readings.

(See By-Law No. (7), 2010-215)
(See Information Report No. (2), Page No. 24)

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

5. Administrative Amendments to By-Law No. 2006-65 – Site Plan Control By-Law

THAT the Site Plan Control By-Law, By-Law No. 2006-65, as amended, be repealed and the Site Plan Control By-Law attached as Exhibit C to Report PC-10-084 be adopted;

- and further -

THAT the by-laws be presented to City Council for all three readings.
(See By-Law No. (8), 2010-216 and By-Law No. (9), 2010-217)
(See Information Report No. (2), Page No. 24)

6. Wolfe Island Transportation Study – Ministry of Transportation

THAT the amended Staff Report No. PC-10-085 regarding the Wolfe Island Transportation Study be received;
THAT Staff Report No. PC-10-085, as amended, be forwarded to the Ministry of Transportation for the purpose of providing the Ministry of Transportation with the City of Kingston’s comments on the Wolfe Island Transportation Study;

- and further -

THAT the City of Kingston carefully evaluate the implications as the study continues to unfold and respond accordingly;

- and further -

THAT the City of Kingston Engineering Department keep the Ministry of Transportation apprised of the progress and findings of the Traffic Demand Measures and Intelligent Transportation Strategies Study being proposed by the City;

- and further -

THAT the City of Kingston explore with the Ministry of Transportation the possibility of developing some form of joint working group to assist in the study process;

- and further -

THAT the City of Kingston request the Ministry of Transportation to commence referring to the Wolfe Island Transportation Study as the Kingston-Wolfe Island Transportation Study due to the important impacts of this study on the City of Kingston.

7. Motion Regarding Emerald Ash Borer

WHEREAS the Emerald Ash Borer (EAB) was first confirmed in Ontario in 2002, attacking and killing ash trees in south-western Ontario; and,

WHEREAS the City of Toronto banned the planting of ash trees in 2002 in anticipation of the EAB's arrival to the Toronto area, even though the Canadian Food & Inspection Agency (CFIA) did not confirm the presence of the EAB in Toronto until 2007, 5 years later; and,

WHEREAS in July 2010, the CFIA confirmed the EAB in the United Counties of Leeds and Grenville east of Kingston; and,

WHEREAS ash trees are a popular tree choice for new developments and public property in the City of Kingston, accounting for 10% of the City's urban forest and representing a tree count of 3000-5000 ash trees currently growing throughout the City; and,

REPORTS (CONTINUED)
Report No. 140 of the Planning Committee

WHEREAS the current tree mortality rate of the EAB, if affected, is 99.9%;

THEREFORE BE IT RESOLVED THAT staff be directed to temporarily suspend the ash tree, effective 2011, from the approved tree species list (i.e.: sub-division guidelines, etc.) for future development sites.

CARRIED
(Clause 1 and 4 through 7)

* * * * * * * * * * *

Report No. 141 of the Kingston Municipal Heritage Committee

Moved by Councillor Glover
Seconded by Councillor Hutchison

THAT Report No. 141 of the Kingston Municipal Heritage Committee be received and adopted.
Council consented to the addition of Clause 6.

Report No. 141

To the Mayor and Members of Council:
The Kingston Municipal Heritage 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: 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.

1. Approval of an application for the replacement of the front entrance single door with a double door with reduced side lites, modified overhead lites and a change in door colour at a property located at 253-255 Ontario Street

THAT Application P18-275-147-2010 for a property located at 253-255 Ontario Street requesting approval for the replacement of the front entrance single door with a double door with reduced side lites, modified overhead lites and a change in door colour BE APPROVED in accordance with details described within a submission filed September 23 and 27, 2010, and deemed complete by the Planning and Development Department September 28, 2010;

- and further -

THAT the project will comply with the requirements of all applicable regulations and by-laws.

REPORTS (CONTINUED)
Report No. 141 of the Kingston Municipal Heritage Committee

2. Approval of an application for the addition of a natural gas meter and hook up to masonry wall of existing dwelling at a property located at 29 Baiden Street in Portsmouth Village

THAT Application P18-052-149-2010 for a property located at 29 Baiden Street in Portsmouth Village requesting approval for the addition of a natural gas meter and hook up to the masonry wall of the existing dwelling BE APPROVED in accordance with details described within a submission filed September 27, 2010, and deemed complete by the Planning and Development Department September 28, 2010, with the understanding that the location of the meter on the Mowat Avenue side of the house is preferred;

- and further -

THAT the approval is subject to the following conditions:

1) That the project be completed in compliance with the Heritage Masonry Guidelines to the greatest extent possible.

2) 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.

3) 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.

4) That the applicant is aware that Utilities Kingston has a separate application process that applies to the project.

5) Provided that it does not hinder the use of the metre and is acceptable to Utilities Kingston, the applicant is encouraged to screen the installation with some vegetation.

3. Approval of an application for a sign at a property located at 68 Princess Street

THAT Application P18-032-150-2010 for a property located at 68 Princess Street requesting approval for a sign BE APPROVED in accordance with details described within a submission filed September 30, 2010, and deemed complete by the Planning and Development Department October 4, 2010, with the understanding that further details of the project will be provided to the Committee;

- and further -

THAT the project will comply with the requirements of all applicable regulations and by-laws.

4. Reaffirmation of Emergency Approval for repointing external masonry at 53 King Street East

THAT Application P18-177-146-2010 for a property located at 53 King Street East which received an Emergency Approval for repointing external masonry (Project 1: chimney restoration, Project 2: east and west wall repointing; Project 3: south wall repointing, Project 4: Carriage House repointing) BE REAFFIRMED in accordance with details described within a submission filed September 23 & 28, 2010, and deemed complete by the Planning and Development Department September 28, 2010.

REPORTS (CONTINUED)
Report No. 141 of the Kingston Municipal Heritage Committee

5. Approval of an application and provisional approval for a Heritage Grant Application for the replacement of a steel roof and eavestroughing and cladding of dormers with copper at 948 Highway 2 East

WHEREAS Application P18-515-024-2010 for a property located at 948 Highway 2 East requesting approval for the replacement of a steel roof with a batten roof was approved by Council on May 4, 2010; and,

WHEREAS Application HG-01-2010 for this property was provisionally approved for a Heritage Property Grant of 50% of the costs associated with the Eligible Work for the re-installation of a batten roof only; and,

WHEREAS the applicant has reconsidered the project and has submitted new applications requesting approval for a Heritage Permit and a Heritage Property Grant;

THEREFORE BE IT RESOLVED THAT Application P18-515-148-2010 for a property located at 948 Highway 2 East requesting approval for a flat rolled copper roofing to match the design and profile of the current batten roof, replacement of eaves trough with copper, and cladding of the dormers in copper to replace a steel roof BE APPROVED in accordance with a submission filed September 24, 2010, and deemed complete by the Planning and Development Department September 27, 2010;

- and further -
THAT it be understood that the wall flashing will be set into masonry joints, and not have a cut reglat, and that sub-strut material be repaired and good, as well as any masonry adjacent to the roofing project;

- and further -

THAT the project will comply with the requirements of all applicable regulations and by-laws;

- and further -

THAT Application HG-014-2010 for this property BE PROVISIONALLY APPROVED for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of $2000 with the understanding that the grant be approved for a flat rolled copper roofing to match the design and profile of the current batten roof, replacement of eaves trough with copper, and cladding of the dormers in copper;

- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, ‘A By-Law to Establish a Heritage Grants Program’, with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

November 1, 2010

Note: There are no clauses (below) which must be dealt with this evening in order to meet the requirements of the Ontario Heritage Act, which states that a Council decision must be made within 95 days of notice of receipt of a complete application being mailed to the applicant. However, the Committee have requested early consideration for the following clause in order to meet timing requirements by the applicant for a provincial government program concerning a solar panel installation; the installation was approved by Council on September 21, 2010.

REPORTS (CONTINUED)
Report No. 141 of the Kingston Municipal Heritage Committee

6. Approval of an application for the installation of utility meters and shutoff switch for solar panels at a property located at 42 Kennedy Street

THAT Application P18-170-159-2010 for a property located at 42 Kennedy Street requesting approval for the installation of utility meters and shutoff switch for solar panels BE APPROVED in accordance with details described within a submission filed October 27, 2010, and deemed complete by the Planning and Development Department October 28, 2010;

- and further -

THAT it be understood that there are no Heritage concerns regarding any of the four options provided on page 87 of the Heritage Committee agenda,

- and further -

THAT exterior placement of the meters will be located as low on the wall as possible.

CARRIED

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

(The Report of the City Treasurer (10-304) was attached as Schedule Pages 70-75)

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

(2) **Additional Information Regarding the Application for a Zoning By-Law Amendment for the Property Located at 780 Division Street**

The purpose of this report is to provide additional information to a staff report to the Planning Committee, which was referred back to the committee to allow further discussions with the applicant to consider developing only one new building on the subject property rather than the two new proposed buildings.

(The Report of the Commissioner of Sustainability and Growth (10-308) was attached as Schedule Pages 76-88)

(File No. CSU-D14-000-2010)

(See Clause 4, Report No. 140, Page No. 18)

(3) **Community Adjustment Fund Intake Two – Professional Services Procurement Reporting**

This report provides a reporting of all professional services procured by the City of Kingston between April 1 and August 31, 2010, for two projects recently awarded funding from the Government of Canada, being road construction to service 35 acres at Cataraqui Industrial Estates and servicing upgrades at St. Lawrence Business Park.

(The Report of the Commissioner of Sustainability and Growth (10-310) was attached as Schedule Pages 89-95)

(File No. CSU-F11-000-2010)

**INFORMATION REPORTS**

(4) **Viewing of Procurement Submissions by Councillors**

This purpose of this report is to advise Council of the absence of any request made pursuant to the 2006 policy allowing Councillors to view confidential information related to procurements.

(The Report of the City Solicitor and Director of Legal Services (10-314) was attached as Schedule Pages 96-97)

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

(5) **Priority Status Matrix 2010 – Third Quarter Update**

The purpose of this report is to provide an updated list of projects and initiatives assigned to staff by Council through standing committees and Council resolutions.

(The Report of the Chief Administrative Officer (10-315) was attached as Schedule Pages 98-109)

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

CARRIED

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**MISCELLANEOUS BUSINESS**

***************
NEW MOTIONS
Council consented to the addition of New Motion (1) and to divide the question.

(1) Moved by Councillor Macleod-Kane
Seconded by Councillor Osanic

WHEREAS the public has indicated dissatisfaction with the location of the polling stations during the 2010 municipal election, and

WHEREAS other municipalities in Ontario used remote voting to good effect;

THEREFORE BE IT RESOLVED THAT Council direct the Clerk to report to Council with voting options to include remote voting in Kingston for the 2014 municipal election. The report should outline the pros and cons of both telephone and internet voting and make a recommendation on which, if any, of the options would be best to implement in Kingston, and the estimated costs;

- and further -

THAT this report be brought to Council by December 2011 to ensure that there is adequate time to implement any plan endorsed by Council;

CARRIED (12:1)
(With Agreed To Amendments)
(See Recorded Vote No. 1)

- and further -

THAT this report also include the rationale for the number and placement of polling locations and make recommendations on options for increasing the number of polling stations.

CARRIED (9:4)
(With Agreed To Amendments)
(See Recorded Vote No. 2)

NEW MOTIONS (CONTINUED)

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

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

NAYS: Councillor Garrison (1)

2. A Recorded Vote was requested by Councillor MacLeod-Kane

YEAS: Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (9)

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

************

NOTICES OF MOTION
Moved by Councillor Garrison
Seconded by Councillor Matheson

THAT Council waive the rules of By-Law No. 2010-1, “Council Procedural By-Law”, in order to deal with the Notice of Motion regarding the outsourcing of the provision of food services at KGH at this meeting.

LOST (7:6)
A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (7)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Mayor Rosen, Councillor Smith (6)

(1) Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Kingston City Council recommend to the provincial government that utilities charges for ratepayers be made HST exempt;

- and further -

THAT a copy of this motion be circulated to the Premier of Ontario, the Ontario Minister of Energy and our local MPP, the Hon. John Gerretsen.

(2) Moved by Councillor Garrison
Seconded by Councillor Meers

WHEREAS the Board of Governors of Kingston General Hospital (KGH) will be considering the outsourcing of the provision of food services at KGH at its November 23 meeting; and,

WHEREAS this action would not be in keeping with Kingston’s goal of being Canada’s most sustainable City;

NOTICES OF MOTION

THEREFORE BE IT RESOLVED THAT Kingston City Council strongly encourage the Board of Governors of KGH to not outsource the provision of food services at KGH at its November 23 meeting and that a copy of this resolution be forwarded to the Board of Governors of KGH.

(3) Moved by Councillor Garrison
Seconded by Councillor Meers

THAT the Federal Government be advised that the Council of the Corporation of the City of Kingston opposes the decision to eliminate the mandatory Census Long Form Questionnaire on the basis that it will compromise the City’s ability to effectively plan for its communities;

- and further -

THAT the Council of the Corporation of the City of Kingston hereby requests the Honourable Tony Clement, Minister of Industry, and the Federal Government to reinstate the mandatory Census Long Form Questionnaire for the upcoming 2011 census;

- and further -

THAT a letter be sent by the Mayor with this resolution to the Prime Minister of Canada and the Minister of Industry;

- and further -

THAT this resolution be forwarded to the our local MPP, the Honourable John Gerretsen, our local MP, the Honourable Peter Milliken and to all municipalities with a population of over 50,000, requesting that they also request the Federal Government to reinstate the mandatory Census Long Form Questionnaire for the upcoming 2011 census.

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MINUTES

Moved by Councillor Osanic
Seconded by Councillor Schmolka

THAT the Minutes of City Council Meeting No. 22-2010, held Tuesday, October 5, 2010 be confirmed.

CARRIED

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TABLING OF DOCUMENTS

2010-83  Kingston Police Services Board
         Kingston Police 2009 Annual Report
         (File No. CSU-P17-000-2010)

2010-84  Downtown Kingston! BIA
         Newsletter – “Contact” – October 2010
         (File No. CSU-A01-001-2010)

2010-85  Cataraqui Region Conservation Authority
         Agenda – Full Authority Meeting – October 20, 2010
         (File No. CSU-D03-000-2010)

2010-86  Cataraqui Region Conservation Authority
         Minutes – Full Authority Meeting – September 29, 2010
         (File No. CSU-D03-000-2010)

TABLING OF DOCUMENTS (CONTINUED)

2010-87  Cataraqui Region Conservation Authority
         Minutes – Cataraqui Source Protection Authority Meeting – September 22, 2010
         (File No. CSU-D03-000-2010)

2010-88  Ontario Aggregate Resources Corporation
         2009 Annual Report
         (File No. CSU-D03-000-2010)

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COMMUNICATIONS

Filed

23-445  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 1364-1366 Montreal Street, the
        Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The
        final date for appeal is October 20, 2010.
        (File No. CSU-D19-000-2010)

23-446  From the Regional Municipality of Durham, acknowledging receipt of Council’s resolution regarding payments in
        lieu of taxes.
        (File No. CSU-F22-000-2010)

23-450  From Geneva Crepe Cafe, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario
        for an establishment located at 297 Princess Street.
        (File No. CSU-P09-000-2010)
23-452 From the Minister of Finance, acknowledging receipt of Council’s resolution regarding fundraising efforts and debt relief for Haiti and summarizing the contributions of the Federal Government and the people of Canada. (File No. CSU-P03-000-2010)

23-454 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 4395 Highway 15, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is November 9, 2010.

CONSENT – In respect of an application for consent to sever the property at 244-248 Wellington Street, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is November 9, 2010.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 96-259 for the property at 244 Wellington Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is November 8, 2010.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 96-259 for the property at 246-248 Wellington Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is November 8, 2010.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 8499 for the property at 10 Hyperion Court, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is November 8, 2010.

COMMUNICATIONS (CONTINUED)

CONSENT – In respect of an application for consent to sever the property at 2578 Isle of Man Road, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is November 9, 2010.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 32-74 for the property at 1491 Jarvis Road, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is November 8, 2010.

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

23-456 From the Committee of Adjustment, a Notice of Decision for the following application:

CONSENT – In respect of an application for consent to sever the property at 379 McEwen Drive, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is November 17, 2010.

VALIDATION OF TITLE – In respect of an application for a Certificate for the Validation of Title for the property at 3850 Unity Road, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. (File No. CSU-D19-000-2010)

23-458 From the Ontario Good Roads Association, providing information regarding nominations to the 2011-2012 Board of Directors. (File No. CSU-C12-000-2010)

Referred to All Members of Council

23-451 From the Regional Municipality of Durham, asking for Council’s support of a resolution advising the Federal government that it opposes the decision to eliminate the mandatory Census Long Form Questionnaire on the basis
that it will compromise the Region’s ability to effectively plan for its communities and to reinstate Questionnaire for the upcoming 2011 census.
(File No. CSU-C10-000-2010)

23-453 From Michael Terkalas, Area Manager for Homestead Land Holdings Limited, requesting the approval of Council to appoint Dale Sands as a By-Law Enforcement Officer for the purpose of issuing tickets under By-Law No. 99-166 on the property at 94 Wright Crescent and to remove the following persons from the schedule under Homestead Land Holdings: Richard Baillie, Randy Swain, Doug Turnbull, Lynn Hepburn, John Brais, Edith Hawes, Graham Bonner, Eugene Arend, Esther Legere, Karen Litchfield, Randy Cribb, Katherine Bates, Michele Cumpson, Larry Chase.
(File No. CSU-P01-003-2010)
(See By-Law No. (10), 2010-218)

23-459 From the Municipal Taxpayer Advocacy Group, asking Council to bring forward a motion asking the province to make utilities HST exempt, and reduce the size of the Samsung deal due to limited transmission capacity and the rising costs of hydro.
(File No. CSU-F00-000-2010)

23-460 From Cindy Cameron, expressing her concerns regarding the proposed changes to the composition and term of the Affordable Housing Development Committee (AHDC).
(File No. CSU-S18-000-2010)
(Digitally distributed to all Members of Council on November 2, 2010)

COMMUNICATIONS (CONTINUED)

23-461 From Marilyn Birmingham expressing her opinions regarding the proposed changes to the composition and term of the Affordable Housing Development Committee (AHDC).
(File No. CSU-S18-000-2010)
(Digitally distributed to all Members of Council on November 2, 2010)

Referred to the City Clerk

23-447 From the Crohn’s and Colitis Foundation of Canada, asking that Council proclaim November 2010 as “Crohn’s and Colitis Awareness Month” in the City of Kingston.
(File No. CSU-M10-000-2010)

Referred to the Commissioner of Sustainability and Growth

23-444 From the Ministry of Agriculture, Food and Rural Affairs, providing information regarding the Premier’s Award for Agri-Food Innovation Excellence for 2010.
(File No. CSU-M00-000-2010)

Referred to the President and CEO of Utilities Kingston

23-448 From Charlie Gray, expressing his concerns regarding the upkeep of the roads and sidewalks in the City of Kingston.
(File No. CSU-T06-000-2010)

23-449 From Charlie Gray, asking that the City sweep Centennial Drive.
(File No. CSU-T06-000-2010)
Referred to the Commissioner of Community Services

23-455  From W. Ambury, expressing concerns regarding the amount of money spent on the Linear Park at the Memorial Centre.  
(File No. CSU-R04-000-2010)

Referred to the City Treasurer

23-457  From 1745084 Ontario Inc., requesting the removal of penalties and fines and payment of taxes for the property located at 4027 Bath Road.  
(File No. CSU-F22-000-2010)

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OTHER BUSINESS

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BY-LAWS

Council consented to the amendment of By-Laws (1), (2), (4), (5), (6) and (9).

(A)  Moved by Councillor Hutchison  
Seconded by Councillor Matheson  
THAT By-Laws (1) through (11) be given their first and second reading.  
CARRIED

(B)  Moved by Councillor Meers  
Seconded by Councillor Osanic  
THAT Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Laws (3) through (6) and (10) three readings.  
CARRIED

(C)  Moved by Councillor Schmolka  
Seconded by Councillor Smith  
THAT By-Laws (3) through (11) be given their third reading.  
CARRIED

(1)  A By-Law To Approve The Renaming Of An Existing Road Known As The Fortune Crescent Extension To Venture Drive, Located Within The Cataract Estates Business Park, City Of Kingston  
FIRST AND SECOND READINGS  
(See Clause (b), Report No. 139)  
(To be held for Third Reading pending the Notice Provisions By-Law)  
(Note: A copy of the revised draft by-law was attached to the addeds.)
(2) A By-Law To Approve The Naming Of An Existing Road To Resource Road, Located Within The Cataraqui Estates Business Park, City Of Kingston
FIRST AND SECOND READINGS PROPOSED NO. 2010-210
(See Clause (b), Report No. 139)
(To be held for Third Reading pending the Notice Provisions By-Law)
(Note: A copy of the revised draft by-law was attached to the addenda.)

(3) A By-Law To Amend By-Law No. 2010-205, “A By-Law To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston” (Affordable Housing Advisory Committee)
THREE READINGS PROPOSED NO. 2010-211
(See Clause (f), Report No. 139)

(4) A By-Law To Amend By-Law No. 495, “A By-Law To Provide For Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters” (amend parking restrictions on King Street)
THREE READINGS PROPOSED NO. 2010-212
(See Clause (g), Report No. 139)

BY-LAWS (CONTINUED)

(5) A By-Law To Amend By-Law No. 24, “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston” (amend parking restrictions on King Street)
THREE READINGS PROPOSED NO. 2010-213
(See Clause (g), Report No. 139)

(6) A By-Law To Amend By-Law No. 2010-128, “A By-Law To Regulate Parking” (amend parking restrictions on King Street)
THREE READINGS PROPOSED NO. 2010-214
(See Clause (g), Report No. 139)

(7) 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 PROPOSED NO. 2010-215
(See Clause 4, Report No. 140) Councillor Garrison OPPOSED

(8) A By-Law To Repeal By-Law No. 2006-65, “A By-Law To Designate The Whole Of The City Of Kingston As A Site Plan Control Area, Pursuant To Section 41 Of The Planning Act, R.S.O. 1990, Chapter P.13, As Amended, And To Adopt Certain Procedures For The Processing Of Site Plan Control Applications, And To Exempt Certain Classes Of Development From Approval Of Plans And Drawings, And To Repeal And Replace By-Law No. 98-91 In Its Entirety”
THREE READINGS PROPOSED NO. 2010-216
(See Clause 5, Report No. 140)

(9) A By-Law To Designate The Whole Of The City Of Kingston As A Site Plan Control Area, Pursuant To Section 41 Of The Planning Act, R.S.O. 1990, Chapter P.13, As Amended, And To Adopt Certain Procedures For The Processing Of
Site Plan Control Applications, And To Exempt Certain Classes Of Development From Approval Of Plans And Drawings
THREE READINGS
(See Clause 5, Report No. 140)

PROPOSED NO. 2010-217

THREE READINGS
(See Communication No. 23-453)

PROPOSED NO. 2010-218

(11) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, November 2, 2010
THREE READINGS
(City Council Meeting No. 23-2010)

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ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Hector

THAT Council do now adjourn.

CARRIED

Council adjourned at 8:40 pm.

(Signed) Carolyn Downs Harvey Rosen
City Clerk Mayor