The Regular Meeting of Kingston City Council was held on Tuesday, November 16, 2010, and was called to order at 7:35 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

(Council Chamber)
ROLL CALL

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

Absent: Councillor Hector (1)

COMMITTEE OF THE WHOLE “CLOSED MEETING”

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(Council Chamber)
Administrative Staff Present:
Ms. C. Beach, Commissioner, Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. J. de Hoop, Director, Community and Family Services
Mrs. C. Downs, City Clerk
Mr. J. Giles, Manager, Solid Waste
Mr. J. Hale, Driver/Labourer, Public Works
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Commissioner, Community Services
Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. G. Wallace, Director, Planning and Development

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REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

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APPROVAL OF ADDEDS

Moved by Councillor Matheson
Seconded by Councillor Schmolka

THAT the addeds be approved.

CARRIED
(A 2/3 Vote of Council was Received)

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DISCLOSURE OF PECUNIARY INTEREST
Councillor Garrison declared a possible pecuniary interest in the matter of Clause (b) of Report No. 142 of the Chief Administrative Officer (Consent) regarding approval of the Healthy Community Fund, Sports and Recreation category from the Community Development and Heritage categories as indicated on page 67, as his spouse is employed by one of the Sports and Recreation category grant recipients, Kingston Literacy and Skills. Councillor Garrison also advised that he no longer has a pecuniary interest in matters regarding Kingston General Hospital (KGH).

Councillor Hutchison declared a possible pecuniary interest in the matter of Clause (b) of Report No. 142 of the Chief Administrative Officer (Consent) regarding approval of the Healthy Community Fund, Sports and Recreation category as indicated on page 67, as his spouse is employed by one of the Sports and Recreation category grant recipients, Kingston Literacy and Skills. He requested that the Mayor and Council separate the Sports and Recreation category from the Community Development and Heritage categories for voting purposes. He also pointed out that he declared the same pecuniary interest with regard to the Sports and Recreation category during the Healthy Community Fund 2010 deliberations and did not partake in those discussions or votes.

Councillor Hutchison declared a possible pecuniary interest in the matter of Clause (e) of Report No. 142 of the Chief Administrative Officer (Consent), 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.

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PRESENTATIONS

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DELEGATIONS

(1) Ms. Susanne Cliff-Jungling of Urban Agriculture Kingston was present and spoke to Council regarding the possible outsourcing of the provision of food services at KGH.
(See New Motion No. (2), Page No. 743)

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BRIEFINGS

(1) Mr. Gerard Hunt, Chief Administrative Officer, provided Council with an update on the status of current projects.

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PETITIONS

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

Motions of Congratulations
(1) Moved by Mayor Rosen  
Seconded by Councillor Gerretsen  

**THAT** the congratulations of Kingston City Council be extended to Gerard Hunt, Chief Administrative Officer, on winning the Greater Kingston Chamber of Commerce President’s Award for 2010. This award recognizes a special individual or group who has demonstrated tremendous work and benefit to the business community, making Kingston the best place in which to live, work and do business.

(2) Moved by Councillor Smith  
Seconded by Councillor Foster  

**THAT** the congratulations of Kingston City Council be extended to Gail Lynch-Purdon in recognition of her dedication and service to Kingston & Frontenac Housing Corporation and the clients they serve over her 42 year career that began on June 19, 1968 until her retirement on August 31, 2010. Gail’s dedication, commitment and loyalty to the organization she served so faithfully makes this recognition truly well deserved.

**Motions of Condolence**

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

**THAT** the sincere condolences of Kingston City Council be extended to Lorraine Mustard, Community and Family Services, on the death of her grandmother, Grace C. Lapierre, on November 2, 2010.

(2) Moved by Councillor Gerretsen  
Seconded by councillor Schmolka  

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of Emilio Lim, who passed away on November 14, 2010. Emilio immigrated to Kingston from the Philippines and spent his career working for the City at Rideaucrest Home. He will be sorely missed by many.

**Motions of Speedy Recovery**

(1) Moved by Councillor Foster  
Seconded by Councillor Smith  

**THAT** Kingston City Council extend its best wishes for a speedy recovery to Carsten Sorensen, long time resident of Pittsburgh.

(2) Moved by Councillor Foster  
Seconded by Councillor Schmolka  

**THAT** Kingston City Council extend its best wishes for a speedy recovery to Pat Mace, long time resident of Pittsburgh and Board Member of Kingston Access Services.  

**CARRIED**

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**DEFERRED MOTIONS**

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REPORTS

Report No. 142 the Chief Administrative Officer (Consent)

Moved by Councillor Foster
Seconded by Councillor Meers

THAT Report No. 142 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clauses (b) and (e).

Report No. 142

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) City of Kingston Emergency Response Plan - Update

THAT a by-law to adopt a revised Emergency Response Plan for the City of Kingston be presented to Council for approval and given three readings;

- and further -

THAT a by-law to repeal By-Law No. 2009-69, being “A By-Law To Adopt A Revised Emergency Response Plan For The City Of Kingston”, be presented to Council and given three readings.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-162) was attached as Schedule Pages 1-61)

(See By-Law No. (2), 2010-221 and By-Law No. (3), 2010-222)

(b) Approval of the 2010 Healthy Community Fund

THAT Council approve the 2010 Healthy Community Fund grant recommendations for Sports and Recreation, Heritage and Community Development for distribution as outlined in the report from the United Way, attached to this Report No. 10-311 as Exhibit “A” except for items relating to Kingston Literacy and Skills.

(The Report of the Commissioner of Sustainability and Growth (10-311) was attached as Schedule Pages 62-67)

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

CARRIED

Councillors Garrison and Hutchison withdrew from the meeting.

THAT Council approve the 2010 Healthy Community Fund grant recommendations for Sports and Recreation, Heritage and Community Development for distribution as outlined in the report from the United Way, attached to this Report No. 10-311 as Exhibit “A” specifically for items relating to Kingston Literacy and Skills.

CARRIED

Councillors Garrison and Hutchison returned to the meeting.

REPORTS (CONTINUED)
Report No. 142 the Chief Administrative Officer (Consent)

(c) Authorization for Mayor and Clerk to Sign an Agreement for Encroachment of Accessibility Ramp at 611 Princess Street – Cataraqui Archaeological Research Foundation

THAT Council authorize the Mayor and the Clerk to sign an encroachment agreement, in a form satisfactory to the Director of Legal Services, with the Executive Director of the Cataraqui Archaeological Research Foundation (CARF) to permit the installation of an entrance ramp within the Albert Street right-of-way for their property located at 611 Princess Street;

- and further -

THAT the encroachment agreement requires that the ramp be maintained by the management of the Cataraqui Archaeological Research Foundation; and that the ramp will be removed by CARF for any reason deemed necessary by the City.

(The Report of the President and CEO of Utilities Kingston (10-321) was attached as Schedule Pages 68-73)
(File No. CSU-D16-000-2010)

(d) Amended Municipal Hazardous or Special Waste Services Agreement with Stewardship Ontario

THAT the City of Kingston enter into an amended Municipal Hazardous or Special Waste Services Agreement with Stewardship Ontario;

- and further -

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

(The Report of the President and CEO of Utilities Kingston (10-322) was attached as Schedule Pages 74-75)
(File No. CSU-E07-000-2010)

Councillor Hutchison withdrew from the meeting.

(e) Public Consultation Meeting to Declare Leroy Grant Park Surplus for Affordable Housing

1. THAT Council give two readings to the by-law attached as Exhibit B, to declare surplus to municipal need the property described as Leroy Grant Park, located at 58 Leroy Grant Drive, as depicted in Exhibit A;

   CARRIED

- and further -

2. THAT Council authorize and direct the City Clerk, in accordance with the City of Kingston Notice By-Law No. 2003-15 as amended, to give notice of Council’s intention to declare surplus to municipal need the property described as Leroy Grant Park located at 58 Leroy Grant Drive, as depicted in Exhibit A;

   CARRIED

- and further -

3. THAT Council give third reading and approve the attached by-law to declare surplus to municipal need the property described as Leroy Grant Park located at 58 Leroy Grant Drive, as depicted in Exhibit A, upon providing the prescribed public notice of Council’s intent;

   DEFERRED (Part 3) (7:4)

(See Motion To Defer Which Was CARRIED)
(See Recorded Vote No. 1)

REPORTS (CONTINUED)
Report No. 142 the Chief Administrative Officer (Consent)
4. **THAT** Council direct staff to include the Leroy Grant Park in the short list of properties in the Affordable Housing Land Bank that will be reviewed in 2011 for due diligence feasibility analysis as part of moving selected municipal properties to the construction ready stage.

(The Report of the Commissioner of Community Services (10-324) was attached as Schedule Pages 76-82)

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

*See By-Law No. (1), 2010-220*

CARRIED (Parts 1, 2 and 4) (11:0)

(See Recorded Vote No. 2)

Moved by Councillor Garrison
Seconded by Councillor MacLeod-Kane

**THAT** Part 3 of Clause (e) of Report No. 142 of the Chief Administrative Officer (Consent) be deferred until spring 2011 in order to allow staff to provide a report which will:

1. Determine if an additional road will need to be constructed from the Kingscourt residential neighbourhood to access any potential housing development in Leroy Grant Park, specifically, but not limited to, determining if an additional road would need to be constructed in the vicinity of the intersection of MacDonnell Street and Third Avenue;

2. Detail any infrastructure upgrades that will be needed to address traffic congestion issues at and near the intersection of Concession Street and Leroy Grant Drive related to any potential housing development in Leroy Grant Park;

3. Recommend specific upgrades to Third Avenue Park, including recommended budgetary allocation, in order to address the loss of park space to the immediate neighbourhood caused by the elimination of Leroy Grant Park.

CARRIED

1. A Recorded Vote was requested by Councillor Garrison

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

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

ABSENT: Councillor Hector, Councillor Hutchison (2)

2. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (11)

NAYS: (0)

ABSENT: Councillor Hector, Councillor Hutchison (2)

Councillor Hutchison returned to the meeting.

**REPORTS (CONTINUED)**

Report No. 142 the Chief Administrative Officer (Consent)
(f) Amendment of Council Pay Frequency

THAT a by-law be presented to amend Section 3 of By-Law No. 99-169, “A By-Law To Provide For The Annual Paying Of An Annual Allowance To The Members Of Council For The Corporation Of The City Of Kingston”, to read as follows: “Such allowance shall be paid bi-weekly and in the event of the death of a member or upon his ceasing to be a member for any reason before the expiration of his term of office, the amount payable to him or to his personal representative shall be in proportion to the period of his service during such a term.

(The Report of the Director of Human Resources and Organization Development (10-325) was attached as Schedule Pages 83-86)

(File No. CSU-F16-000-2010)

(See By-Law No. (4), 2010-223)

CARRIED

(Clauses (a), (c), (d) and (f))

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Report No. 143 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report No. 143 of the Planning Committee be received and adopted.

Council consented to the separation of Clause 7.

Report No. 143

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.

November 4, 2010

1. Approval of an Application for Zoning By-Law Amendment for the Property Located at 700 Gardiners Road

THAT the application for Zoning By-Law Amendment (Our File No. D14-185-2010) for the property municipally known as 700 Gardiners Road, BE APPROVED;

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

1. Map 5 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘M2’ to ‘M2-31’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-224.

2. By Adding a new Section 25, subsection (1)(a) & (b) and 2 thereto as follows:

“(ad) M2-31 – 700 Gardiners Road

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee
Notwithstanding the provisions of Section 25 hereof to the contrary, the lands designated ‘M2-31’ on Schedule ‘A’ hereto, the following regulations shall apply:

i. **Prohibited Use:** an accessory dwelling unit

ii. **Additional Permitted Uses:**
   - A renewable and/or alternative energy sources use;
   - Trade show use;
   - Recreational Use, maximum gross floor area of 7700 square metres;

iii. **Additional Permitted Accessory Commercial Uses:**
   - Professional and business office, excluding medical offices;
   - A daycare or day nursery;
   - Restaurant;
   - Recreational Use;
   - Financial institution;
   - Personal service establishment;
   - Convenience commercial (limited to 500 square metres); and
   - A retail use, part of and accessory to a permitted use.

iv. Notwithstanding any provisions to the contrary an accessory retail use shall not exceed 25% of the gross floor area of a unit.

v. Notwithstanding any provisions to the contrary the aggregate gross floor area for accessory uses shall not exceed 25% of the total gross floor area.

vi. A trade show use shall not include any permanent display of goods and/or services.

vii. Any use accessory to a trade show use shall not exceed 25% of the gross floor area of the trade show.”

**AND THAT** the amending by-law be presented to City Council for all three readings;

**AND THAT** any the Site Plan Control Applications with respect to said property be bumped up to Planning Committee (See By-Law No. (5), 2010-224)

(Note: A copy of the draft by-law was attached as Schedule Pages 87-88)

2. **Approval of an Application for Zoning By-Law Amendment for the Properties Located at 4153, 4157 Mangan Boulevard and 5216 Dundon Drive**

   **THAT** the application for Zoning By-Law Amendment (Our File No. D14-183-2010) for the properties located at 4153 Mangan Boulevard, 4157 Mangan Boulevard and 5216 Dundon Drive, **BE APPROVED**.

   **AND THAT** the former Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

   1. That Zone Map No. 2 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of 4153 Mangan Boulevard from ‘D’ to ‘R1’, 4157 Mangan Boulevard from ‘OS’ to ‘R1’ and 5216 Dundon Drive from ‘C-7-H’ to ‘R1-33’ as shown on Schedule ‘A’ hereto and forming part of By-Law No. 2010-225.

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

   (See By-Law No. (6), 2010-225)

   (Note: A copy of the draft by-law was attached as Schedule Page 89)

**REPORTS (CONTINUED)**

**Report No. 143 of the Planning Committee**

3. **Approval of Applications for Official Plan, Zoning By-Law Amendment and Draft Condominium for the Property Located at Part Lot 4, Concession 4, Geographic Township of Pittsburgh, City of Kingston**
WHEREAS applications for Official Plan, Zoning By-Law Amendment and Draft Condominium Approval have been submitted to permit the establishment of a vacant land condominium for 14 houses on an 11.75 hectare (29 acres) site located in Part of Lot 4, Concession 4 Geographic Township of Pittsburgh now City of Kingston; and,

WHEREAS a Public Meeting was held on February 19, 2009, with respect to this matter;

THEREFORE BE IT RESOLVED THAT the applications for Official Plan, Zoning By-Law Amendment and Draft Condominium Approval (File Numbers D09-038-2008, D14-131-2008 and D07-010-2008) for the property located in Part of Lot 4, Concession 4 Geographic Township of Pittsburgh now City of Kingston BE APPROVED;

AND THAT the City of Kingston Official Plan be amended as follows:

1. That the City of Kingston Official Plan, SCHEDULE 3-D, SITE SPECIFIC POLICIES, as amended be further amended by adding the symbol to “SITE SPECIFIC POLICY NO. 43” to the lands shown on Schedule “A” attached hereto;

2. That the City of Kingston Official Plan, as amended be further amended by adding the following Section 3.18.43 as follows:

3.18.43. Lands shown on Schedule 3-D as Area 43 may be developed in accordance with the following policies:

a. the lands may be used for a vacant land condominium containing a maximum of 14 detached dwellings. No severances of individual lots are permitted.

b. all servicing is provided by individual on-site water and sewage services on each condominium unit. Only one residential unit is permitted per condominium unit.

c. communal water wells and communal sanitary septic systems are prohibited.

d. for flood protection purposes, no development, including the erecting of any dwelling, other structure, or any shoreline alteration, is permitted within 30 metres of the floodplain elevation of 88.92 metres Geodetic Survey of Canada Datum (GSC). Building openings and laneway access should be appropriately located where land is available. It is intended that existing buildings and structures located below the minimum elevation be removed or relocated if the site is redeveloped.

e. no floor or exterior building opening, including floor drains, shall be located lower than 89.22 metres GSC.

f. all construction must protect the shoreline, shoreline vegetation and fish habitat from damage or silting. Silt protection measures such as straw bales or fences are encouraged.

g. no in-water construction may occur during the period of March 15 to June 30 of any year, in order to protect the spawning fish habitat.

h. prior to changes to the existing dwellings or redevelopment, the owners must demonstrate that the proposal has undergone a Heritage Impact Assessment

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee

i. the site is part of the Rideau Canal World Heritage Site, National Historic Site and Canadian Heritage River and any development shall be consistent with the purpose of these designations.

j. prior to changes to the existing dwellings or redevelopment, the owners must demonstrate that the proposal has undergone a Heritage Impact Assessment
and that the proposal is consistent with it.

k. prior to changes to the existing dwellings or redevelopment, the owners must demonstrate that the proposal is consistent with the recommendations of “An Archaeological Assessment (Stage 1) of the proposed severances Part Lot 4 Concession 4, Geographic Township of Pittsburgh CITY OF KINGSTON, County of Frontenac, Ontario” prepared by Nicolas R. Adams, CIF# P003-172-2007, dated February 12, 2008.”

AND THAT Zoning By-Law No. 32-74 – Township of Pittsburgh Zoning By-Law, be amended as follows:

1. That Zoning Schedule “A” of Zoning By-Law No. 32-74, is hereby further amended by changing the zone symbol to ‘RR-11’ of the lands shown as “Zone Change from ‘RR to RR-11-H’” on Schedule “A” attached hereto;

2. That the following clause (k) be added to Section 8(3) following clause (j):

“(k) Special Requirement (RR-11) Duffe Lane Condominium. Notwithstanding Section 8(1) and Section 8(2) of By-Law No. 32-74 to the contrary, the lands designated ‘RR-11’ on Schedule ‘A’ hereto shall be developed as a vacant land condominium with up to 14 Condominium Units, subject to the following provisions:

1) Dwellings per Condominium Unit (maximum) - 1 only
2) Bedrooms per Condominium Unit (maximum) - 3
3) Minimum Setback from the floodplain (elevation of 88.92 metres GSC) for any building, structures, including septic systems - 30 metres
4) Minimum Setback of any building from a Condominium Unit Boundary that abuts an access lane - 5 metres
5) Minimum Setback of any building from a Condominium Unit Boundary - 1.5 metres
6) Lot Coverage (maximum) - the lesser of 25% or 200 square metres
7) Building Height (maximum) - 8 metres
8) vehicle parking area may be located no closer than 10.5 metres to a public street, (Isle of Man Road).
9) Accessory Uses are to be in accordance with Section 5
10) No finished floor of a building shall be located in an area below the 89.22 metres elevation Geodetic Survey of Canada.

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee

11) No building opening, such as a window, vent or floor drain, shall be located below 89.22 metres elevation Geodetic Survey of Canada.
12) No new additions to existing buildings or structures, such as interior floor area, decks, porches, roofed structures or septic system, shall be located within 30 metres of the flood plain elevation of 88.92 metres GSC.
13) Notwithstanding Section 5(24)(i) Holding Zone Provisions to the contrary no building permits shall be issued for the alteration or renovation of a building or structure, until the “-H” symbol is removed; unless an existing building or structure requires a building permit for safety reasons or repair and maintenance.

14) Notwithstanding Section 5(24)(iii) Holding Zone Provisions to the contrary an (-H) symbol may be removed from any part of the zone if the owner provides confirmation from a qualified professional that the development site (condominium unit) complies with the following:

   a. That the setback and area requirements for water wells and sanitary septic systems comply with current standards;
   b. That the well has been installed by a licensed well driller in accordance with Ontario Regulation 903 or its replacement and in accordance with the "Hydrogeological Assessment Proposed Duffe Lane Land Condominium – Part Lot 4 Con. IV, City of Kingston (Pittsburgh), Ontario" report by Concord Engineering, dated June 10, 2010;
   c. That the water well complies with the current standards for potable water;
   d. That the sanitary septic system complies with current standards;
   e. That the development proposal has completed a Heritage Impact Assessment in accordance with City requirements and prepared to the satisfaction of the City to address the impacts of new development on the adjacent heritage property;
   f. That the development location has completed a Stage Two Archaeological Assessment (under the terms recommended by ‘An Archaeological Assessment (Stage 1) of the proposed severances Part Lot 4 Concession 4, Geographic Township of Pittsburgh CITY OF KINGSTON, County of Frontenac, Ontario’ prepared by Nicolas R. Adams, CIF# P003-172-2007, dated February 12, 2008) to the satisfaction of the City and the Ministry of Culture, including the completion and acceptance of any further archaeological assessments deemed necessary by the licensed archaeologist/City/Ministry of Culture; 

AND THAT Draft Condominium Approval be approved with the following conditions applied:

   1. That this approval applies to the Draft Plan of Condominium, prepared by Hopkins and Cormier. O.L.S., dated September 4, 2010, which shows the following:
      ● 14 vacant land condominium units (Units 1-14);
      ● 1 common area;
      ● 20 metre wide common road corridor; and,
      ● 2 turning circles.
   2. That the Lane shall be named to the satisfaction of the Municipality.
   3. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
   4. That prior to final approval of the plan, the Official Plan and Zoning By-Law amendments related to this application shall have come into full force and effect.
   5. That in order to be consistent with the requirements of the Condominium Act:

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee

   a. all services and facilities required for the registration are to be completed prior to final approval of the condominium plan; and
   b. the Owner/Developer’s professional engineer shall provide certification to the City that the facilities and services have been installed and are sufficient to ensure the independent operation of the condominium corporation. Alternatively, if any facilities or services have not been installed such that the condominium corporation can operate independently, then the Owner/Developer will be required to engage the services of a qualified quantity surveyor or
professional engineer to provide a calculated amount of the required security for one hundred percent (100%) of the required works. The security shall be provided in a form satisfactory to the City, in the amount of one hundred – twenty-five percent (125%) of the calculated cost of the required works.

6. That the Owner shall endeavor to maintain all existing grades along the edge of the property boundary.

7. That if during the process of development (deeply buried/undetected) archaeological remains are uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture (416-314-7159), and the City of Kingston’s Heritage Planner (613-546-4291 Ext. 1386).

8. That in the event that human remains are encountered during construction, the proponent shall immediately contact both the Ministry of Citizenship, Culture and Recreation and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations, (416) 326-8392.

9. That prior to Final Plan approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed condominium units by the Planning and Development Department.

10. That if the land is included in the unit description, provision for the common services and facilities located on that unit to be maintained, repaired and replaced by the condominium corporation may be required, to ensure that future owners do not bear the full cost of maintaining and repairing common facilities and services.

11. That the draft condominium approval will lapse 5 years from the original draft approval.

12. That this Draft Condominium 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.

13. That the Owner may submit a request to the approval authority for an extension to this Draft Condominium 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.

14. That all agreements of purchase and sale and the condominium declaration documents, where applicable shall contain the following Warning clauses:
   a. Warning clauses shall be recited in the incorporation papers and all notices of purchase and sale to indicate that expansion of dwellings are prohibited where septic system standards cannot be satisfied.
   b. All agreements of purchase and sale shall contain notice advising purchasers of the existence of the report “Hydrogeological Assessment Proposed Duffe Lane Land Condominium – Part Lot 4 Con. IV, City of Kingston (Pittsburgh), Ontario” report by Concord Engineering, dated June 10, 2010; and that the Condominium Corporation shall provide copies for inspection.
   c. Whereas some of the lots currently serviced by on-site sewage systems may not comply with separation distances for wells, buildings, lot lines and surface waters and no permits exist for these systems, it is a condition that in the event that these systems malfunction or buildings are extended, rebuilt or renovated, new systems that conform with current standards will be required.
   d. All current on site-sewage systems are to be maintained, (tanks pumped) as required under the Ontario Building Code Section 8.9.3.4, which states: “(1) Septic tanks and other treatment units shall be cleaned whenever sludge and scum occupy 1/3 of the working capacity of the tank.”

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee
e. That prior to the issuance of Building Permits for a condominium unit, confirmation that a well has been installed by a licensed well driller in accordance with Ontario Regulation 903, and in accordance with the report “Hydrogeological Assessment Proposed Duffe Lane Land Condominium – Part Lot 4 Con. IV, City of Kingston (Pittsburgh), Ontario” by Concord Engineering, dated June 10, 2010; shall be provided to the City.

f. That the locations for the proposed sewage systems shown in the “Hydrogeological Assessment Proposed Duffe Lane Land Condominium – Part Lot 4 Con. IV, City of Kingston (Pittsburgh), Ontario” are to be reserved for the purpose of installing a sewage system. These areas shall not be used for any other purpose such as wells, driveways or buildings, unless the alteration has been reviewed by a qualified professional and approved by the KFL&A Health Unit.

g. Any modifications to the existing dwellings, such as repair or demolition or other items that affect the performance of the existing sewage system will require a permit for the review and performance of the system by the KFL&A Health Unit.

h. Due to the topography and other features of the proposed lots, sewage pumps may be needed for new sewage systems.

i. The buildings that exist on the site as of November 2010 may not be added to or expanded unless the addition or expansion is located at least 30 metres away from the flood plain elevation of 88.92 metres GSC.

j. All development shall be located at least 30 metres away from the flood plain elevation of 88.92 metres GSC.

k. That no in-water construction may occur during the period of March 15 to June 30 of any year, in order to protect the spawning fish habitat.

l. All development shall be subject to a Heritage Impact Statement and shall be consistent with its recommendations. The owner or developer shall be responsible for all related costs.

m. All agreements of purchase and sale shall contain notice advising purchasers that the site and shoreline is subject to Regulations by the Cataraqui Region Conservation Authority regarding the placement of fill, and shoreline alterations; and that no buildings or structures, including any additions to existing structure, are permitted less than 30 metres from the 88.92 metre contour line.

n. If during the process of development (deeply buried/undetected) archaeological remains are uncovered, the developer or their agents should immediately notify the Archaeology Section of the Ontario Ministry of Culture (416-314-7159), and the City of Kingston’s Heritage Planner (613-546-4291 Ext. 1386).

o. In the event that human remains are encountered during construction, the proponent should immediately contact the Police, the Ontario Ministry of Culture (416-314-7159), and the City of Kingston’s Heritage Planner (613-546-4291 Ext. 1386) and the Cemeteries Regulation Office – Ministry of Government Services (416-326-8393).

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee

15. All agreements of purchase and sale shall contain notice advising purchasers of the existence of the report “Hydrogeological Assessment Proposed Duffe Lane Land Condominium – Part Lot 4 Con. IV, City of Kingston (Pittsburgh), Ontario” report by Concord Engineering, dated June 10, 2010; and that the Condominium Corporation shall provide copies for inspection.

16. Any easements or right-of-ways required by a utility company or public authority such as Bell Canada, Trans-Northern Pipelines Inc. or the Cataraqui Region Conservation Authority shall be granted to their satisfaction.

17. 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 communications/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).

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

19. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

20. That prior to final approval the Applicant shall provide a survey drawing of the 88.92 meter GSC contour line in relationship to the condominium site.

21. The Condominium Corporation shall acknowledge and enter into an agreement with the City as follows:
   a. The subject lands are located outside the limits of the municipal water area and are not serviced by the City’s water treatment plant;
   b. The Condominium Corporation and the Unit owners shall be solely responsible for ensuring at all times and by all means that there is an adequate supply of potable water for the owner’s intended use of the severed lands and retained land;
   c. Notwithstanding that the City has approved official plan or zoning amendments or the Plan of Condominium that would permit construction of buildings thereon, or that the City has or may at any time in the future issue a building permit, the City will have no obligation to extend the municipal water area or provide municipal water services to or for the benefit of the subject lands;
   d. The subject lands are located outside the limits of the municipal sewer service area and are not serviced by the City’s sewage treatment facility;
   e. The Condominium Corporation and the Unit owners shall be solely responsible for ensuring that at all times and by all means there is an adequate on-site sewage treatment facility maintained by the owner, for the owner’s intended use of the owner’s lands;

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee

f. Notwithstanding the City’s approval of official plan or zoning amendments or the Condominium Plan that would permit construction of buildings on the lands, or that the City has or may at any time in the future issue a building permit for the lands, the City will have no obligation to extend the municipal sewer service area or provide municipal sewer services to or for the benefit of the subject lands, and;

g. That regardless of any order issued by the Ministry of the Environment or by the Kingston Frontenac Lennox & Addington Public Health Unit in the future; that the owner shall be solely responsible for the costs associated with any upgrading or extension of any private or municipal services required to be constructed to comply with such order.

22. The terms of incorporation of the condominium shall include provisions for the installation of new septic systems, in accordance with applicable regulations in the event of any septic system malfunction or building extension, repair, renovation or alteration.
23. Prior to final approval the owner shall demonstrate that the retained lot complies with the Zoning By-Law.

AND THAT the amending by-laws be presented to City Council for all three readings.
(See By-Law No. (7), 2010-226 and By-Law No. (8), 2010-227)
(Note: Copies of the draft by-laws were attached as Schedule Pages 90-94)


THAT the application for Zoning By-Law Amendment (Our File No. D14-112-2008) for the property located on Part of Lot 14, Concession 3, BE APPROVED.

- and further -

THAT the Cataraqui North Zoning By-law No. 97-102, as amended, be further amended as follows:

1. That the Zone Map of Zoning By-Law No. 97-102, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘LDR-H’ to ‘LDR*15-H’ as shown on Schedule ‘A’ attached hereto and forming part of By-Law No. 2010-228.

2. That the following be added as Section 7.15 of the By-Law:

“7.15. Part of Lot 14, Concession 3

Notwithstanding any provisions of this By-Law to the contrary, the provisions of Table B1 for the ‘LDR’ Zone shall apply to the ‘LDR*15’ zone except that:

(i) The maximum driveway width shall be 3.5 metres for interior and interior end townhouse units.

(ii) The maximum driveway width shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser, for exterior (corner) units.

(iii) The maximum garage width shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser, for all townhouse units.”

AND BE IT FURTHER RESOLVED THAT the amending by-law be presented to City Council for all three readings.
(See By-Law No. (9), 2010-228)
(Note: A copy of the draft by-law was attached as Schedule Page 95)

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee

5. Approval of Applications for Official Plan Amendment and Zoning By-Law Amendment for the Property Located at 722, 730 & 766 John Counter Boulevard

THAT the application for Official Plan Amendment (Our File No. D09-054-2010) for the property located at 722, 730 & 766 John Counter Boulevard, BE APPROVED.

AND THAT the City of Kingston Official Plan be 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. 8 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 property located at 722, 730 & 766 John Counter Boulevard, as shown on Schedule ‘A’ to By-Law No. 2010-229, as ‘Site Specific Policy Area No. 44’.

2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.18.44:
The property located at 722, 730 & 766 John Counter Boulevard is within the Residential designation, as shown on Schedule 3-A. It is the intent of this Plan to permit the existing limestone building, known as 730 John Counter Boulevard, to be used for a commercial school, in addition to the uses permitted within the Residential designation. Use of the existing building as a commercial school is subject to the following site specific policies:

a. operations associated with the commercial school shall not emit any noise, vibration, glare, fumes, odours, etc. which cause a nuisance or inconvenience within or outside of the premise and must be compatible with the surrounding residential buildings;

b. the commercial school will generate minimal traffic; and,

c. prior to reuse of the building from a commercial school to a residential dwelling, day care or other sensitive land use, the owner must file a Record of Site Condition to demonstrate that the change in use is appropriate and in accordance with provincial legislation.

AND THAT the application for Zoning By-Law Amendment (Our File No. D14-190-2010) for the property located at 722, 730 & 766 John Counter Boulevard, BE APPROVED.

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


2. That Section 225 to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS of the By-Law be replaced in its entirety, with the following:

"225. 722, 730 & 766 John Counter Boulevard

Notwithstanding any provisions of Section 14 hereof to the contrary, on the lands zoned ‘B1.225-H’ on Schedule “A” attached hereto, the following provisions shall apply to the entire area zoned ‘B1.225-H’:

a) MAXIMUM NUMBER OF RESIDENTIAL UNITS: 214

REPORTS (CONTINUED)

Report No. 143 of the Planning Committee

b) The limestone building as it exists on the date of the passing of this By-Law and known municipally as 730 John Counter Boulevard may only be used as a commercial school, provided that no such operation shall emit any noise, vibration, glare, fumes, odours, etc. which cause a nuisance or inconvenience within or outside of the premise. Subject to the removal of the holding provision, the existing limestone building may only be used as a single family dwelling or a day nursery but not a commercial school. This single family dwelling unit shall be included as part of the maximum number of permitted residential units.

c) MINIMUM OFF-STREET PARKING FOR COMMERCIAL SCHOOL USE: 15 spaces

d) MINIMUM SETBACK FROM THE ADJACENT RAIL LINE: 30 metres.

e) The metal clad accessory building existing on the southwest corner of the site as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that this existing accessory building is removed, any
new accessory building or structure shall be subject to the regulations of Section 5 of this By-Law.

f) Parking shall be no closer to any street line than the nearest wall of the building to the street. The existing parking, as of the date of the passing of this By-Law, along Maple Street shall be deemed to comply with the regulations of this Zoning By-Law.

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

AND THAT the amending by-laws be presented to City Council for all three readings.
(See By-Law No. (10), 2010-229 and By-Law No. (11), 2010-230)
(Note: Copies of the draft by-laws were attached as Schedule Pages 96-98)

6. Approval of an Application for Zoning By-Law Amendment for the Property Located at 630 Princess Street

THAT the Application for Zoning By-Law Amendment (Our File No. D14-188-2010) for the property municipally known as 630 Princess Street, BE APPROVED.

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

1. Map 19 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘C’ to ‘C.397’, as shown on Schedule “A” attached to and forming part of By-Law No. 2010-231.

2. By Adding a new subsection Part VII, 397 thereto as follows:
   “(397) C.397, 630 Princess Street

REPORTS (CONTINUED)
Report No. 143 of the Planning Committee

Notwithstanding the provisions of Sections 5 and 20 hereof to the contrary, the lands designated ‘C.397’ on Schedule ‘A’ hereto, the following regulations shall apply:

   i) Additional Permitted Uses:
      Mixed commercial/residential use;

   ii) Prohibited Uses:
      A hotel;
      Marinas;
      Sales room or yards for motor vehicles; including automotive service facilities; and
      Automotive repair shops that install and service previously manufactured parts.

The following provisions shall apply to a mixed commercial/residential use only:

   i) Maximum residential density shall be 191 Units per Hectare;

   ii) No portion of the building, including but not limited to footings, weeping system, eaves and downspouts shall encroach into the City’s right-of-way.

   iii) Minimum Interior Yard Side Setback: 3.07 metres;
iv) Maximum Building Height: 25 metres  
v) Maximum Number of Storeys: 6  
vii) Maximum Number of Units: 21  
viii) Maximum Number of Bedrooms: 46  
ix) Minimum Number of Residential Parking Spaces: 16 spaces  
ixi) Minimum number of Commercial Parking Spaces: 4 spaces on site with an additional 3 spaces within 750 meters of the site  
x) a loading bay is not required  
xii) a play space is not required  
xiii) the minimum vertical clearance for a barrier free parking space height shall be 2.3 metres  

AND THAT the amending by-law be presented to City Council for all three readings.  
(See By-Law No. (12), 2010-231)  
(Note: A copy of the draft by-law was attached as Schedule Pages 99-100)

7. Amendment to Fees and Charges By-Law No. 2005-10, As Amended, Due to Increases to Planning and Development Fees

THAT Schedule A to By-Law No. 2005-10, “A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston”, passed on December 14, 2004, be further amended to incorporate the revised Fee Schedule for Planning as contained in Exhibit A to Report No. PC-10-087.

AND FURTHER THAT the amending by-law receive all three readings.  
(See By-Law No. (13), 2010-232)  
(Note: A copy of the draft by-law was attached as Schedule Page 101)  

CARRIED  
(Councillor MacLeod-Kane Opposed)

REPORTS (CONTINUED)

Report No. 144 of the Kingston Municipal Heritage Committee

Moved by Councillor Glover  
Seconded by Councillor Hutchison

THAT Report No. 144 of the Kingston Municipal Heritage Committee be received and adopted.

Report No. 144

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.

November 1, 2010
1. Approval of Addition of Properties of Cultural Heritage Value ('Listed' Properties) to the City of Kingston Heritage Properties Register

THAT all properties identified within Report No. KMHC-10-004, “Addition of Properties of Cultural Heritage Value ('Listed' Properties) to the City of Kingston Heritage Properties Register” and found within Exhibit 'A', entitled City of Kingston Properties of Cultural Heritage Value and Interest (“Listed”) For Addition to the City of Kingston’s Heritage Properties Register - March 2010, be reaffirmed by Council as properties of cultural heritage value and interest;

- and further -

THAT all properties within Exhibit ‘A’ of Report No. KMHC-10-004 be added to the City of Kingston Heritage Properties Register as permitted under Section 27 of the Ontario Heritage Act;

- and further -

THAT heritage staff be authorized to amend the Statements of Significance for the properties listed in Exhibit ‘A’ of Report No. KMHC-10-004 from time to time as required;

- and further -

THAT the owners of the properties in Exhibit ‘A’ of Report No. KMHC-10-004 be sent a courtesy notice advising them of their property's status;

- and further -

THAT any notice to demolish or remove a building or structure located upon real property listed on the City’s Heritage Properties Register as a property of cultural heritage value or interest, or the demolition or removal of a structural element (such as a wall or roof) on a piece of real property listed on the City’s Heritage Properties Register as a property of cultural heritage value or interest, be accompanied, if identified as necessary by heritage staff, by a Heritage Impact Statement prepared in accordance with the City’s requirements;

- and further -

THAT if a Heritage Impact Statement is required, it must be completed to the satisfaction of the City, including, if necessary, a peer review which is permitted under Section 27(5) of the Ontario Heritage Act which indicates Council can require plans and information to accompany a Notice of Demolition of a Listed Property;

REPORTS (CONTINUED)

Report No. 144 of the Kingston Municipal Heritage Committee

- and further -

THAT any proposal for a permit under the Ontario Building Code that includes the complete removal of a building or structure located upon real property identified as having cultural heritage value or interest by the municipality under Section 27 (1.2) of the Ontario Heritage Act ('listed' property) is considered as demolition or removal under Section 27 (3) of the Ontario Heritage Act and that such applications are required to adhere to the requirements of Section 27 (3), Section 27 (4), and Section 27 (5) of the Ontario Heritage Act (which governs the demolition and removal of a building or structure);

- and further -

THAT any proposal for a permit under the Ontario Building Code that includes the removal of a structural element (such as a wall) of a building or structure located upon real property identified as having cultural heritage value or interest by the municipality under Section 27 (1.2) of the Ontario Heritage Act ('listed' property), and that this removal will result in the structure or building being unable to stand without support, is considered as demolition or removal under Section 27 (3) of the Ontario Heritage Act and that such applications are required to adhere to the requirements of Section 27 (3), Section 27 (4), and Section 27 (5) of the Ontario Heritage Act (which governs the demolition and removal of a building or structure).

(Note: Exhibit ‘A’ to Report No. KMHC-10-004 was attached as Schedule Pages 102-107)
2. **Approval of an application for installation of a sculpture on the front lawn at 18 Barrie Street**

   **THAT** Application P18-056-142-2010 for a property located at 18 Barrie Street, requesting approval for the installation of a sculpture on the front lawn **BE APPROVED** in accordance with details described within a submission filed September 17 and October 15, 2010, and deemed complete by the Planning and Development Department October 15, 2010;

   - and further -

   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. **Approval of an application for new exterior venting, window replacements, addition of exterior lights and exterior stairs at 77 Alwington Avenue**

   **THAT** Application P18-012-156-2010 for a property located at 77 Alwington Avenue requesting approval for new exterior venting, window replacements, addition of exterior lights and exterior stairs **BE APPROVED** in accordance with details described within a submission filed October 14, 2010, and deemed complete by the Planning and Development Department October 15, 2010;

   - and further -

   **THAT** it be understood that new exterior venting will be through the brick wall and not the stone wall;

   - and further -

   **REPORTS (CONTINUED)**

   **Report No. 144 of the Kingston Municipal Heritage Committee**

   **THAT** in order for the opening to be consistent with the character of the building, that it be understood that details regarding the opening will be incorporated as discussed to include a vertical course head applied across the top of the door with a stone sill to match original sill dimensions and a brick return on the jams as opposed to cutting the masonry;

   - and further -

   **THAT** the option to retain window on the back wall to the right of the door, and install a single door with one lite be approved as discussed;

   - and further -

   **THAT** a building permit is required for the installation of the garden door;

   - and further -

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

4. **Approval of an application for the front façade repair and replacement of the base frame of the window on the north side of the entrance and the base of two columns at 155-159 Wellington Street**
THAT Application P18-393-158-2010 for a property located at 155-159 Wellington Street requesting approval for the front façade repair and replacement of the base frame of the window on the north side of the entrance and the base of two columns 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 it be understood that the bases of the wooden columns be installed parallel to the grade and that the wood be off the ground by 1" in order to prevent the absorption of water by the wood.

5. Approval of an application for the finishing of the garage exterior with wood siding and trim and a railing for the garage roof at 218 King Street East

THAT Application P18-196-160-2010 for a property located at 218 King Street East requesting approval for the finishing of the garage exterior with wood siding and trim and construction of a railing for the garage roof BE APPROVED in accordance with details described within a submission filed October 28, 2010, and deemed complete by the Planning and Development Department October 28, 2010, with the understanding that the approval granted by Council on September 21, 2010, to allow the continuation of the stucco on the end of the addition is also an option;  
- and further - 
THAT it is understood that options for both approvals include either a wood or a metal railing;  
- and further - 
THAT the approval is subject to the following additional 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.

REPORTS (CONTINUED)  
Report No. 144 of the Kingston Municipal Heritage Committee

2) The limiting distance must be confirmed in order to determine whether combustible cladding is permitted. The proposed guard must comply with OBC 2006 SG-7, or the design must be reviewed and stamped by a qualified Professional Engineer. The proposed changes must be submitted for approval so that the original building permit may be amended.

6. Reaffirmation of Emergency Approval of an application for the replacement of asphalt shingles with asphalt shingles and new flashings at 50 Earl Street

THAT Application P18-121-151-2010(EA) for a property located at 50 Earl Street requesting approval for the replacement of asphalt shingles with asphalt shingles and new flashings BE REAFFIRMED in accordance with details described within a submission filed October 4, 2010, and deemed complete by the Planning and Development Department October 5, 2010.

7. Reaffirmation of Emergency Approval of an application for the replacement of the porch shared with 56 Montreal Street, stairs and landing at 50 Montreal Street

THAT Application P18-540-153-2010(EA) for a property located at 50 Montreal Street also known as Victoria Terrace requesting approval for the replacement of the porch shared with 56 Montreal Street, stairs and landing BE
REAFFIRMED in accordance with details described within a submission filed October 13, 2010, and deemed complete by the Planning and Development Department October 13, 2010, with the understanding that the details are in accordance with diagram A3 on page 100 of the agenda, and a photo on page 105 depicting rounded top newels and a top and bottom rail on the pickets;

- and further -

THAT a building permit is required for the work.

8. Reaffirmation of Emergency Approval of an application for the replacement of the porch shared with 50 Montreal Street, stairs and landing at 56 Montreal Street

THAT Application P18-541-154-2010(EA) for a property located at 56 Montreal Street also known as Victoria Terrace requesting approval for the replacement of the porch shared with 50 Montreal Street, stairs and landing BE REAFFIRMED in accordance with details described within a submission filed October 13, 2010, and deemed complete by the Planning and Development Department October 13, 2010, with the understanding that the approval is in accordance with diagram A3 on page 100 of the agenda, and a photo on page 105 depicting rounded top newels and a top and bottom rail on the pickets;

- and further -

THAT a building permit is required for the work.

9. Final Approval of a Heritage Grant Application for repointing of portions of St. George’s Church Hall at 270 King Street East

WHEREAS the owner of 270 King Street East also known as St. George’s Church Hall has requested final approval for Heritage Grant Application HG-013-2010; and,

REPORTS (CONTINUED)
Report No. 144 of the Kingston Municipal Heritage Committee

WHEREAS, as set out in 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-013-2010 for 270 King Street East also known as St. George’s Church Hall BE APPROVED for repointing of portions of the Church Hall;

- 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

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INFORMATION REPORTS
(1) Third 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 September 30, 2010, the end of the third fiscal quarter.

(The Report of the City Treasurer (10-306) was attached as Schedule Pages 108-117)

(File No. CSU-F05-000-2010)
(2) Drinking Water Fountains and Water Bottle Fill Stations

The purpose of this report is to update Council with respect to the replacement and addition of drinking fountains/fill stations in City owned buildings.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-320) was attached as Schedule Pages 118-121)

(File No. CSU-E08-000-2010)

(3) Downtown Core Municipal Public Washrooms

The purpose of this report is to provide an update on the issue of current municipally operated public washrooms and to discuss potential capacity for expansion in relation to the development of future municipal projects in the downtown area.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (10-323) was attached as Schedule Pages 122-124)

(File No. CSU-A19-000-2010)

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MISCELLANEOUS BUSINESS

**********

NEW MOTIONS

(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.

CARRIED

(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;

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.

CARRIED (7:5)

(See Recorded Vote)
A Recorded Vote was requested by Councillor Garrison

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

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Mayor Rosen, Councillor Smith (5)

ABSENT: Councillor Hector (1)

(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.

CARRIED

NOTICES OF MOTION

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MINUTES

Moved by Councillor Hutchison
Seconded by Councillor MacLeod-Kane

THAT the Minutes of City Council Meeting No. 23-2010, held Tuesday, November 2, 2010 be amended to indicate that Council agreed to divide the question and that there was a recorded vote for the last paragraph of New Motion No. (1), and as amended, be confirmed.

CARRIED

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TABLING OF DOCUMENTS

2010-89 Kingston Frontenac Public Library Board
Minutes – Regular Meeting #2010-06 – June 23, 2010
(File No. CSU-R02-000-2010)

2010-90 Kingston Frontenac Public Library Board
Minutes – Regular Meeting #2010-07 – September 22, 2010
(File No. CSU-R02-000-2010)

2010-91 Kingston Frontenac Public Library Board
Financial Statements – Year ended December 31, 2009
COMMUNICATIONS

COMMUNICATIONS (CONTINUED)

CONSENT – In respect of an application for consent to create an easement and shared right-of-way over a portion of the property at 135 Ontario Street in favour of 7 Earl Street and 3 Gore Street for the purpose of ingress and egress, and to construct and maintain utilities, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is November 18, 2010.

CONSENT – In respect of an application for consent to create an easement and shared right-of-way over a portion of the property at 135 Ontario Street in favour of 7 Earl Street, 3 Gore Street and 259 King Street to construct and maintain a copper grounding grid, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is November 18, 2010.

CONSENT – In respect of an application for consent to create an easement and shared right-of-way over a portion of the property at 85 Ontario Street in favour of 7 Earl Street and 3 Gore Street for the purpose of ingress and egress, the Committee decided that the application SHOULD BE PROVISIONALLY APPROVED, subject to conditions. The final date for appeal is November 18, 2010.

Referred to All Members of Council

Approximately 1355 emails have been received in the Mayor’s office with regards to the possible outsourcing of foodservice at KGH, with text which reads as follows:

I am writing to express my grave concern about the pending Board of Directors’ decision to outsource Kingston General Hospital’s foodservice to Compass Foods.

I firmly believe that the community needs a solution that maximizes the benefits to the people, economy and environment of Kingston.
This solution should be developed with the Kingston General Hospital nutrition services staff in a manner that keeps Hospital funds in the community and supports Kingston workers, farmers and merchants. As a community, we support Kingston General Hospital in many ways and it is only fair to expect the Hospital to support the community when it has an opportunity such as this. I urge you to do what you can to stop the Kingston General Hospital Board of Directors from approving the proposed foodservice contract.

(File No. CSU-M04-000-2010)

Referred to the President and CEO of Utilities Kingston

24-464 From Charlie Gray, thanking the City for the wheelchair path on Centennial Drive but asking that it be swept so that it could be better used.

(File No. CSU-T06-000-2010)

Referred to the City Clerk

24-466 From the Algonquin and Lakeshore Catholic District School Board, requesting a recount of the ballots from the October 25, 2010, municipal elections for Trustee candidates in the municipalities of the City of Kingston and the Township of Frontenac Islands.

(File No. CSU-C07-000-2010)

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OTHER BUSINESS

Mayor Rosen thanked everyone for serving with him over the last four years. He advised that he enjoyed his position as Chair, and he was aware that all of their motions were made with the best of intentions and with the community in mind.

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BY-LAWS

Council consented to the separation of By-Law (13).

(A) Moved by Councillor Gerretsen
    Seconded by Councillor Matheson
    THAT By-Laws (1) through (12), (14) and (15) be given their first and second reading.

    CARRIED

    Moved by Councillor Gerretsen
    Seconded by Councillor Matheson
    THAT By-Law (13) be given first and second reading.

    CARRIED
    (Councillor MacLeod-Kane Opposed)

(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 (2) to (4) three readings.

    CARRIED

(C) Moved by Councillor Schmolka
    Seconded by Councillor Meers
THAT By-Laws (3) through (12), (14) and (15) be given their third reading.

CARRIED

Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT By-Law (13) be given third reading.

CARRIED

(Councillor MacLeod-Kane Opposed)

(1) A By-Law To Declare Surplus To Municipal Need The Property Known As Leroy Grant Park Located At 58 Leroy Grant Drive
FIRST AND SECOND READINGS
(See Clause (e), Report No. 142)
(To be held for Third Reading pending completion of a report in the spring of 2011)

PROPOSED NO. 2010-220

(2) A By-Law To Adopt A Revised Emergency Response Plan For The City Of Kingston
THREE READINGS
(See Clause (a), Report No. 142)

PROPOSED NO. 2010-221

BY-LAWS (CONTINUED)

(3) A By-Law To Repeal By-Law No. 2009-69, “A By-Law To Adopt A Revised Emergency Response Plan For The City Of Kingston
THREE READINGS
(See Clause (a), Report No. 142)

PROPOSED NO. 2010-222

(4) A By-Law To Amend By-Law No. 99-169, “A By-Law To Provide For The Annual Paying Of An Annual Allowance To The Members Of Council For The Corporation Of The City Of Kingston” (amend Section 3)
THREE READINGS
(See Clause (f), Report No. 142)

PROPOSED NO. 2010-223

(5) A By-Law To Amend By-Law No. 76-26, “A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston” (Zone Change from Light Industrial ‘M2’ Zone to Special Light Industrial ‘M2-31’ Zone, 700 Gardiners Road)
THREE READINGS
(See Clause 1, Report No. 143)

PROPOSED NO. 2010-224

(6) A By-Law To Amend By-Law No. 32-74, “A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh” (Zone Change from D to R1 – 4153 Mangan Boulevard, OS to R1 – 4157 Mangan Boulevard and C-7-H to R1-33 – 5216 Dundon Drive)
THREE READINGS
(See Clause 2, Report No. 143)

PROPOSED NO. 2010-225

(7) A By-Law To Amend The City Of Kingston Official Plan – To Change The Designation On Approximately 11.75 Hectares (29 acres) Of Land From “Rural” To Site Specific Policy No. 43 “Part Lot 4, Concession 4, Geographic Township of Pittsburgh Now in the City of Kingston For Duffe Lane Cottage Association”
THREE READINGS
(See Clause 3, Report No. 143)

PROPOSED NO. 2010-226
(8) A By-Law To Amend By-Law No. 32-74 “A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh” (to change the zone on approximately 9.8 hectares (24.2 acres) of land from “Restricted Rural Zone (A1) to “Special Requirement (RR-11-H) Zone” – Part Lot 4, Concession 4, Geographic Township of Pittsburgh Now in the City of Kingston For Duffe Lane Cottage Association) THREE READINGS PROPOSED NO. 2010-227
(See Clause 3, Report No. 143)

(9) A By-Law To Amend By-Law No. 97-102, “Cataraqui North Zoning By-Law” (Zone Change from Low Density Residential (LDR-H) to Low Density Residential (LDR*15-H), Part of Lot 14, Concession 3) THREE READINGS PROPOSED NO. 2010-228
(See Clause 4, Report No. 143)

(10) A By-Law To Amend The Official Plan For The City Of Kingston Planning Area (Amendment No. 8, 722, 730 & 766 John Counter Boulevard) THREE READINGS PROPOSED NO. 2010-229
(See Clause 5, Report No. 143)

BY-LAWS (CONTINUED)

(See Clause 5, Report No. 143)

(12) A By-Law To Amend By-Law No. 8499, “Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston” (Zone Change from Commercial Uses ‘C’ Zone to Special Commercial Uses ‘C.397’ Zone, 630 Princess Street) THREE READINGS PROPOSED NO. 2010-231
(See Clause 6, Report No. 143)

(13) A By-Law To Amend By-Law No. 2005-10, “A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston”, As Amended THREE READINGS PROPOSED NO. 2010-232
(See Clause 7, Report No. 143)

(Delegated Authority)

(15) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, November 16, 2010 THREE READINGS PROPOSED NO. 2010-234
(City Council Meeting No. 24-2010)

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ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Foster

THAT Council do now adjourn.

CARRIED

Council adjourned at 9:07 pm.

(Signed)  Carolyn Downs  Harvey Rosen
City Clerk  Mayor

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