



**City Council Meeting 2016-12**  
Tuesday April 5, 2016 at 7:30 pm  
in the Council Chamber at City Hall.

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(Council Chamber)

**Call Meeting to Order**

**Roll Call**

**The Committee Of The Whole “Closed Meeting”**

**Approval of Addeds**

**Disclosure of Potential Pecuniary Interest**

**Presentations**

**Delegations**

1. Doug Ritchie, Managing Director, Downtown Kingston! BIA will appear before Council and speak to Clause 1, Report Number 44: Received from the Chief Administrative Officer (Consider) with respect to Downtown Kingston! BIA – Retail Business Holidays Act (RBHA).
2. Henk Wevers, resident, on behalf of Friends of the Phoebe, will appear before Council and speak to Clause 1, Report Number 45: Received from the Arts, Recreation and Community Policies Committee with respect to the Civic Collection: Long-term Plans for the Steam Launch Phoebe.

**Briefings**

**Petitions**

**Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery**

**Deferred Motions**

1. Moved by Councillor George  
Seconded by Councillor Candon

**Whereas** municipalities are required to invest their reserves in accordance with the Municipal Act, 2001 and Ontario Regulation 438/97 (as amended), which specifically outlines allowable investments; and

**Whereas** to ensure the sustainability and sound stewardship of the municipality's investments, the City of Kingston is of the opinion that changes should be made to the Municipal Act, 2001 and Ontario Regulation 438/97 (as amended), to allow for the prudent investment of reserves, if those investments are professionally managed and part of a broader investment strategy; and

**Whereas** the Prudent Investor Standard is an industry accepted best practice in effectively managing a portfolio of investments, and the Standard applies to

investments, not in isolation, but in the context of the portfolio of investments and as part of an overall strategy, that should incorporate acceptable risk and return objectives suitable to stakeholders; and

**Whereas** the Province is conferring “Prudent Investor” status on the City of Toronto to enable greater diversification in portfolio management; and

**Whereas** the Association of Municipalities of Ontario (AMO), Local Authority Services (LAS), and the Municipal Finance Officers Association of Ontario (MFOA), have long requested that the Prudent Investor Standard apply to all municipal investment returns for municipalities within these “new” investment sectors; and

**Whereas** in 2005, municipalities were granted the ability to invest in longer-term corporate bonds and Canadian equity investments via only the One Investment Program, and the One Investment Program has demonstrated strong investment returns for municipalities within these “new” investment sectors; and

**Whereas** the institutional portfolio managers utilized by the One Investment Program recommend that the Prudent Investor Standard approach is a more appropriate approach to investing; and

**Whereas** operating municipal investments under the Prudent Investor Standard is precluded by the Municipal Act, Eligible Investments, in its current form;

**Therefore Be It Resolved That** Council support the request of AMO, LAS and MFOA to amend Ontario Regulation 438/97 (as amended) of the Municipal Act, 2001, to allow municipalities to invest consistent with the Prudent Investor Standard, if such investments are through the One Investment Program; and

**That** this motion be forwarded to the Association of Municipalities of Ontario (AMO), Local Authority Services (LAS), and the Municipal Finance Officers Association of Ontario (MFOA) to confirm the support of Council of the City of Kingston.

## Reports

### Report Number 43: Received from the Chief Administrative Officer (Consent)

Report Number 43

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) **Ratify and Confirm Telephone Poll Vote for Flag Raising**

**That** the following recommendation, which was approved via telephone poll, conducted on March 24, 2016 by the City Clerk's Department at the request of Mayor Paterson be ratified and confirmed:

**That** notwithstanding the Flag Policy Display and Flying Policy, the Kingston Frontenac's flag be flown on the roof of City Hall, for the duration that the Kingston Frontenacs are in the Ontario Hockey League playoffs.

#### **(Note: The results of the telephone poll are as follows)**

YEAS: Councillor Allen, Councillor Boehme, Councillor Candon, Councillor George, Councillor Holland, Councillor Hutchison, Councillor McLaren, Councillor Osanic, Mayor Paterson, Councillor Schell, Councillor Stroud, Deputy Mayor Turner (12)

NAYS: (0)

ABSENT: Councillor Neill (1)

#### b) **Agreements Required for Red Light Camera Program**

**That** Council direct the Mayor and Clerk to enter into agreements as follows to the satisfaction of Legal Services:

1. A joint procurement agreement with the vendor "Traffipax" for the installation, operation and maintenance of the red light cameras;
2. A contract with the City of Toronto for red light camera ticket processing services;

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3. A contract with the Ministry of Transportation Ontario for the provision of registered vehicle owner information to the City of Toronto for violation processing; and
  4. Any other related documents required to allow the City of Kingston to enter into and participate in the red light camera program.

And furthermore that Council provides final approval for the installation of red light cameras as the 10 locations listed in this report and approves the proposed financial structure for the operation of the red light camera program.

(The Report of the President and CEO of Utilities Kingston (16-096) is attached as schedule pages 1-25)

(File Number CSU-T08-000-2016)

**c) Applications for License of Sidewalk Patios at 275, 226, 240 and 166 Princess Street**

**That** Council authorize the Mayor and Clerk to enter into License Agreements with the owners of “Stone City Ales Inc.” located at 275 Princess Street for the lease of City property adjacent to their businesses on the Princess Street frontage for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services; and

**That** Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “Tag Restaurants Inc. dba Megalo’s Restaurants” located at 226 Princess Street for the lease of City property adjacent to their business on the Princess Street frontage for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services; and

**That** Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “Copper Penny Restaurant” located at 240 Princess Street for the lease of City property adjacent to their business on the Princess Street frontage for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services; and

**That** Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “CentrePoint Group Inc. Crave Coffeehouse and Bakery” located at 166 Princess Street for the lease of City property adjacent to their business on the Princess Street frontage for the purpose of operating a non-serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO of Utilities Kingston (16-123) is attached as schedule pages 26-36)

(File Number CSU-D23-000-2016)

**d) Award of Contract – Grass Cutting and Lawn Maintenance**

**That** Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with R. Stover Landscaping Maintenance Inc., for the services of Grass Cutting and Lawn Maintenance.

(The Report of the President and CEO of Utilities Kingston (16-125) is attached as schedule pages 37-40)

(File Number CSU-F31-000-2016)

**e) 297 King Street East, Street Encroachment**

**That** Schedule E (Authorized Alterations and Uses of Boulevards) of By-Law Number 2004-190, otherwise known as the “Streets By-Law”, be amended to include the following:

Location: 297 King Street East, King Street East frontage only

Purpose: To accommodate an accessibility ramp with the terms of a license agreement acceptable to the City; and

**That** the amending by-law be presented to Council for all three readings; and

**That** the Mayor and City Clerk be authorized to execute a license agreement, in a form satisfactory to the Director of Legal Services, with the owner of 297 King Street East for the accessible ramp on the City road allowance fronting the subject lands; and

**That** the final engineering design details for the ramp be approved by the Director of Engineering.

(The Report of the President and CEO of Utilities Kingston (16-130) is attached as schedule pages 41-47)

(File Number CSU-D16-000-2016)

**(See By-Law Number (1), 2016-79)**

**f) Community Visioning Exercise and Preliminary Market Analysis for the North King's Town Secondary Plan - Award of Contract**

**That** Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with DIALOG for the Community Visioning Exercise and Preliminary Market Analysis for the North King's Town Secondary Plan.

(The Report of the Commissioner of Community Services (16-117) is attached as schedule pages 48-87)

(File Number CSU-D18-000-2016)

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**Report Number 44: Received from the Chief Administrative Officer (Consider)**

Report Number 44

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

**1. Declaration of the Downtown Kingston Business Improvement Area as a Tourism Area for the Purposes of Exempting Businesses in the BIA from Restrictions of the Retail Business Holidays Act on a Year Round Basis**

**Option 1**

**That** the necessary By-law to amend By-law Number 98-127 being “A By-Law to Permit Retail Businesses to Operate on Statutory Holidays During the Period Between May 1 to October 15, Inclusive in the Calendar Year for the Maintenance of Tourism in the City of Kingston” to declare the downtown BIA a “Tourist Area”, as defined by the Retail Business Holidays Act (the “Act”), for the purposes of exempting businesses in the Business Improvement Area from restrictions of the Act on a year round basis, as outlined in Exhibit D to Report Number 16-127, be presented to Council for enactment and given three readings at the same meeting; and

**That** staff be directed to provide Notice of Passing of said By-law in accordance with the Retail Business Holidays Act.

or

**Option 2**

**That** Council not enact an amending By-law to declare the downtown BIA a “Tourist Area”, as defined by the Retail Business Holidays Act (the “Act”), for the purposes of exempting businesses in the Business Improvement Area from restrictions of the Act on a year round basis.

(The Report of the Commissioner of Corporate & Strategic Initiatives (16-127) is attached as schedule pages 88-121)

(File Number CSU-D06-000-2016)

**(See By-Law Number (2), 2016-80)**



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**Report Number 45: Received from the Arts, Recreation and Community Policies Committee**

Report Number 45

To the Mayor and Members of Council:

The Arts, Recreation and Community Policies Committee reports and recommends as follows:

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

**1. Civic Collection: Long-term Plans for the Steam Launch Phoebe**

**Whereas** the Museums and Collections Advisory Committee and the Arts, Recreation and Community Policies Committee provided direction on the options for which further feasibility study should be conducted in order for staff to bring a recommendation to Council regarding a long-term plan for the steam launch Phoebe;

**Therefore Be It Resolved That** the Phoebe be removed to storage and the exhibit shelter be dismantled prior to start of the construction of the expansion to the Pump House Steam Museum; and

**That** the Phoebe be re-located and displayed at a City-owned site including the Pump House Steam Museum; and

**That** pending Council approval, staff be directed to prepare a detailed plan, budget and schedule supporting the implementation of the selected proposal and to report back to Council at a future date.

(Report number MACAC-16-001 is provided for information purposes and is attached as schedule pages 122-139)

**2. Report on the Progress of the Museums and Collections Advisory Committee 2015-2016**

**That** the 2015-2016 Museums and Collections Advisory Committee Report Card attached as Exhibit A be approved as a summary of the work accomplished; and

**That** the Report Card be made available as a resource to Heritage Kingston on matters pertaining to civic museums and collections.

(Exhibit A is attached as schedule pages 140-143)

**3. Amendment to the Definitions in the 10-Year Municipal Housing and Homelessness Plan**

**That** Council approve the amendment of the definitions contained in the 10-Year Housing and Homelessness Plan of “chronic homelessness” and “episodic homelessness”, as well as approving new definitions of “short-term homelessness” and “at imminent risk of homelessness,” as described in Exhibits A and B to Report Number HHC-16-004.

(Exhibits A and B are attached as schedule pages 144-145)

**4. Request for Status Update Report - Baseball Facilities Maintenance**

**That** staff provide a report to the Arts, Recreation & Community Policies Committee by the September, 2016 meeting on the outstanding issues identified in Report Number ARCP-16-003 regarding the matters raised by baseball user groups and related to the Turf Management Plan.

## **Committee of the Whole**

### **Information Reports**

#### **1. Waste Recycling Strategy Update**

This information report provides a summary of the accomplishments in 2015, as well as an outline of goals and initiatives for 2016.

(The Report of the President and CEO of Utilities Kingston (16-124) is attached as schedule pages 146-174)

(File Number CSU-E07-001-2016)

### **Information Reports from Members of Council**

### **Miscellaneous Business**

#### **New Motions**

1. Moved by Deputy Mayor Turner  
Seconded by Councillor Holland

**Whereas** the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction; and

**Whereas** FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the capacity to carry the municipal message to the federal government; and

**Whereas** the City of Kingston has previously benefited from having City of Kingston representation on the FCM board; and

**Whereas** the Federation of Canadian Municipalities (FCM) is seeking nominations to their board of directors, and nominations must be received by Tuesday May 16, 2016; and

**Whereas** nominations to the FCM board must be supported by a council motion which indicates the financial support of that council;

**Therefore Be It Resolved That** the Council of the City of Kingston endorses Councillor Richard Allen to stand for election to the Federation of Canadian Municipalities Board of Directors starting June 2016 and ending in June 2017; and

**That** the City of Kingston agrees to cover the travel expenses related to Councillor Allen attending meetings.

2. Moved by Mayor Paterson  
Seconded by Deputy Mayor Turner

**Whereas** the City of Kingston and communities across the country have been encouraged to participate in to the Mayor's Poetry City Challenge, issued by Mayor Naheed Nenshi, City of Calgary; and

**Whereas** the Mayor's Poetry City Challenge is a celebration of poetry, writing and publishing; and

**Whereas** participating in this challenge will identify Kingston as a community that values and supports the contributions of the arts, particularly poets and writers, to our quality of life; and

**Whereas** National Poetry Month is celebrated in Canada and the United States for the month of April;

**Therefore Be It Resolved That** notwithstanding the proclamation policy, the month of April be declared 'National Poetry Month in the City of Kingston' and the City of Kingston poet laureate, Helen Humphreys, be invited to present a poem at the April 19 meeting of council in recognition of national poetry month.

### Notices of Motion

#### Minutes

**That** the Minutes of Special City Council Meeting Numbers 2016-8, held Tuesday, February 23, 2016 and 2016-10, held Wednesday March 9, 2016 and the minutes of regular City Council Meeting Number 2016-11, held Tuesday March 22, 2016 be confirmed.

(Distributed to all Members of Council on April 1, 2016)

#### Tabling of Documents

- 2016-36 Police Services Board  
Agenda - March 24, 2016  
Minutes - February 18, 2016  
2015-Year-end budget Report  
(File Number CSU-P17-000-2016)
- 2016-37 Kingston, Frontenac, and Lennox & Addington (KFL&A) Public Health  
Board Minutes - January 27, 2016  
(File Number CSU-S08-001-2016)
- 2016-38 Kingston Frontenac Public Library  
Board Minutes - March 1 (rescheduled from February 24, 2016)  
(File Number CSU-R02-000-2016)
- 2016-39 Committee of Adjustment  
Minutes - February 22, 2016  
(File Number CSU-D19-000-2016)

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**Communications**

**That** Council consent to the disposition of Communications in the following manner:

**Filed**

- 12-311 Public Notice of Complete Planning Application and Zoning By-Law Amendment - 5059 Leo Lake Road.  
(File Number CSU-D14-000-2016)
- 12-317 From the Committee of Adjustment - Notice of Planning Application - Delegated Authority - 2525 Woodburn Road.  
(File Number CSU-D19-000-2016)
- 12-318 From the Committee of Adjustment - Notice of Decisions for the following applications:
- MINOR VARIANCE – In respect of an application for permission under Section 45(2)(a)(i) of the Planning Act for the property at 1568 Bath Road, the Committee decided that the application **Should be Approved**, subject to conditions. The final date for appeal is April 11, 2016.
- MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law Number 32-74 for the property at 1674 Jackson Boulevard, the Committee decided that the application **Should be Approved**, subject to conditions. The final date for appeal is April 11, 2016.
- MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law Number 8499 for the property at 145 Kirkpatrick Street, the Committee decided that the application **Should be Approved**, subject to conditions. The final date for appeal is April 11, 2016.
- MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law Number 8499 for the property at 557 Brock Street, the Committee decided that the application **Should be Approved**, subject to conditions. The final date for appeal is April 11, 2016.  
(File Number CSU-D19-000-2015)

**Referred to All Members of Council**

- 12-307 From Paul Snider, Director of Administrative Services-Clerk, Loyalist Township, providing notice of appointment to Taxi Commission.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-C12-000-2016)
- 12-308 From Matt Pegg, President, Ontario Association of Fire Chiefs (O AFC) - O AFC 2016 Municipal Officials Seminar - The Essentials of Firefighting and Firefighting 101.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-A04-000-2016)

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- 12-309 From Sophia J. Babocci, resident, letter to Council regarding Solar Energy - Rental Business Idea.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-E11-000-2016)
- 12-310 From Cheryl Rider, Finance Coordinator, Cataraqui Region Conservation Authority, Financial Statement Year Ending December 31, 2015.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-D03-000-2016)
- 12-312 From Greg Newman, Manager, Policy Planning, notice of open house and public meeting as part of the City of Kingston's Official Plan Update.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-D08-000-2016)
- 12-313 From George Clark, resident, letter to Council regarding the Third Crossing and Development.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-T04-000-2016)
- 12-314 From the Association of Municipalities of Ontario (AMO) - AMO Communications - AMO Policy Update - 2016 Federal Budget.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-F05-000-2016)
- 12-315 From the Municipal Finance Officers' Association of Ontario (MFOA) - MFOA's 2016 Federal Budget Write-up.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-F05-000-2016)

**Referred to City Clerk**

- 12-316 From Kingston and District Labour Council asking Council to proclaim April 28 as the Day of Mourning and to raise the flag at Confederation Basin.  
(Distributed to all Members of Council on March 30, 2016)  
(File Number CSU-M10-000-2016)

**Other Business**

**By-Laws**

- a) **That** By-Laws (1) through (4) and (7) be given their first and second reading.
- b) **That** Clause 11.34 of By-Law Number 2010-1 be suspended for the purpose of giving By-Laws (1) and (2) three readings.
- c) **That** By-Laws (1) through (7) be given their third reading.

City Council Meeting 2016-12

Agenda

Tuesday April 5, 2016

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- (1) A By-Law to Amend By-Law Number 2004-190, as amended "A By-Law to Regulate the Use of City Streets" (Authorized Alterations and Uses of Boulevards)  
Three Readings Proposed Number 2016-79  
**(See Clause (e), Report Number 43)**
- (2) A By-Law to Amend By-Law Number 98-127 "A By-Law to Permit Retail Businesses to Operate on Statutory Holidays during the Period between May 1 to October 15, inclusive in the Calendar Year for the Maintenance of Tourism in the City of Kingston"  
Three Readings Proposed Number 2016-80  
**(See Clause (1), Report Number 44)**
- (3) A By-Law to Establish Parts 1 Thru 8 on Reference Plan 13R-18892 known as First Canada Avenue as Parts of the Public Highway in The City Of Kingston, in Accordance with Section 31(4) of The Municipal Act, Chapter 25, S.O. 2001, As Amended  
Three Readings Proposed Number 2016-81  
**(Delegated Authority)**
- (4) A By-Law to Establish Parts 46, 47 & 48 on Reference Plan 13R-20791 known as Pauline Tom Avenue as Parts of the Public Highway in The City Of Kingston, in Accordance with Section 31(4) of The Municipal Act, Chapter 25, S.O. 2001, As Amended  
Three Readings Proposed Number 2016-82  
**(Delegated Authority)**
- (5) A By-Law to Establish the 2016 Tax Ratios  
Third Reading Proposed Number 2016-73  
**(City Council Meeting Number 2016-11)**
- (6) A By-Law to Establish the 2016 Tax Capping Limits  
Third Reading Proposed Number 2016-74  
**(City Council Meeting Number 2016-11)**
- (7) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday April 5, 2016  
Three Readings Proposed Number 2016-83  
**(City Council Meeting Number 2016-12)**

**Adjournment**