



City Council Meeting 2019-06

Tuesday, February 5, 2019 at 5:15 pm
in the Council Chamber at City Hall.

Council will resolve into the Committee of the Whole
“Closed Meeting” and will reconvene
as regular Council at 7:30 pm.

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(Council Chamber)

Call Meeting to Order

Roll Call

The Committee of the Whole “Closed Meeting”

1. **That** Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following items:
 - a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 268 Victoria Street
 - b) A proposed or pending acquisition or disposition of land by the municipality or local board; a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Strategic Waterfront Acquisitions/Disposals & Potential Future Federal Divestitures
 - c) Education or training of members pursuant to Section 239 (3.1) of the Municipal Act 2001, S.O. c.25 – Code of Conduct and Council/Staff Relations

Approval of Addeds

Disclosure of Potential Pecuniary Interest

Presentations

Delegations

1. Anastasia M. Lintner, resident and environmental lawyer, will appear before Council to speak to Clause 1 of Report Number 12: Received by the Chief Administrative Officer (Consent) with respect to Bill 66, Restoring Ontario’s Competitiveness Act, 2018.
2. Sarah Harmer, resident, will appear before Council to speak to Clause 1 of Report Number 12: Received by the Chief Administrative Officer (Consent) with respect to Bill 66, Restoring Ontario’s Competitiveness Act, 2018.

Briefing

1. John Bolognone, City Clerk, will provide introductory remarks and will introduce Jeffrey Abrams and Janice Atwood-Petkovski, Co-Principals of Principles Integrity who will provide a briefing with respect to Clause 1 of Report Number 13: Received from the Chief Administrative Officer (Recommend) with respect to the Transmittal of Annual Report from Principles Integrity.

Petitions

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

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

Motion of Congratulations

1. Moved by Councillor Doherty
Seconded by Councillor Holland

That the congratulations of Kingston City Council be extended to Kingston's Red Barons – women hockey players who in the 1960s and '70s served as trail blazers for women's hockey. They competed at "A" level, played exciting hockey and laid the groundwork for several organizations in the Kingston area up to and including the Ice Wolves of today. Members of the team were instrumental in reviving women's hockey at Queen's and the establishment of the Ontario Women's Hockey Association. Several players were inducted into the Kingston & District Sports Hall of Fame. Congratulations to the Red Barons on their 50th Anniversary. We look forward to celebrating your anniversary at this year's Feb Fest.

Deferred Motions

Reports

Report Number 12: Received from the Chief Administrative Officer (Consent)

Report Number 12

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:

1. Bill 66, Restoring Ontario's Competitiveness Act, 2018

That Report Number 19-039 regarding the changes proposed to the Planning Act through Bill 66, Restoring Ontario's Competitiveness Act, 2018, First Reading, be received by Council and the comments endorsed; and

That Council not support the changes to the Planning Act as proposed by Bill 66, Restoring Ontario's Competitiveness Act, 2018, First Reading; and

That Report Number 19-039 and Council's resolution be submitted to the Minister of Economic Development, Job Creation and Trade, the Minister of Municipal Affairs and Housing, and the Members of Provincial Parliament (Kingston and the Islands and Lanark-Frontenac-Kingston), as the City of Kingston comments on Schedule 10 of Bill 66, Restoring Ontario's Competitiveness Act, 2018, First Reading.

(The Report of the Acting Chief Administrative Officer (19-039) is attached to the agenda as schedule pages 1-16)

(File Number CSU-L11-000-2019)

2. Amendments to the Proposed Sale of 7 Wright Crescent for Market and Affordable Housing

That Council authorize the Mayor and Clerk to execute such amending agreements as required, and any other required documents, with CJM Property Management Ltd. in a form satisfactory to the Commissioner of Community Services and the Director of Legal Services, for the sale of 1.3 acres of 7 Wright

Crescent for \$925,000, and subject to the conditions as described in this report; and

That subject to the sale of 1.3 acres to CJM Property Management Ltd., Council approve the transfer of 0.7 acres of 7 Wright Crescent for nominal consideration (the property has an estimated fair market value of \$500,000) to the Kingston & Frontenac Housing Corporation and authorize the Mayor and Clerk to execute such agreements and documents as may be required, in a form satisfactory to the Director of Legal Services, to effect the transfer of the property to the Kingston & Frontenac Housing Corporation; and

That Council direct staff to allocate the first \$750,000 of the net proceeds from the sale of 1.3 acres of 7 Wright Crescent to the Affordable Housing Land Acquisition and Disposal Program; and

That funds in excess of the \$750,000 be added to the existing 7 Wright Crescent capital project to be used for the development of a publicly accessible play structure and the construction of affordable housing units on the Kingston & Frontenac Housing Corporation retained portion of 7 Wright Crescent.

(The Report of the Acting Commissioner of Community Services (19-056) is attached to the agenda as schedule pages 17-31)

(File Number CSU-S18-000-2019)

3. Enterprise Software License Agreement – Esri Canada Ltd.

That Council approve the renewal of the Small Local Government Enterprise License Agreement and Enterprise Advantage Program with Esri Canada Ltd. for a period of three years (2019-2021), in the total amount of \$142,000 per year, plus applicable taxes, with the option to extend the renewal of the Small Local Government Enterprise License Agreement and Enterprise Advantage Program for an additional three year term (2022-2024), subject to review by the Chief Information Officer; and

That Council authorize the Mayor and City Clerk to execute the renewal of the Esri Small Local Government Enterprise License Agreement and Enterprise Advantage Program for the period 2019 to 2021, as well as any extension of the agreement, in a form satisfactory to the Director of Legal Services.

(The Report of the Chief Financial Officer and City Treasurer (19-040) is attached to the agenda as schedule pages 32-36)

(File Number CSU-A23-000-2019)

Report Number 13: Received from the Chief Administrative Officer (Recommend)

Report Number 13

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1. Transmittal of Annual Report from Principles Integrity

That Council receive the “Integrity Commissioner’s Annual Report, City of Kingston” submitted by Principles Integrity, dated January 22, 2019 attached as Exhibit “A” to Report Number 19-054.

(The Report of the City Clerk (19-054) is attached to the agenda as schedule pages 37-46)

(File Number CSU-C17-000-2019)

Report Number 14: Received from the Planning Committee

Report Number 14

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.

1. Approval of an Application for a Zoning By-Law Amendment – 203-205 Colborne Street

That the application for a zoning by-law amendment (File Number D14-195-2010) submitted by IBI Group Incorporated, on behalf of Jay Patry, for the property municipally known as 203-205 Colborne Street, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedules A and B to Amend Zoning By-Law Number 8499) to Report Number PC-19-002; and

That Council determines that in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

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

(See By-Law Number (2), 2019-015 attached to the agenda as pages 47-51)

2. Brownfields Community Improvement Plan Amendment – New Project Area – 40 Sir John A Macdonald Boulevard

That the application for an amendment to create a new Community Improvement Project Area in the City of Kingston Brownfields Community Improvement Plan (File Number D09-007-2018) submitted by Fotenn Consultants Inc., on behalf of Siderius Developments Ltd., for the property municipally known as 40 Sir John A Macdonald Boulevard, be approved; and

That By-Law Number 2005-40 "A By-Law to Designate Brownfields Project Areas 1A, 1B, 2, 3 and 4 as Community Improvement Project Areas", as amended, be further amended as per Exhibit A (Draft By-Law and Schedule A to Amend By-Law Number 2005-40) to Report Number PC-19-006; and

That By-Law Number 2005-41 “A By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas 1A, 1B, 2, 3 and 4”, as amended, be further amended as per Exhibit B (Draft By-Law and Schedule A to Amend By-Law Number 2005-41) to Report Number PC-19-006; and

That the amending by-laws be presented to Council for all three readings.

(See By-Law Number (3), 2019-016 attached to the agenda as pages 52-53)

(See By-Law Number (4), 2019-017 attached to the agenda as pages 54-55)

Report Number 15: Received from Heritage Kingston

Report Number 15

To the Mayor and Members of Council:

Heritage Kingston 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. Application Recommended for Approval (Statutory Consultation with Heritage Kingston)

i. Approval of an Application for Heritage Permit – 948 Highway 2

That alterations to the property at 948 Highway 2, be approved in accordance with details described in the application (File Number P18-133-2018), which was deemed completed on November 30, 2018 with said alterations to include:

1. Construction of a new wooden covered deck extending from the western elevation of the rear addition;
2. Introduction of a new door opening and installation of new double doors in the board-and-batten addition to access the covered deck; and

That the approval of the alterations be subject to the following conditions:

1. The deck's soffit, fascia, railings and balusters shall be constructed of wood; and
2. A Building Permit shall be obtained, as required, and heritage staff shall be circulated submitted drawings to ensure their consistency with this heritage approval.

2. Applications Supported for Approval by Heritage Kingston (Non Statutory Consultation)

i. Approval of an Application for Heritage Permit – 194 King Street East

That alterations to the property at 194 King Street East, be approved in accordance with the details described in the application (File Number P18-128-2018), which was deemed complete on December 14, 2018, with said

alterations to include masonry repairs and re-pointing to the stone foundation and brick walls on the southeast and west sides and repainting to the brick portions of the walls only; and

That the approval of the alterations be subject to the following conditions:

1. All masonry works, including cleaning and paint removal, shall be completed in accordance with the City's Policy on Masonry Restoration on Heritage Buildings;
2. Existing materials be utilized, wherever practical. Any replacement stones or bricks shall be cut and finished to match the existing, as closely as possible; and
3. An Encroachment Permit be obtained, as necessary. The proponent is encouraged to contact the City.

(Report Number HK-19-005 is attached to the agenda as schedule pages 56-71)

ii. Approval of an Application for Heritage Permit under the *Ontario Heritage Act* – 198 King Street East

That alterations to the property at 198 King Street East, be approved in accordance with the details described in the application (File Number P18-134-2018) which was deemed complete on November 30, 2018, with said alterations to include replacing the existing asphalt shingle roof with a new metal roofing system in a charcoal or black colour, and raising the second stone step at the front entrance facing King Street, subject to the following conditions:

1. Heritage planning staff shall review the final roofing system specifications to ensure consistency with this approval; and
2. An Encroachment Permit shall be obtained, if required.

(Report Number HK-19-006 is attached to the agenda as schedule pages 72-90)

3. Appointment of Heritage Kingston member to North King's Town Secondary Plan Community Working Group

That Jennifer Demitor be appointed as the Heritage Kingston representative to the North King's Town Secondary Planning Community Working Group, with a term expiring on November 30, 2019.

4. Review of Heritage Kingston

Whereas the Heritage Kingston committee has been operational for more than a year, and a review after a year was contemplated when it was established; and

Whereas members of the committee, the public, and community heritage groups have expressed concerns about the functioning and effectiveness of the committee's operations;

Therefore Be It Resolved That City Council establish a working group to undertake a review of the composition, mandate, and procedures of Heritage Kingston; it being understood that the membership of the working group would be recommended by the Nominations Advisory Committee, and would include a heritage staff member and preferably two members with experience in built heritage from current or previous municipal heritage committees, a member with general cultural heritage interests, a member with experience of civic museums and collections, and a member of the public; it being further understood that the working group would submit recommendations to Council within a year from its establishment.

Report Number 16: Received from Arts, Recreation and Community Policies Committee

Report Number 16

To the Mayor and Members of Council:

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

1. Approval of the Kingston Arts Council Plan for Administration of Arts Funding for the Corporation of the City of Kingston in 2019

That Council approve the revised “Plan for the Administration of Arts Funding, for The Corporation of the City of Kingston Arts Fund in 2019”, attached as Exhibit A to Report Number ARCP-19-001.

(Exhibit A to Report Number ARCP-19-001 is attached to the agenda as schedule pages 91-122)

Committee of the Whole

Information Reports

Information Reports from Members of Council

Miscellaneous Business

1. **That** Councillor _____ be appointed to the Agnes Etherington Art Centre Advisory Board for the term of Council.
(See Communication 06-098)

New Motions

1. Moved by Councillor Doherty
Seconded by Councillor Neill

Whereas Bill 66, Restoring Ontario's Competitiveness Act is currently under consideration by the Legislative Assembly of Ontario; and

Whereas Schedule 10 of Bill 66 amends the Planning Act to add a new section 34.1, which allows local municipalities to pass "open-for business by-laws" with approval in writing by the Minister; and

Whereas the "open-for-business by-law" would override critical legal requirements to protect water, natural heritage, farmland and human health; and

Whereas these by-laws would take precedence over municipal official plans; and

Whereas no public notice or hearing is required prior to passing an open-for-business planning by-law; and

Whereas development approval by the Minister under the open-for-business by-law will not be subject to site plan control application and there will be no option to appeal to the Local Planning Appeal Tribunal;

Therefore Be It Resolved That if Bill 66 becomes law, this Council will only submit for approval under Schedule 10 developments that pose no risk to the environment and have full support from the public.

2. Moved by Councillor Doherty
Seconded by Councillor Neill

Whereas IBI Group has submitted an application for Site Plan Control (D11-011-2018) for the property municipally known as 1102 King Street West Kingston K7M 0B7; and

Whereas the delegation of authority by-law allows for Council to “bump-up” site plan control applications to the Planning Committee;

Therefore Be It Resolved That the site plan control application from IBI Group for the property municipally known as 1102 King Street West, outlined in Report Number D11-011-2018 be “bumped up” to the Planning Committee.

Notices of Motion

Minutes

That the Minutes of City Council Meeting Number 2019-05, held Tuesday, January 22, 2019 be confirmed.

(Distributed to all Members of Council on January 25, 2019)

Tabling of Documents

2019-07 Kingston & Frontenac Housing Corporation
Agenda – January 8, 2019
(File Number CSU-S13-000-2019)

2019-08 KFL&A Public Health Board of Health
Agenda – January 23, 2019
(File Number CSU-S08-001-2019)

2019-09 Cataraqui Region Conservation Authority
Annual General Meeting of the Full Authority
Agenda – January 30, 2019
(File Number CSU-D03-000-2019)

Communications

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

Filed

06-090 Notice of a Complete Application and Public Meeting with respect to proposed zoning by-law amendment for the property municipally known as 480 and 482 Albert Street. The public meeting is February 7, 2019 at 6:30 pm in the Council Chamber.

(File Number CSU-D14-2019)

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- 06-097 Notice of a Public Meeting with respect to proposed zoning by-law amendment for the property municipally known as 168 Division Street and 227 Brock Street. The public meeting is February 7, 2019 at 6:30 pm in the Council Chamber.
(File Number CSU-D14-2019)
- 06-100 Committee of Adjustment Notice of Decision with respect to a minor variance for the property municipally known as 57 Kenwoods Circle. The last day for filing a Notice of Appeal is February 18, 2019.
(File Number CSU-D19-2019)
- 06-101 Committee of Adjustment Notice of Decision with respect to an application for permission for the property municipally known as 54 Edgehill Street. The last day for filing a Notice of Appeal is February 18, 2019.
(File Number CSU-D19-2019)
- 06-102 Committee of Adjustment Notice of Decision with respect to a minor variance for the property municipally known as 1521-1535 Centennial Drive. The last day for filing a Notice of Appeal is February 18, 2019.
(File Number CSU-D19-2019)
- 06-103 Committee of Adjustment Notice of Decision with respect to a minor variance for the property municipally known as 102 Pine Street. The last day for filing a Notice of Appeal is February 18, 2019.
(File Number CSU-D19-2019)

Referred to All Members of Council

- 06-082 Resolution from the Town of Georgina with respect to Bill 66 – Restoring Ontario’s Competitiveness Act, 2018.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-L11-000-2019)
- 06-083 Resolution from the Town of Shelburne with respect to Support for the Municipal Voters’ List.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-C07-000-2019)

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- 06-084 Communication from Marcus Shaver with respect to the Kingston Whig Standard's summary of the Kingston Climate Change Symposium held on January 17, 2019.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-E05-000-2019)
- 06-085 Correspondence from Marcus Shaver dated January 17, 2019 – Severe Weather Causes \$1.9 Billion in Insured Damage in 2018.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-E05-000-2019)
- 06-086 Correspondence from Marcus Shaver dated January 15, 2019 with respect to the topic of climate change – Burnout and Despair: Studying the Climate.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-E05-000-2019)
- 06-087 AMO Communications – AMO Releases Report on Municipal Experiences Using Electronic and Digital Signature Solutions.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-A23-000-2019)
- 06-088 Communication from AMCTO dated January 21, 2019 – AMCTO Releases its 2019 Pre-Budget Submission.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-F05-000-2019)
- 06-089 Resolution from the Town of Orangeville with respect to Bill 66 – Restoring Ontario's Competitiveness Act, 2018.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-L11-000-2019)
- 06-091 Resolution from Bill Matson, Acting City Clerk of the City of Niagara Falls with respect to Opting in to Allow Retail Cannabis Stores.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-L11-000-2019)

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- 06-093 Ontario Good Roads Association (OGRA) Communication – The 2019 OGRA Conference App has Launched and Program at a Glance is Now Online.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-A04-000-2019)
- 06-094 Correspondence from Tim Brook, Drainage Program Coordinator, Ministry of Agriculture, Food and Rural Affairs with respect to the Agricultural Drainage Infrastructure Program.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-E09-000-2019)
- 06-095 FCM Newsletter – January 28, 2019 – FCM Voice.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-A01-002-2019)
- 06-096 Trans-Northern Pipelines Inc. – TNPIInfo – 2019 Winter Newsletter – Ontario.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-E06-000-2019)
- 06-098 Communication from Jacqueline Bell, Administrative Coordinator, Agnes Etherington Art Centre requesting the Mayor’s delegate representative to the Agnes Etherington Art Centre Advisory Board.
(Distributed to all members of Council on January 30, 2019)
(File Number CSU-C12-000-2019)
(See Miscellaneous Business 1)
- 06-099 Municipal Property Assessment Corporation (MPAC) 2018 Year-End Assessment Report for the 2019 Tax Year as of December 2018.
(Distributed to all members of Council on January 30, 2019)
(File Number CSU-F22-000-2019)

Referred to the City Clerk

- 06-081 Request from Ruby Nakogee, RTG Lead, Autism Ontario – Kingston Chapter to proclaim April 2, 2019 as “World Autism Awareness Day” in the City of Kingston and to raise the Autism Ontario Flag on April 2, 2019.
(Distributed to all members of Council on January 28, 2019)
(File Number CSU-M10-000-2019)
- 06-092 City Hall Illumination Application from India-Canada Association of Kingston requesting Council to illuminate City Hall and Springer Market Square in orange on August 15, 2019 for Indian Independence Day.
(Distributed to all members of Council on January 29, 2019)
(File Number CSU-M10-000-2019)

Other Business

By-Laws

1. **That** By-Laws (2) through (9) be given their first and second reading.
 2. **That** Clause 11.34 of By-Law Number 2010-1, as amended, be suspended for the purpose of giving By-Laws (3), (4) and (8) three readings.
 3. **That** By-Laws (1) through (9) be given their third reading.
- (1) A By-Law to Approve the Renaming of a Portion of an Existing Municipal Road from Horizon Court to Horizon Drive, City of Kingston, County of Frontenac
Third Reading Proposed Number 2019-011
(Clause 1, Report 09)
- (2) A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended (Zone Change from Multiple-Family Dwelling ‘B3’ Zone to Special Multiple-Family ‘B3.561’ Zone, 203-205 Colborne Street)
Three Readings Proposed Number 2019-015
(Clause 1, Report 14)
- (3) A By-Law to Amend By-Law Number 2005-40 “A By-Law to Designate Brownfields Project Areas 1A, 1B, 2, 3 and 4 as Community Improvement Project Areas” (40 Sir John A. Macdonald Boulevard)

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- Three Readings
(Clause 2, Report 14) Proposed Number 2019-016
- (4) A By-Law to Amend By-Law Number 2005-41 “ A By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas 1A, 1B, 2, 3 and 4” (40 Sir John A. Macdonald Boulevard)
- Three Readings
(Clause 2, Report 14) Proposed Number 2019-017
- (5) A By-Law to provide for the assumption of the public highways in King’s Landing Subdivision Phase 4, Registered Plan 13M-80, in the City of Kingston, in accordance with section 31(4) of the Municipal Act, chapter 25, S.O. 2001; and to provide for the acceptance by the City of Kingston, of the associated public works within
- Three Readings
(Delegated Authority)
(See Schedule Pages 123-124) Proposed Number 2019-018
- (6) A By-Law to establish Parts 2, 3 and 4 on Reference Plan 13R-21909, as part of the public highway known as Hughes Road in the City of Kingston, in accordance with section 31(4) of the Municipal Act, chapter 25, S.O. 2001
- Three Readings
(Delegated Authority)
(See Schedule Pages 125-126) Proposed Number 2019-019
- (7) A By-Law to establish Blocks 20, 21 and 23, Registered Plan 1949, as part of the public highway known as Select Drive in the City of Kingston, in accordance with section 31(4) of the Municipal Act, chapter 25, S.O. 2001
- Three Readings
(Delegated Authority)
(See Schedule Pages 127-128) Proposed Number 2019-020
- (8) A By-Law to approve the Expropriation of Land being part of land municipally known as 917- 919 Montreal Street, being Part of Lot 5 Concession West of the Great Cataraqui River designated as Parts 1, 2, 3, 4 and 5 on Reference Plan 13R-21840 in the City of Kingston, in the County of Frontenac being Part of PIN 36001-0001(LT)
- Three Readings
Proposed Number 2019-021

(Delegated Authority)
(See Schedule Pages 129-132)

- (9) A By-Law to confirm the proceedings of Council at its meeting held on Tuesday, February 5, 2019

Three Readings

Proposed Number 2019-022

(City Council Meeting Number 2019-06)

Adjournment