



CITY COUNCIL MEETING NO. 2012-21

Tuesday, September 18, 2012 at 5:45 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.

AGENDA

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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 item(s):
 - (a) Legal advice that is subject to solicitor-client privilege including communications necessary for that purpose and labour relations – Ontario Nurses Association Collective Bargaining and Collective Agreements Applicable to Rideaucrest Home and Oakwood Child Care Centre
 - (b) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and personal matters about an identifiable individual, including municipal or local board employee - K-Rock Centre Operations
 - (c) Advice that is subject to solicitor-client privilege – Joint Services – County of Frontenac/City of Kingston
- (2) **THAT** Council rise from the Committee of the Whole “Closed Meeting” without reporting.



APPROVAL OF ADDEDS



DISCLOSURE OF POTENTIAL PECUNIARY INTEREST



PRESENTATIONS

- 1) Mayor Gerretsen will present the Queen’s Diamond Jubilee Medal to Mr. Joshua Edwards, and Mr. George Muirhead.



DELEGATIONS

- 1) Dr. Kieran Moore, Associate Medical Officer of Health, KFL&A Public Health, will speak to Council regarding New Motions, Item (2), with respect to amendments to City of Kingston By-law 2006-213, the Business Licensing By-law, Schedule S-1, Salons.



BRIEFINGS

- 1) Representatives from OLG Jake Pastore, Manager, Community & Municipal Relations, Rick Gray, Vice President Transformation, and Tony Bitonti, Senior Manager, Media Relations Communications & Public Relations will provide a briefing to Council with respect to the process for the City of Kingston to be considered as a host municipality for an OLG casino.



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.

Motions of Congratulations

- 1) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Neill

THAT the congratulations of Kingston City Council be extended to members of the Kingston Fire & Rescue Firefit Team on their performance at the Canadian National Firefit Championships. The Kingston team brought home Gold in the two person relay event, mixed male/female category, fourth place finishes in the over 40 age categories, and many new personal best time finishes. Congratulations Kingston Fire & Rescue Firefit Team!

-
- 2) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Neill

THAT the congratulations of Kingston City Council be extended to members of the St. Lawrence College Students In Free Enterprise (SIFE) Team on their achievements at the Advancing Canadian Entrepreneurship (ACE) National competition held in Calgary on May 7th through 9th, 2012. The SLC SIFE team placed second in the Let's Can Hunger Challenge, overall top five in Canada, and awarded first in the green category making them the National Green Champions for the second year in a row. Congratulations to the SLC SIFE team!



DEFERRED MOTIONS



REPORTS

REPORT NO. 102: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 102

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) 2013 Calendar of Council and Standing Committee Meetings

THAT the 2013 Calendar of Council and Standing Committees, attached as Exhibit A, be received; and

THAT, notwithstanding the regularly scheduled Council and Standing Committee meeting dates, Council approve the following meeting dates:

(March Break)

- March 12th Environmental, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **March 6th**.
- March 14th Administrative Policies Committee meeting to be rescheduled to **March 20th**.

(Summer Schedule)

- July 2nd Council meeting to be cancelled.
- July 18th Planning Committee meeting to be cancelled.
- July 25th Arts, Recreation and Community Policies Committee meeting to be rescheduled to **July 18th**.
- August 6th Council meeting to be cancelled.
- August 13th Environmental, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **August 6th**.
- August 15th Planning Committee meeting to be cancelled.
- August 20th Council meeting to be rescheduled to **August 13th**.
- August 22nd Arts, Recreation and Community Policies Committee meeting to be rescheduled to **August 15th**.

REPORTS (CONTINUED)

**REPORT NO. 102: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(CONSENT)**

Christmas Schedule:

- December 26th Arts, Recreation, and Community Polices Committee meeting to be rescheduled to **December 11th**.
- December 19th Planning Committee meeting to be cancelled.

Other Notable Changes:

- January 1st and 15th Council meetings to be rescheduled to **January 8th and 22nd**, respectively.
- January 3rd Planning Committee meeting to be cancelled.
- January 8th Environmental, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **January 15th**.
- March 28th Arts Recreation and Community Policies Committee meeting to be rescheduled to **March 27th**.
- April 2nd and 16th Council meetings to be rescheduled to **April 9th and 23rd**, respectively.
- April 9th Environmental, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **April 16th**.
- The Committee of the Whole Budget Meetings to be scheduled for **November 25th, 26th, and 27th, if required**.

(The Report of the City Solicitor and Director of Legal Services (12-310) is attached as Schedule Pages 1 - 6)
(File No. CSU-C00-000-2012)

b) Appointment of Alternate Acting City Clerk

THAT a by-law be presented to Council to amend By-Law 98-8, as amended, being a By-law to appoint Statutory Officials of the Corporation of the City of Kingston", to appoint Fred Saunders as Alternate Acting Clerk when the City Clerk and Deputy City Clerk are absent or unable to carry on the duties of the Clerk through illness or otherwise.

(The Report of the City Solicitor and Director of Legal Services (12-309) is attached as Schedule Pages 7 - 9)
(File No. CSU-C12-000-2012)

(See By-Law No. (1), 2012-133)

REPORTS (CONTINUED)

**REPORT NO. 102: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(CONSENT)**

c) Parking License Agreement – Car Share Program (Time Sensitive)

THAT Council authorize the Mayor and Clerk to execute a license agreement for one parking space in each of the Springer and King/Queen lots, to VRTUCAR for the implementation of a car-share program in Kingston, for an amount equivalent to monthly parking permits in the area, as prescribed by the *Fees and Charges By-law 2005-10*, plus a premium of \$35 per month for dedicated/reserved parking; and

THAT based on fluctuating needs of the car-share program, staff be authorized to change the number and location of parking spaces licensed to VRTUCAR; and

THAT the agreement be for a one-year term, commencing on or about October 15, 2012, with an option for a further one-year extension; and

THAT the agreement be in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-304) is attached as Schedule Pages 10 - 13)
(File No. CSU-T02-000-2012)

d) Renewal of Data Product Subscription – Teranet Enterprises Inc.

THAT the Mayor and Clerk authorize the City Solicitor to execute the necessary subscription agreement with Teranet Enterprises Inc., for property and ownership information, for a term of five years based on a set annual fee, not to exceed \$20,354.

(The Report of the City Treasurer (12-301) is attached as Schedule Pages 14 - 17)
(File No. CSU-L04-000-2012)

e) Support in Principle for Rooftop Solar Applications Made Under the Provincial Feed-in Tariff (FIT) Program

WHEREAS the Province's FIT Program encourages the construction and operation of rooftop solar generation projects (the "Projects"); and

WHEREAS one or more Projects may be constructed and operated in the City of Kingston; and

WHEREAS, pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Municipalities will be awarded priority points, which may result in these Applicants being offered a FIT Contract prior to other persons applying for FIT Contracts;

REPORTS (CONTINUED)

**REPORT NO. 102: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(CONSENT)**

THEREFORE BE IT RESOLVED THAT:

Council of the City of Kingston supports without reservation the construction and operation of the Projects anywhere in the City of Kingston.

This resolution's sole purpose is to enable the participants in the FIT Program to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects or any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council.

(The Report of the Commissioner of Sustainability and Growth (12-284) is attached as
Schedule Pages 18 - 23)
(File No. CSU-E11-000-2012)



REPORTS (CONTINUED)

**REPORT NO. 103: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(CONSIDER)**

Report No. 103

To the Mayor and Members of Council:

The Chief Administrative Officer reports and requests that Council consider the following:

Note: A motion of Council is required to provide direction to staff.

1) K-Rock Centre – Operator RFP Evaluation

THAT Council provide direction to staff with respect to the following options:

(a) THAT Council direct staff to pursue contract negotiations with SMG for the purposes of entering into a new contract for the operation of the K-Rock Centre for a period of five years commencing December 1, 2012 and ending on November 30, 2017 on the basis of their submission to the RFP process and subject to successful negotiations, that Council award the contract to SMG and authorize the Mayor and Clerk to sign the agreement in a form satisfactory to the Director of Legal Services.

-OR-

(b) THAT Council direct staff to pursue contract negotiations with Global Spectrum for the purposes of entering into a new contract for the operation of the K-Rock Centre for a period of five years commencing December 1, 2012 and ending on November 30, 2017 on the basis of their submission to the RFP process and subject to successful negotiations, that Council award the contract to Global Spectrum and authorize the Mayor and Clerk to sign the agreement in a form satisfactory to the Director of Legal Services, and

THAT Council approve an amount of \$50,000, representing the maximum amount to be paid by the City for transition costs associated with the selection of a new operator, to be funded from the Working Fund Reserve.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-312) is attached as Schedule Pages 24 - 70)
(File No. CSU-R05-001-2004/03)



REPORTS (CONTINUED)

REPORT NO. 104: RECEIVED FROM THE PLANNING COMMITTEE

Report No. 104

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) Zoning Issues and Strategy Study - Stage 1 and Stage 2 Reports

THAT the Zoning Issues and Strategy Study documents, namely the *Final Initial Findings Report* and its *Technical Compendium* and the *Final Technical and Discussion Papers Report* be accepted by City Council in fulfillment of Stage 1 and Stage 2 of the project; and

THAT the *Zoning Issues and Strategy Study Final Initial Findings Report* and the *Technical Compendium*, which provide an inventory and synthesis of the City's existing Zoning By-laws and frames significant zoning issues, and the *Final Technical and Discussion Papers Report*, which describes approaches/options to each identified issue, be used as the basis for developing the *Strategic Directions Report* which will provide a blueprint to the City for moving forward with the preparation and drafting of the new Zoning By-law(s).

2) Application for Zoning By-Law Amendment, 270 Frontenac Street

THAT the Application for Zoning By-Law Amendment (Our File No. D14-249-2012) submitted by Michael and Knarik Willis-O'Connor for the property municipally known as 270 Frontenac Street, **BE APPROVED**; and,

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

1. By-Law No. 8499 of The Corporation of the City of Kingston, entitled "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston", as amended, is hereby further amended as follows:
 - 1.1. Map 30 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from One Family Dwelling and Two Family Dwelling 'A' Zone to a Special One Family Dwelling and Two Family Dwelling 'A.417' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2012-134.

REPORTS (CONTINUED)

REPORT NO. 104: RECEIVED FROM THE PLANNING COMMITTEE

- 1.2. By **Adding** a new Part VIII, Exceptions to the Various Zone Classifications (417) thereto as follows:

“(417) **Special One and Two Family ‘A.417’ Zone (270 Frontenac Street)**

Notwithstanding any provisions hereof to the contrary, the lands designated ‘A.417’ on Schedule ‘A’ hereto, the following regulations shall apply:

- i) The use of a cellar as a portion of an existing dwelling unit or as a habitation unit is permitted;” and

THAT the Amending By-Law be presented to City Council for all three readings.

(Note: A copy of the draft by-law is attached as Schedule Pages 71 - 72)

(See By-Law No. (2), 2012-134)



COMMITTEE OF THE WHOLE



INFORMATION REPORTS

1) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of July 2012**

This information report is to:

1. Advise Council of tenders/RFPs approved and contracts awarded greater than \$50,000 that meet the established criteria of delegated authority for the month of July 2012.
2. Report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of July 2012.
3. Report time-sensitive procurements subject to the provisions of the Purchasing by-law.

(The Report of the City Treasurer (12-287) is attached as Schedule Pages 73 - 81)
(File No. CSU-F18-000-2012)

2) **Mayor's Task Force on Development Mid-Term Report**

This report is to provide the Mid Term Progress Report for the Mayor's Task Force on Development. It outlines the Task Force's work to date and outlines the next steps for the committee.

(The Report of the Mayor (12-313) is attached as Schedule Pages 82 - 139)
(File No. CSU-C15-000-2012)



MISCELLANEOUS BUSINESS

Motions of Council are required:

- (1) **THAT**, as requested by United Way KFL&A, Council proclaim September 20, 2012 – November 29, 2012 as "United Way KFL&A Campaign Time" in the City of Kingston.
(See Communication No. 21-373)



NEW MOTIONS

- (1) Moved by Councillor Hutchison
Seconded by Councillor Neill

WHEREAS the citizens of Kingston are contributing approximately \$16 million to the University Hospitals' rebuild campaign, paying this contribution through a 10-year tax levy which represents almost 1% of taxes paid by an average home owning taxpayer; and

WHEREAS the next stage in the rebuild process is the construction of a new hospital facility at King Street and Portsmouth Avenue to house the rehabilitation and mental health services of Providence Care; and

WHEREAS the province has announced that it plans to construct the Providence Care facility using a public/private partnership model and go to tenders this fall; and

WHEREAS the Auditor General of Ontario, Jim McCarter, in his 2008 report, identified millions of dollars of extra costs associated with this type of construction model for hospitals, saying in the case of the William Osler Health Centre in Brampton that it was an inefficient use of public funds (Auditor General's report, 2008, www.auditor.on.ca/en/reports_en/en08/303en08.pdf); and

WHEREAS Infrastructure Ontario made a public commitment to perform a cost comparison between public/private model and a public model to determine the best value; and

WHEREAS some citizens of Kingston have expressed concerns about the costs of the project and the use of their tax dollars for construction/management model that may involve higher than necessary costs;

THEREFORE BE IT RESOLVED THAT the City of Kingston ask the Province of Ontario to present information about the costs of the Providence Care hospital project in a briefing at a Council meeting in October, 2012.

- 2) Moved by Councillor Scott
Seconded by Councillor Schell

WHEREAS Council received Communication 18-336 advising that the Kingston, Frontenac and Lennox & Addington Board of Health passed the following resolution, recommending amendments to City of Kingston By-law 2006-213, the Business Licensing By-law, Schedule S-1, Salons:

“That the KFL&A Board of Health

Recommend to the City of Kingston an amendment to its By-Law to license, Regulate and Govern Certain Businesses 2006-213, Schedule S-1 Salons with the following provisions:

1. The definition of aesthetic services be amended to include facilities with indoor tanning beds.
2. All facilities with indoor tanning beds be required to hold a business license and be regulated.
3. Indoor tanning services be prohibited to youth under 19 years of age.
4. All facilities with indoor tanning beds be required to post signage indicating:
 - The prohibition of indoor tanning services to youth under 19 years of age, and
 - The carcinogenic potential and overall health risks associated with tanning facilities.
5. All facilities with indoor tanning beds services be required to adhere to Health Canada's Guidelines for Tanning Salon Owners, Operators and Users.
6. Sign off by KFL&A Public Health be required on indoor tanning operator education before a business license is issued.
7. Provincial Offences Officers from KFL& A Public Health be designated for enforcement of these parts of the by-law .
8. Short form wording and fines be included in the by-law to facilitate enforcement; and

THAT other municipalities in the KFL&A area be requested to enact similar by-laws prohibiting the use of tanning facilities by youth under 19 years of age."

THEREFORE BE IT RESOLVED THAT the matter be directed to the Manager of Licensing and Enforcement for further review; and

THAT staff be directed to provide a report to the Administrative Policies Committee no later than March 2013.

- 3) Moved by Councillor Hutchison
Seconded by Councillor Scott

WHEREAS a number of artists have expressed interest in improving Douglas R. Fluhrer Park in the City of Kingston by doing a work of public art in one of 21 delineated spaces on the retaining wall behind Rideaucrest during the City's Culture Days on Saturday, September 29, 2012; and

WHEREAS there is not time for an official request for proposals to invite all the artists of Kingston to participate and to decide which of them should participate; and

WHEREAS an Open Invitational would be open to all artists on a first come first served basis; and

WHEREAS inviting artists to do something on that wall would improve the park; and

WHEREAS there would be no significant cost to the City of Kingston; and

WHEREAS it would not be considered permanent as street art is typically painted over when someone feels they can do better; and

WHEREAS City Staff is planning a visioning exercise for Douglas R. Fluhrer Park in 2013 and the art created would serve to suggest possibilities for future sustainable use of the retaining wall,

THEREFORE BE IT RESOLVED THAT the Friends of Kingston Inner Harbour be permitted to work in consultation with the Culture Services Department of the City of Kingston to organize an Artists Open Invitational Pilot Project in Douglas R. Fluhrer Park on September 29, 2012 where any Kingston artist who thinks they can do a work of art that will improve the appearance of the retaining wall in Douglas R. Fluhrer Park is invited to come to the park on a first come first served basis on September 29, 2012 (rain date: September 28 or 30, 2012) as part of Culture Days and do a work of art on one of the panels.



NOTICES OF MOTION



MINUTES

THAT the Minutes of City Council Meeting No. 2012-20, held Tuesday, September 4, 2012 be confirmed.

(Distributed to all Members of Council on September 14, 2012)



TABLING OF DOCUMENTS



COMMUNICATIONS

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

Filed

- 21-370 From the Honourable Peter Kent, P.C, M.P, acknowledging receipt of Kingston City Council's resolution regarding the changes Parks Canada is making to its operations.
(File No. CSU-R04-000-2012)

Referred to All Members of Council

- 21-369 From the Ontario Convenience Stores Association (OCSA), regarding the effects of contraband tobacco on the community, as well as a proposed resolution for Council.
(Distributed to all Members of Council on September 10, 2012)
(File No. CSU-S08-000-2012)
- 21-371 From Dick DeShaw, asking to speak at a Council meeting regarding the proposed amendments to the smoking by-law in public areas.
(Distributed to all Members of Council on September 10, 2012)
(File No. CSU-S08-000-2012)
- 21-373 From United Way KFL&A, asking that Council proclaim September 20, 2012 – November 29, 2012 as “United Way KFL&A Campaign Time” in the City of Kingston.
(File No. CSU-M10-000-2012)
(See Miscellaneous Business Item No. (1))
(Distributed to all Members of Council on September 11, 2012)
- 21-374 From Denise Cumming, Executive Director, University Hospitals Kingston Foundation, thanking Mayor and Council for supporting their fundraising efforts for the hospital foundations, and providing a copy of “Because of You”, the June 2012 Community Report.
(File No. CSU-M03-000-2012)
(A copy of “Because of You” can be found at the Clerk’s department)
(Distributed to all Members of Council on September 11, 2012)

Referred to the City Clerk

- 21-372 From the Islamic Society of Kingston, asking that Council proclaim October 2012 as “Islamic History Month” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on September 10, 2012)
- 21-375 From Kingston Frontenac Public Library, asking that Council proclaim October 2012 as “Canadian Library Month”, and October 14 – 20, 2012 as “Ontario Public Library Week” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on September 11, 2012)

OTHER BUSINESS

BY-LAWS

- (A) **THAT** By-Laws (1), (2), and (4) be given their first and second reading.
- (B) **THAT** By-Laws (2) through (4) be given their third reading.



- (1) A By-Law to Amend By-Law No. 98-8, "A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston" (to Appoint Fred Saunders as Alternate Acting Clerk).
FIRST AND SECOND READINGS PROPOSED NO. 2012-133
(See Clause (b), Report No. 102)
- (2) 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 One and Two Family Dwelling 'A' Zone to Special One and Two Family Dwelling 'A.417' Zone, 270 Frontenac Street)
THREE READINGS PROPOSED NO. 2012-134
(See Clause (2), Report No. 104)
- (3) A By-Law to Establish the 2012 Tax Capping Decrease Limits.
THIRD READING PROPOSED NO. 2012-130
(See Clause (a), Report No. 96)
- (4) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 7, 2012
THREE READINGS PROPOSED NO. 2012-135
(City Council Meeting No. 2012-21)



ADJOURNMENT