



CITY COUNCIL MEETING NO. 2012-12

Tuesday, April 3, 2012 at 7:00 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) A proposed or pending acquisition of land by the municipality or local board – 1316 Princess Street;
 - (2) **THAT** Council rise from the Committee of the Whole “Closed Meeting” without reporting.
- 

APPROVAL OF ADDEDS




DISCLOSURE OF POTENTIAL PECUNIARY INTEREST



PRESENTATIONS



DELEGATIONS

- 1) Mr. Jay Mifflin and Grant Malkoske will speak to Council regarding Clause (a), Report No. (46), regarding the Noise Exemption Request for Kingston North Congregation.
- 

BRIEFINGS



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 Councillor Paterson

THAT Kingston City Council extends congratulations and warm wishes to staff and partners of the K-Rock Centre. For the third time in the last four years, K-Rock Centre has been voted Venue of the Year under 8,000 seats, at the 2012 Canadian Music and Broadcast Industry Awards.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Dan Emmerson, who passed away on March 15, 2012. Dan was a loving brother to former City Clerk Carolyn Downs, and uncle to Tim Hamilton, Transportation Services. Our thoughts and prayers are with them during this very difficult time.

- 2) Moved by Councillor Berg
Seconded by Deputy Mayor Schell

THAT Kingston City Council extends its sincere condolences to the family and friends of Shirley St. Onge, who passed away on March 23, 2012. Mrs. St. Onge was a longstanding member of the Independent Order of Oddfellows, an altruistic and benevolent service club which came into being during the 18th century. She was awarded the gold medal for highest proficiency in her nursing studies after graduating from Belleville General Hospital and retired from Kingston Psychiatric Hospital after more than 30 years of health care service within our community. Mrs. St. Onge is deeply missed by her many family members, colleagues and friends.

- 3) Moved by Councillor Reitzel
Seconded by Councillor Scott

THAT Kingston City Council extends its sincere condolences to the family and friend of Mr. James "Earl" Greenlees, who sadly passed away on March 25, 2012. Mr. Greenlees showed his passion for his community in a number of ways. He was a long-time dairy farmer and livestock evaluator for Pittsburgh Township and the City of Kingston, one of the first members of the Pittsburgh Township Firefighters Association, and was an active member of SandHill Presbyterian Church. Mr. Greenlees and his wife also enjoyed socializing and dancing at many community events, especially at the Colonnade Golf and Country Club. He will be dearly missed.



DEFERRED MOTIONS

- 1) Moved by Councillor Scott
Seconded by Councillor Reitzel

THAT the Council of the Corporation of the City of Kingston hereby endorse the following resolution from the Nottawasaga Police Services Board regarding the photo radar program:

"WHEREAS in 1994, the Ontario Government approved a pilot project for photo radar on selected highways with high collision experience;

AND WHEREAS the media coverage of the introduction of these units at the time is believed to have resulted in an overall reduction in speeding on all highways in the Province;

AND WHEREAS a reduction in the speed of vehicles results in a reduction in fatalities and major injuries;

AND WHEREAS the Ontario Government discontinued the program and is yet to reinstate it in spite of numerous attempts made at the municipal level;

NOW THEREFORE BE IT RESOLVED THAT the Premier of Ontario be requested to reinstitute the photo radar program for the provincially regulated Police Services Boards to manage and use at their discretion;

AND FURTHER THAT a copy of this resolution be forwarded to all Ontario Police Services Board Association members and all Ontario Municipalities for their endorsement;

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AND FURTHER THAT the Ontario Provincial Police, the Ontario Police Association and the Ontario Police Chief's Association be requested to support the resolution."

THAT the Nottawasaga Police Services Board be so advised.

Note: This motion was deferred from the January 24, 2012 Council Meeting in order to allow the Kingston Police Services Board opportunity for comment. See Communication No. 12-174 with regards to these comments.



REPORTS

REPORT NO. 46: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 46

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) Noise Exemption Request – Kingston Congregations of Jehovah’s Witnesses

THAT Kingston Congregations of Jehovah's Witnesses be granted an exemption to the Noise Control By-Law 2004-52 Schedule “B” for the purpose of allowing volunteers to construct a new Kingdom Hall (place of worship) at 115 Joyce Street between the hours of 8:00 a.m. and 7:00 p.m. on Sundays and on Statutory Holidays, commencing on April 15, 2012, and ending on November 4, 2012; and;

THAT this activity be permitted only for 15 days during the exemption period and that the applicant provides the Manager, Licensing and Enforcement Division, 72 hours notice before the exemption is being utilized.

(The Report of the Commissioner of Sustainability and Growth (12-088) is attached as Schedule Pages 1-5)

(File No. CSU-P01-001-2012)

b) Delegated Approval and Signing Authority for Agreements under the Home Ownership Program

THAT Council authorize the Commissioner, Community Services or her delegate to review and approve, for execution by the Mayor and Clerk, all documents and agreements related to the Municipal Home Ownership Program and the AHP Home Ownership Program as required and as approved by the Legal Services Department; and

THAT Council authorize the Mayor and Clerk to execute all documents and agreements related to the Municipal Home Ownership Program and the AHP Home Ownership Program as approved by the Commissioner, Community Services or her delegate.

(The Report of the Commissioner of Community Services (12-126) is attached as Schedule Pages 6-10)

(File No. CSU-S18-000-2012)

REPORTS CONTINUED

REPORT NO. 46: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

c) Kingston Community Gardens Network Partnership Extension and Trillium Grant Application

THAT Council authorize staff to extend the Kingston Community Gardens Network existing partnership through a license agreement with Loving Spoonful for the provision of office and storage space at the Memorial Centre at a rate of \$1 per year for a further period of two (2) years; and

THAT Council authorize the Clerk and Mayor to sign the license agreement to the satisfaction of the Director of Legal Services; and

THAT Council authorize staff to submit a joint grant application with Loving Spoonful to the Trillium Foundation for funding to support the Kingston Community Gardens Network initiative.

(The Report of the Commissioner of Community Services (12-106) is attached as Schedule Pages 11-21)

(File No. CSU-A20-000-2012) (File No. CSU-F11-000-2012)

d) Endorsement of the 2011 Water System Annual Compliance Reports

WHEREAS The provision of high quality safe drinking water is a priority of the City of Kingston; and

WHEREAS The requirements of the Safe Drinking Water Act, 2002, requires Council to be informed of matters regarding the operation of the Water System and formally receive the Annual Compliance Reports for each of the Water treatment Facilities;

THAT Council receive the 2011 Annual Compliance Reports for The King Street Water Treatment Plant, The Point Pleasant Water Treatment Plant and the Cana Well Water Treatment Supply System as required by the terms and conditions outlined in Schedule 22 of the Ontario Reg 170/03 for the above mentioned Treatment Facilities.

(The Report of the President and CEO of Utilities Kingston (12-121) is attached as Schedule Pages 22-131)

(File No. CSU-E03-000-2012)

REPORTS CONTINUED

REPORT NO. 46: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

e) Application for License of a Serving Sidewalk Patio on the Princess Street Flankage for “Windmills Restaurant” Located at 184 Princess Street

THAT Council authorize the Mayor and the Clerk to enter into a License Agreement with the owner of “Windmills Restaurant” located at 184 Princess Street, for the lease of City property adjacent to their store frontage on Princess Street 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.

(The Report of the President and CEO of Utilities Kingston (12-116) is attached as Schedule Pages 132-138)
(File No. CSU-D23-000-2012)



REPORTS (CONTINUED)

**REPORT NO. 47: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(RECOMMEND)**

Report No. 47

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1) Authority to enter into a Service Level Agreement with the Sustainable Kingston Corporation & Council Appointment to the Board

THAT Council authorize the Mayor and Clerk to execute a Service Level Agreement for a period of three years with options for renewal and any other documents required to provide use of the City's Sustainable Kingston documentation and intellectual property with the Board of Directors of the Sustainable Kingston Corporation in a form acceptable to the Director of Legal Services,

THAT Council appoints Councillor _____ to sit on the Board of Directors of the Sustainable Kingston Corporation for the term of the Service Level Agreement.

THAT a by-law be presented to Council to amend By-Law 2010-205, as amended, being a by-law to define the mandate and meeting procedures for committees established by the Corporation of the City of Kingston, to include an entry under section D-1, regarding the Sustainable Kingston Corporation.

(The Report of the Commissioner of Sustainability and Growth (12-117) is attached as Schedule Pages 139-144)

(File No. CSU-L04-000-2012)

(See By-Law No. (1), 2012-70)

2) Review of New Information in Relation to Council's Approval under the Ontario Heritage Act (330 King Street East)

THAT Council approve the amendments to their decision of November 15, 2011, as this would be consistent with their initial endorsement within the approval for a 'rooftop terrace with glass guard', with the following conditions:

1. That, barring any functional or structural requirements, consideration be given to lowering the height of the elevator shaft to be flush with the prevailing roofline of the permanent rooftop addition (including a service area, lobby and washrooms);
2. That the aspect of lighting on the rooftop patio be delegated to Planning and Development Department staff with a requirement that the proponent supply information through the Site Plan Control Modification application (D11-375-2012M) as to how the lighting will appear at night, the extent to which the lighting

will disperse off site and its impact on the overall square. This requirement is complementary to the standard technical review that occurs with every Site Plan control application that proposes on-site outdoor lighting; and

3. That in accordance with Condition 2 of the previous Council approval and as a commenting agency for *Planning Act* applications involving properties designated under the *Ontario Heritage Act*, KMHC shall continue to have a commenting role with the reappearance of the Site Plan Control modification technical circulation on the agenda of the next available Heritage Committee meeting.

(The Report of the Commissioner of Sustainability and Growth (12-118) is attached as Schedule Pages 145-161)
(File No. CSU-P18-000-2012)

3) **Source Water Protection – Comments on Draft Source Protection Plan (SPP) & Next Steps**

THAT Council advise the Cataraqui Source Protection Committee that it strongly supports the initiatives underway to support the City's sources of drinking water and appreciates the considerable work undertaken to date to develop the Draft Source Protection Plan (SPP) and Explanatory Document, the ongoing communications regarding the intent of the SPP policies (including the Council Briefing on January 24th), the opportunities for Council and staff to provide meaningful input into the process, and the responses to date by the SP Committee and SP Authority to address the City's formal and informal comments respecting the previous pre-consultation documents; and

THAT Council advise the Cataraqui Source Protection Committee that it continues to support the creation of a Source Protection Plan that is appropriate, effective and affordable in managing the identified threats to local drinking water sources; and

THAT Council advise the Cataraqui Source Protection Committee that it appreciates the ongoing efforts of the SP Committee and SP Authority to lobby the Province on behalf of the municipalities in the Cataraqui Source Protection Area for a funding announcement in the near future to assist with implementation of the approved Source Protection Plan and thereby ensure the success of the source water protection initiative; and

THAT Council advise the Cataraqui Source Protection Committee that staff has had the opportunity to review the *Draft Source Protection Plan: Cataraqui Source Protection Area* and the companion *Explanatory Document for the Draft Source Protection Plan*, both dated February 2012, and concerns/recommendations have been identified respecting a number of the policies as outlined in Exhibits E - G to Council Report 12-119; and

THAT Council endorse Report 12-119 and the attached staff concerns / comments / recommendations as contained in Exhibits E – G of the Report as the City’s formal response to the *Draft Source Protection Plan: Cataraqui Source Protection Area* policies related to the Cana Wellhead Protection Area, the Point Pleasant and Kingston Central Intake Protection Zones, the Fairfield Intake Protection Zone, and the Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas and to the companion *Explanatory Document for the Draft Source Protection Plan*, and that the Report and Council comments be forwarded to the Cataraqui Source Protection Committee as representing the City’s formal comments on the Draft SPP; and

THAT Council hereby requests the Cataraqui Source Protection Committee and Source Protection Authority to carefully consider the City’s comments/recommendations in the preparation of the Proposed Source Protection Plan and encourages continued collaborative efforts to achieve policies that are mutually acceptable.

(The Report of the Commissioner of Sustainability and Growth (12-119) is attached as Schedule Pages 162-244)
(File No. CSU-D03-000-2012)

4) 172 Ontario Street – Parkland Dedication Cash-in-Lieu Reduction

THAT Council approve BPE Development’s request to fully reduce a parkland dedication cash-in-lieu requirement for the three residential dwelling unit conversion development in the designated property at 172 Ontario Street.

(The Report of the Commissioner of Community Services (12-120) is attached as Schedule Pages 245-257)
(File No. CSU-R04-000-2012)



REPORTS (CONTINUED)

REPORT NO. 48: RECEIVED FROM THE ARTS, RECREATION AND COMMUNITY POLICIES COMMITTEE

Report No. 48

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1) Off Leash Dog Park

THAT Council make no changes to the off-leash dog park policy; and

THAT an off-leash area not be constructed at Lake Ontario Park in accordance with the approved Master Plan; and

THAT Council direct Recreation & Leisure Services staff to work with Public Works and Engineering staff to determine project scope and budget for the following improvements to off-leash dog parks:

- a. Construction of a small dog enclosure to be piloted in one of the existing off-leash dog parks;
- b. Improvements to existing gates at the off-leash dog parks;
- c. Increase parking signage at MacLean Trail off-leash dog park;
- d. Installation of bollards at Meadowbrook Park pathway leading to the off-leash dog park;
- e. Establishment of a permanent off-leash dog park at Grass Creek Park; and

THAT staff report back project scope and associated capital and operating budget requirements for consideration in the 2013 budget deliberations.

2) Affordable Housing Land Acquisition and Disposition Program

THAT Council endorse the proposed policy which sets out the guidelines for the municipally funded Affordable Housing Land Acquisition and Disposition Program subject to the following amendments made by the Housing and Homelessness Advisory Committee at its February 16th, 2012 meeting:

***THAT** Section 4.4 be amended to add the words "and or acquired" after the word "purchased"; and*

***THAT** Section 6.2.1." be amended by adding an additional sentence "If an organization acquires the land for 75% or less than the purchase price they will not be eligible to receive other public funds or financial assistance for capital provided by the municipality or from funds administered by the municipality unless they are a not for profit organization."; and*

REPORTS (CONTINUED)

REPORT NO. 48: RECEIVED FROM THE ARTS, RECREATION AND COMMUNITY POLICIES COMMITTEE

subject to the following amendments made by the Arts, Recreation and Community Policies Advisory Committee at its March 22nd, 2012 meeting:

***THAT** the words “for example as an exchange” be added at the end of section 4.5.3.*

(The proposed Affordable Housing Land Acquisition and Disposition of Land Program Policy was attached as Exhibit ‘A’ to report HHC-12-006 of the February 16th, 2012 Housing and Homelessness Advisory Committee agenda, schedule pages 12 – 17.)

3) Affordable Housing Capital Investment Program

THAT Council endorse the proposed policy which sets out the guidelines for the municipally funded Affordable Housing Capital Investment Program subject to the following amendments made by the Housing and Homelessness Advisory Committee at its February 16th, 2012 meeting:

***THAT** Section 5.1.8 be amended to add “except for not for profit organizations” in the first sentence after “\$50,000 per unit”; and*

subject to the following amendments made by the Arts, Recreation and Community Policies Advisory Committee at its March 22nd, 2012 meeting:

***THAT** section 5.1.5 be amended to replace fifteen years with twenty years.*

(The proposed Affordable Housing Capital Investment Program Policy was attached as Exhibit ‘A’ to report HHC-12-007 of the February 16th, 2012 Housing and Homelessness Advisory Committee agenda, schedule pages 18 – 23.)

4) 2013-2015 Consolidated Homelessness Prevention Program (CHPP) & Homelessness/Housing Strategy Funds (HHSF)

THAT Council approve the issuance of a Request for Proposal (RFP) in 2012 for the allocation of annual Consolidated Homelessness Prevention Program (CHPP) funding and \$150,000 municipal Homelessness/Housing Strategy funds (HHSF) for the period from 2013 to 2014 for homelessness programs and services that meet the Consolidated Homelessness Prevention Program goals and local identified priorities; and

THAT City staff report back to City Council with the results of the RFP with recommendations on the award of funding based on the CHPP goals and the identified gaps and priorities and the evaluation criteria.

REPORTS (CONTINUED)

**REPORT NO. 48: RECEIVED FROM THE ARTS, RECREATION AND COMMUNITY
POLICIES COMMITTEE**

(The Report of the Commissioner of Community Services (HHC-12-005) was attached to the February agenda, and deferred to receive additional information from staff included in the March agenda as Report HHC-12-10, Request for Proposal for Consolidated homelessness Prevention Program (CHPP) Evaluation and Selection Process.)



REPORTS (CONTINUED)

REPORT NO. 49: RECEIVED FROM THE FOCUS KINGSTON STEERING COMMITTEE

Report No. 49

To the Mayor and Members of Council:

The FOCUS Kingston Steering 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) Sustainable Kingston Implementation and Concluding Activities

THAT Council receive the final Baseline Indicators Report, and encourage the first directors of the Sustainable Kingston Corporation to use the report in their ongoing stewardship and implementation role of the Sustainable Kingston Plan; and

THAT the FOCUS Kingston Steering Committee be, and is hereby, disbanded; and

THAT a by-law be presented to Council to amend By-Law 2010-205, as amended, being a by-law to define the mandate and meeting procedures for committees established by the Corporation of the City of Kingston, by deleting Schedule B-1 (FOCUS Kingston Steering Committee mandate); and

THAT the Committee Members be thanked for their contributions in helping Kingston become Canada's Most Sustainable City.

The Recommendation Report of the Commissioner, Sustainability & Growth (FKSC-12-001) was attached to the committee agenda as Schedule Pages 01-125. The report can also be viewed on the City website at:

<http://www.cityofkingston.ca/cityhall/committees/focus/agendas.asp>

(Exhibit A from Report FKSC-12-001 was distributed separately from the Council agenda.)

(Exhibit C from Report FKSC-12-001 is attached as Schedule Page 258)

(See By-Law No. (2), 2012-71)



COMMITTEE OF THE WHOLE



INFORMATION REPORTS

1) Waste Recycling Strategy 2010-2013 update

As part of the *Waste Recycling Strategy 2010-2013* approved by City Council in December 2010, a yearly report is to be produced which outlines the achievements and initiatives undertaken in the previous year and the initiatives to be implemented in the coming year.

(The Report of the President and CEO of Utilities Kingston (12-114) is attached as Schedule Pages 259-284)

(File No. CSU-E07-001-2012)

2) Update - Provincial Budget of March 27, 2012

(The Report of the Chief Administrative Officer (12-132) is being distributed separately from the agenda)

3) Update - Federal Budget of March 29, 2012

(The Report of the Chief Administrative Officer (12-133) is being distributed separately from the agenda)



MISCELLANEOUS BUSINESS

Motions of Council are required:

- (1) **THAT** City Council accept the resignation of Mr. Ebon Gage from the Arts Advisory Committee with regret; and

THAT the following board and committee appointment by the Kingston Arts Council be confirmed without comment:

Board / Committee	Length of Term	Names
Arts Advisory Committee	November 30, 2012	<u>Confirmation only required</u> 1 Performing Arts Brett Christopher

(See Communication No. 12-175)

NEW MOTIONS

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

WHEREAS the City of Kingston is a rural-urban city with many common concerns for both rural and urban residents including environmental and development issues;

THEREFORE BE IT RESOLVED THAT the Council of the City of Kingston endorse of the following resolution from the Municipality of Clarington and the Town of East Gwillimbury regarding the placing of fill:

“**WHEREAS** municipalities are faced with requests from Commercial Fill Operators to place fill in, for example, either previously undisturbed areas or expired gravel extraction pits;

AND WHEREAS municipalities have limited resources and ability to regulate this type of operation other than through zoning restrictions and agreements associated predominantly with operational protocol;

AND WHEREAS the issue of soil quality of fill imported to a receiving site potentially has a significant cross jurisdictional environmental impact that should be elevated to the Provincial level through the Ministry of the Environment;

AND WHEREAS for the Ministry of the Environment has established criteria for quality of fill for Brownfield redevelopment but not for the importation and placement of fill within, as an example, undisturbed areas or expired gravel extraction pits;

BE IT THEREFORE RESOLVED that the Province, through the Ministry of the Environment, establish guidelines, regulations and a Provincially registered approval process to govern the quality of fill imported to a receiving site other than for the purpose of Brownfield redevelopment;”

THAT the City Clerk forward copies of this resolution to the Municipality of Clarington and the Town of East Gwillimbury, the Ministry of Environment, the Association of Municipalities of Ontario, and the Honourable John Gerretsen, Attorney General and MPP for Kingston and the Islands.

- (2) Moved by Councillor Osanic
Seconded by Councillor Neill

WHEREAS the Ministry of Transportation Ontario (MTO) was planning the expansion of Highway 401 through Kingston over ten years ago that is now underway; and

WHEREAS members of the Kingston Environmental Advisory Forum (KEAF) were concerned about the impact of the road widening and “tall wall” barrier in the middle of the highway on animal mortality and further habitat fragmentation as was documented in the minutes of the KEAF meetings June and July 2001; and

WHEREAS MTO officials were asked to do a road-kill study before construction, make provision for wildlife crossing in the road design as a result of the study, clear the 28 culverts under the Kingston section of the 401 on an annual basis, and do a post-barrier study on the effect of road-widening and barrier installation for the Cataraqui Marsh section of the Highway;

THEREFORE BE IT RESOLVED THAT staff follow up with the MTO to find out how its commitments have been met or still will be met and prepare a report to KEAF by Q4, 2012.

- (3) Moved by Councillor Osanic
Seconded by Councillor Neill

THAT the following motion be withdrawn:

“Moved by Councillor Osanic
Seconded by Councillor Neill

WHEREAS the Ministry of Transportation Ontario (MTO) was planning the expansion of Highway 401 through Kingston over ten years ago that is now underway; and

WHEREAS members of the Kingston Environmental Advisory Forum (KEAF) were concerned about the impact of the road widening and “tall wall” barrier in the middle of the highway on animal mortality and further habitat fragmentation as was documented in the minutes of the KEAF meetings June and July 2001; and

WHEREAS MTO officials were asked to do a road-kill study before construction, make provision for wildlife crossing in the road design as a result of the study, clear the 28 culverts under the Kingston section of the 401 on an annual basis, and do a post-barrier study on the effect of road-widening and barrier installation for the Cataraqui Marsh section of the Highway;

THEREFORE BE IT RESOLVED THAT staff follow up with the MTO to find out how its commitments have been met or still will be met and prepare a report to KEAF by Q4, 2012.”

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- (4) Moved by Councillor Osanic
Seconded by Councillor Neill

WHEREAS the Ministry of Transportation Ontario (MTO) was planning the expansion of Highway 401 through Kingston over ten years ago that is now underway

WHEREAS MTO commissioned a Wildlife Mortality Study on the Highway 401 segment between Sydenham Road to Highway 15 in response to concerns expressed by the members of the Kingston Environmental Advisory Forum (KEAF) about the impact of the road widening and “tall wall” barrier in the middle of the highway on animal mortality and further habitat fragmentation as was documented in the minutes of the KEAF meetings June and July 2001; and

WHEREAS the 2007 Wildlife Mortality Study documented that the culverts under Highway 401 should be modified as part of the Highway 401 improvement project (page 49) and that fencing or other appropriate barriers should be erected across the causeway segment to prevent animals from reaching the road (page 53)

THEREFORE BE IT RESOLVED THAT staff contact MTO to a) thank them for commissioning the 2007 Wildlife Mortality Study on Highway 401 and b) determine which of the study recommendations and mitigation measures are being implemented; and

THAT staff report the information to KEAF by Q4 2012

- (5) Moved By Councillor Hutchison
Seconded by Councillor Osanic

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 prestige required to carry the municipal message to the federal government; and

WHEREAS FCM's 75th Annual Conference and Trade Show will take place June 1-4, 2012, during which time the Annual General Meeting will be held and followed by the election of FCM's Directors;

THEREFORE BE IT RESOLVED THAT Council of the City of Kingston Ontario endorse Councillor Dorothy Hector to stand for election on FCM's Board of Directors for the duration of this term; and

THAT Council assumes all costs associated with Councillor Dorothy Hector attending FCM's Board of Directors meetings.



NOTICES OF MOTION




MINUTES

THAT the Minutes of City Council Meeting No. 2012-08, held Tuesday, March 6, 2012, and the Minutes of City Council Meeting No. 2012-10, held Tuesday, March 20, 2012 be confirmed.

(Distributed to all Members of Council on Friday, March 30, 2012)



TABLING OF DOCUMENTS

- 2012-30 KFL&A Public Health Board
Agenda – March 28, 2012
(File No. CSU-S08-001-2012)
- 2012-31 Cataraqui Source Protection Authority
Agenda – March 28, 2012
(File No. CSU-D03-000-2012)
- 2012-32 Cataraqui Region Conservation Authority
Agenda – March 28, 2012
(File No. CSU-D03-000-2012)
- 2012-33 Downtown Kingston! BIA Board of Management
Minutes – February 8, 2012
(File No. CSU-A01-001-2012)
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COMMUNICATIONS

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

Filed

- 12-162 From the Town of Milton, acknowledging receipt of Kingston City Council's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement (CETA).
(File No. CSU-F00-000-2012)

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- 12-163 From the City of St. Thomas, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the City of St. Thomas passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-164 From Go Italian, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 2815 Princess Street.
(File No. CSU-P09-000-2012)
- 12-170 From the Township of Wellington North, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Township's Council passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-171 From the Town of Arnprior, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Town's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-172 From the Township of Manitouwadge, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Township's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-173 From the City of Owen Sound, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the City of Owen Sound's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-176 From the Municipality of West Nipissing, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Municipality's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-177 From the Committee of Adjustment, a Notice of Decision for the following applications:
- MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 76-26 for the property at 4146 Bath Road, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 16, 2012.
- CONSENT – In respect of an application for consent to sever the property at 471 Catarauqui Woods Drive, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is April 17, 2012.

In respect of an application to request permission under Section 45(2) of the *Planning Act* for the property at 253 Queen Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 17, 2012.

(File No. CSU-D19-000-2012)

Referred to All Members of Council

- 12-165 From AMO, providing AMO's breaking news regarding 2012 AMO New Feed-in Tariff Program Rules Changed.
(File No. CSU-E11-000-2012)
(Distributed to all Members of Council on March 23, 2012)
- 12-166 From AMO, providing AMO Urban Symposium Program Update with respect to old age.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on March 23, 2012)
- 12-167 From the Township of Havelock-Belmont-Methuen, providing a resolution that the Township's Council passed regarding the Ontario Wildlife Damage Compensation Program.
(File No. CSU-C10-000-2012) (File No. CSU-P14-000-2012)
(Distributed to all Members of Council on March 23, 2012)
- 12-168 From AMO, providing notice of two municipal learning workshops for April and May 2012.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on March 23, 2012)
- 12-169 From the City of Mississauga, providing a resolution that the City of Mississauga's Council passed regarding Telecommunication Tower/Antenna Facilities Interim Protocol.
(File No. CSU-A12-000-2012)
(Distributed to all Members of Council on March 27, 2012)
- 12-174 From Andrea Risk, Chair, Kingston Police Services Board, providing an update with respect to Deferred Motions No. (1), regarding the Nottawasaga Police Services Board's resolution supporting the reinstatement of photo radar.
(File No. CSU-C10-000-2012)
(Distributed to all Members of Council on March 28, 2012)
(See Deferred Motions, No (1))
- 12-175 From the Kingston Arts Council, advising Council that Brett Christopher will be appointed to the Arts Advisory Committee.
(File No. CSU-C12-000-2011)
(See Miscellaneous Business Item No. 1)

(Distributed to all Members of Council on March 28, 2012)



OTHER BUSINESS



BY-LAWS

(A) **THAT** By-Laws (1) through (3) and (8) be given their first and second reading.

(B) **THAT** By-Laws (3) through (8) be given their third reading.



- (1) A By-Law to Amend By-Law No. 2010-205 "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston" (To Establish the Sustainable Kingston Corporation)
FIRST AND SECOND READINGS PROPOSED NO. 2012-70
(See Clause (1), Report No. 47)
- (2) A By-Law to Amend By-Law No. 2010-205 "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston" (To Delete FOCUS Kingston Steering Committee Mandate)
FIRST AND SECOND READINGS PROPOSED NO. 2012-71
(See Clause (1), Report No. 49)
- (3) A By-Law to Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law" to Remove the '-H' Holding Symbol Related to the 'LDR/I' and 'LDR*15' Zones (J.A. Pye Ontario Ltd. - Lyndenwood Phase 4, Stage 5, in the City of Kingston)
THREE READINGS PROPOSED NO. 2012-72
(Delegated Authority)
- (4) A By-Law to Approve the Renaming of the Portion of Barrack Street Between King Street and the Street End of Barrack Street East of Ontario Street to Tragically Hip Way
THIRD READING PROPOSED NO. 2012-58
(See Clause (1), Report No. 32)
- (5) A By-Law to Establish the 2012 Tax Capping Limits
THIRD READING PROPOSED NO. 2012-65
(See Clause (3), Report No. 44)
- (6) A By-Law to Establish the 2012 Tax Ratios
THIRD READING PROPOSED NO. 2012-66
(See Clause (4), Report No. 44)

Kingston City Council Meeting No. 2012-12

Agenda

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- (7) A By-Law to Amend By-Law No. 2010-1, "Council Procedural By-Law" (Amend Section 14.37 – Challenging the Chair).
THIRD READING PROPOSED NO. 2012-67
(See New Motions, Item (1), March 6, 2012)
- (8) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, April 3, 2012
THREE READINGS PROPOSED NO. 2012-73
(City Council Meeting No. 2012-12)



ADJOURNMENT