



CITY COUNCIL MEETING NO. 2012-04

Tuesday, January 10, 2012 at 5:30 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

Page No.

| | |
|---|-------------------------------|
| Call Meeting to Order | 3 |
| Roll Call | 3 |
| Committee of the Whole "Closed Meeting" | 3 |
| Approval of Addeds | 3 |
| Disclosure of Potential Pecuniary Interest..... | 3 |
| Presentations | 3 |
| Delegations | 4 |
| Briefings | 4 |
| Petitions..... | 4 |
| Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery | 4 |
| Deferred Motions | 4 |
| Report No. 17: Received from the CAO (Consent) | 5 - 7 |
| (a) 2012 Municipal Borrowing By-Law (12-013) | schedule pages 1 – 5 |
| (b) 2012 Interim Tax Levy (12-014) | schedule pages 6 - 14 |
| (c) F31-TPES-TS-FL-2011-20 – One (1) 7 Passenger Mini Van | schedule pages 15 - 16 |
| (d) Brewers Retail Inc. Operating as "The Beer Store" – Noise Exemption (12-023) | schedule pages 17 – 20 |

AGENDA

Page No.

- (e) Ministry of Transportation – Noise Exemption Request Highway 401 Road Construction (12-025) **schedule pages 21 – 26**
- (f) Noise Exemption Request – Howe Island Mainland Ferry Terminal (12-026) .. **schedule pages 27 – 32**
- (e) Execution of an Agreement with Queen’s University and the Ontario Human Rights Commission (OHRC) to Host a Municipal Event to launch the OHRC’s Zoning By-law Handbook (12-052) **schedule pages 33 – 37**

Report No. 18: Received from the CAO (Recommend) 8

- (1) Capital Investment for the Development of Affordable Housing (12-045) **schedule pages 38 - 45**

Report No. 19: Received from the Environment, Infrastructure & Transportation Policies Committee..... 9 - 11

Committee of the Whole 12

Information Reports 12

Miscellaneous Business 12

New Motions..... 12

Notices of Motion..... 12

Minutes..... 12

Tabling of Documents..... 12

Communications..... 13 & 14

Other Business 14

By-Laws..... 14 & 15

Adjournment 15

(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 or disposition of land by the municipality or local board – Federal Divestitures;
 - (b) A proposed or pending acquisition or disposition of land by the municipality or local board – John Counter Boulevard Road Widening
 - (c) Advice that is subject to solicitor-client privilege, including communications necessary for the purpose, potential litigation affecting the municipality, and a proposed or pending acquisition of land by the municipality - Cataraqui West Subdivision;

- (2) **THAT** Council rise from the Committee of the Whole “Closed Meeting” without reporting.



APPROVAL OF ADDEDS



DISCLOSURE OF POTENTIAL PECUNIARY INTEREST



PRESENTATIONS

1. Mr. Harry Jemmett, Vice President of the Board of Directors for the Kingston and District Sports Hall of Fame, will present the inductees for 2012.
(Note: Council agreed to allow this presentation by way of a motion on December 20, 2011.)



DELEGATIONS



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

Motions of Condolence



DEFERRED MOTIONS



REPORTS

REPORT NO. 17: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 17

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) 2012 Municipal Borrowing By-Law

THAT a by-law be presented to council and given three readings to authorize the municipality to borrow up to \$149,000,000 during the January 1, 2012 to September 30, 2012 period and up to \$74,500,000 during the October 1, 2012 to December 31, 2012 period in order to finance the City's current operating expenditures on an interim basis. (The Report of the City Treasurer (12-013) is attached as Schedule Pages 1-5) (File No. CSU-F11-000-2012) **(See By-Law No. (2), 2012-29)**

b) 2012 Interim Tax Levy

THAT a by-law be presented for three readings to provide for the levying and collecting of 2012 interim property taxes, including:

- a. that the 2012 interim tax bill be no greater than 50% of the 2011 taxes levied;
- b. that the rates be as specified in Appendix A attached hereto;
- c. that the due date for interim taxes be February 29, 2012;
- d. that various payment options be provided; and
- e. that late payment charges be added to taxes that are in default.

(The Report of the City Treasurer (12-014) is attached as Schedule Pages 6-14) (File No. CSU-F22-000-2012) **(See By-Law No. (3), 2012-30)**

REPORTS CONTINUED

REPORT NO. 17: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

c) F31-TPES-TS-FL-2011-20 – One (1) 7-Passenger Mini Van

THAT the RFP F31-TPES-TS-FL-2011-20 for the purchase of one 7-passenger minivan be awarded to Vaughn Chrysler for the purchase price of \$19,702 plus applicable taxes.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-051) is attached as Schedule Pages 15-16)
(File No. CSU-V00-000-2012)

d) Brewers Retail Inc. Operating as “The Beer Store” - Noise Exemption

THAT Brewers Retail Inc. operating as “The Beer Store” be granted an exemption to the noise control by-law in accordance with section 3.4 of By-Law No. 2004-52, “A By-Law To Regulate Noise” to permit noise between the hours of 7:00 p.m. and 9:00 p.m. Monday to Friday but not on any Statutory Holiday at its 121 Cataraqui Street location for a maximum of 12 weekdays per 12 month calendar year, with no more than 1 weekday exemption per calendar month.

(The Report of the Commissioner of Sustainability and Growth (12-023) is attached as Schedule Pages 17-20)
(File No. CSU-P01-001-2012)

e) Ministry of Transportation – Noise Exemption Request Highway 401 Road Construction

THAT the Ministry of Transportation be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule “B” of By-Law 2004-52, “A By-Law to Regulate Noise”, to permit road construction on Highway 401 from 3.5 km west of County Road 38 (interchange 611) to 0.4 km west of County Road 4 (interchange 593) between the hours of 7:00 p.m. until 7:00 a.m. commencing on April 1, 2012 and continuing until November 13, 2013 but not on any Friday after noon, Saturday, Sunday before midnight, or Statutory Holiday.

(The Report of the Commissioner of Sustainability and Growth (12-025) is attached as Schedule Pages 21-26)
(File No. CSU-P01-001-2012)

f) Noise Exemption Request – Howe Island Mainland Ferry Terminal

THAT The Ministry of Transportation be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under the City of Kingston Noise Control By-Law 2004-52 Schedule “B”, in order to allow for rehabilitation of the Howe Island Ferry mainland terminal located at the southerly terminus of the Howe Island Ferry Road between the

REPORTS CONTINUED

REPORT NO. 17: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

hours of 7:00 p.m. and 7:00 a.m. between March 1, 2012 and May 15, 2012 excluding Sundays and Statutory Holidays; and

THAT this activity be permitted only for 10 days during the exemption period and that the applicant provides the Manager, Licensing and Enforcement Division, 48 hours notice before the exemption is being utilized.

(The Report of the Commissioner of Sustainability and Growth (12-026) is attached as Schedule Pages 27-32)

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


g) Execution of an Agreement with Queen's University and the Ontario Human Rights Commission (OHRC) to Host a Municipal event to launch the OHRC's Zoning By-law Handbook

THAT Council authorize the Mayor and Clerk to enter into an agreement with the Ontario Human Rights Commission (OHRC) and Queen's University, to the satisfaction of the Director of Legal Services, to co-host the launch of the OHRC's Zoning By-Law Handbook; and,

THAT staff be directed to assist the OHRC and Queen's University in coordinating the event, including registration and all other related matters.

(The Report of the Commissioner of Sustainability and Growth (12-052) is attached as Schedule Pages 33-37)

(File No. CSU-M02-000-2012)



REPORTS (CONTINUED)

**REPORT NO. 18: RECEIVED FROM THE CHIEF ADMINISTRATIVE OFFICER
(RECOMMEND)**

Report No. 18

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1) Capital Investment for the Development of Affordable Housing

THAT Council approve funding to Engcon for the creation of ten (10) affordable rental units for seniors for a period of fifteen years on Canatara Court in the amount of \$539,500 from the Affordable Housing Construction Reserve; and

THAT the Affordable Housing Construction Reserve be repaid at the rate of \$107,900 per year, starting in 2012, from the Affordable Housing Capital Fund which will receive \$1M per year within the capital budget; and

THAT Council pass "A By-Law To Permit Council To Enter Into A Loan Agreement With Engcon For The Provision Of Affordable Housing At Canatara Court"; and

THAT Council authorize the Mayor and Clerk to execute all required agreements and security documents for the provision of this funding in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Community Services (12-045) is attached as Schedule Pages 38-45)

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

(See By-Law No. (1), 2012-28)



REPORTS (CONTINUED)

REPORT NO. 19: RECEIVED FROM THE ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE

Report No. 19

To the Mayor and Members of Council:

The Environment, Infrastructure and Transportation 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) Sanitary Sewer Back Ups – Flooding Private Side Extraneous Flow Reduction Program

THAT Council for the City of Kingston approve the following programs and actions:

1. The 'Private-Side Extraneous Flow Reduction Program', consisting of a Preventative Plumbing Program, Downspout Disconnection Program and Sump Pump Disconnection Program, be approved for development and implementation starting in 2012.
2. The 'Public-Side Extraneous Flow Reduction Program'.
3. The principle and adoption of suitable practices to ensure, where possible, that elimination of extraneous flows to the sanitary system is maximized as part of any capital reconstruction affecting the sanitary system.
4. That application of mandatory backflow prevention devices in all new homes be reviewed and reported back to Council by staff by 2012.
5. The Public Education Package on basement flooding.
6. The proactive enforcement of the Sewer Use By-Law No. 2008-192 as it relates to illegal connections and the elimination of extraneous flows that contribute to basement flooding.
7. A review of existing policies and practices to determine their collective effectiveness or shortcomings in supporting activities to reduce flooding of all kinds, including both sewage backups and storm- and ground-water flooding.

The Recommendation Report of the President & CEO, Utilities Kingston (EITP-12-003) was attached to the EITP agenda as Schedule Pages 3-41.

REPORTS (CONTINUED)

REPORT NO. 19: RECEIVED FROM THE ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE continued

2) Direction to the Kingston Environmental Advisory Forum (KEAF)

WHEREAS Climate Change influences may be causing negative impacts on City infrastructure (ie. Flood events, etc.) and the Kingston Environmental Advisory Forum (KEAF) has a group of specialists researching aspects, trends and effects of climate change;

THEREFORE BE IT RESOLVED THAT the Kingston Environmental Advisory Forum (KEAF) be directed to report their findings to the Environment, Infrastructure and Transportation Policies Standing Committee at such a time as they have sound date; and

THAT if possible, a recommendation and/or definition of 'Normal' events and trends be included.

3) Water Efficiency Retrofit Incentive Program

Recommendation #1

THAT the following recommendation within Report EITP-12-004, without consideration of the social housing piece, be recommended to Council for approval:

THAT Council approve a Water Efficiency Retrofit Incentive Program that offers both prescriptive incentives that offer a set dollar amount per measure and custom incentives that offer \$5/m³ of annual water and sewer savings up to a maximum of 20% of eligible project costs. This new program will expand the water conservation measures eligible for funding to include measures other than toilet retrofits in multi-residential buildings.

Recommendation #2

THAT the following recommendation within Report EITP-12-004, with consideration given to the social housing piece, be recommended to Council for approval:

THAT Council approve a Water Efficiency Retrofit Incentive Program that offers both prescriptive incentives that offer a set dollar amount per measure and custom incentives that offer \$5/m³ of annual water and sewer savings up to a maximum of 20% of eligible project costs. This new program will expand the water conservation measures eligible for funding to include measures other than toilet retrofits in multi-residential buildings.

The Recommendation Report of the President & CEO, Utilities Kingston (EITP-12-004) was attached to the EITP agenda as Schedule Pages 42-48.

REPORTS (CONTINUED)

REPORT NO. 19: RECEIVED FROM THE ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE continued

4) Community Greenhouse Gas Emissions Inventory Updates

THAT the City of Kingston Community Greenhouse Gas Emission Inventory Report for 2006 to 2009 be accepted; and

THAT the Kingston Environmental Advisory Forum (KEAF) be requested to examine the inventory and its associated recommendations and develop a Local Action Plan for climate change mitigation and adaptation; and

THAT KEAF recommend a Local Action Plan back to the Environment Infrastructure and Transportation Polices Committee by September 2012; and

THAT staff continue to undertake annual updates to the Community Greenhouse Gas Emissions Inventory.

The Recommendation Report of the Commissioner, Sustainability & Growth (EITP-12-005) was attached to the EITP agenda as Schedule Pages 60-124.



COMMITTEE OF THE WHOLE



INFORMATION REPORTS



MISCELLANEOUS BUSINESS

Motions of Council are required:



NEW MOTIONS




NOTICES OF MOTION




MINUTES

THAT the Minutes of City Council Meeting No. 2012-02, held Tuesday, December 13, 2011 and City Council Meeting No. 2012-03, held Tuesday, December 20, 2011 be confirmed.
(Distributed to all Members of Council on Friday, January 6, 2012)



TABLING OF DOCUMENTS

- 2012-14 Cataraqui Region Conservation Authority
Minutes – November 30, 2011
(File No. CSU-D03-000-2012)
 - 2012-15 Committee of Adjustment
Minutes – October 24, 2011
(File No. CSU-D19-000-2012)
 - 2012-16 Committee of Adjustment
Minutes – November 28, 2011
(File No. CSU-D19-000-2012)
- 

COMMUNICATIONS

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

Filed

- 04-036 From Mary Gallagher, Manager of Legislative Services/Deputy Clerk, City of Hamilton, acknowledging receipt of Council's resolution regarding the development of a youth strategy that promotes diversity and tolerance and provides inclusive programs and services for all young people.
(File No. CSU-S07-000-2012)
- 04-037 From Dalton McGuinty, Premier of Ontario, acknowledging receipt of Council's resolution regarding the development of a youth strategy that promotes diversity and tolerance and provides inclusive programs and services for all young people.
(File No. CSU-S07-000-2012)

Referred to All Members of Council

- 04-038 From the Corporation of the Municipality of Clarington, asking for Council's support of a resolution adopted by the Municipality of Clarington's Council with respect to special provincial funding to cover municipal deficits.
(File No. CSU-C10-000-2012)
- 04-039 From the Corporation of the Municipality of Clarington, asking for Council's support of a resolution adopted by the Municipality of Clarington's Council to request for provincial regulations regarding commercial fill operations.
(File No. CSU-C10-000-2012)
- 04-040 From AMO, providing the Municipal Employer Pension Centre of Ontario Annual Report 2010.
Note: A copy of the Annual Report is available at the Clerk's Department
(File No. CSU-H02-000-2012)
- 04-042 From the Cataraqui Region Conservation Authority, requesting an invitation from Council to speak at the City Council meeting on January 24, 2012, with respect to the Draft Source Protection Plan.
(File No. CSU-D03-000-2012)
- 04-043 From the Kingston & District Sports Hall of Fame, inviting the Mayor and members of Council to attend a reception in Memorial Hall on January 10, 2012 at 6:30 pm to 8:30 pm for the 2012 inductees presentation.
(File No. CSU-R03-000-2012)

- 04-045 From Nottawasaga Police Services Board, asking for Council's support of a resolution adopted by the Nottawasaga Police Services Board with respect to the use of photo radar.
(File No. CSU-C10-000-2012)

Referred to all Members of Council and the City Treasurer

- 04-044 From the Cataraqui Region Conservation Authority, (CRCA), providing details of their draft budget for 2012.
(File No. CSU-D03-000-2012)

Referred to the Director of Legal Services

- 04-041 From Utilities Kingston, regarding the Execution of Contract UK-12-02, Gas Services and General Gas Construction.
(File No. CSU-E06-000-2012)




OTHER BUSINESS



BY-LAWS

- (A) **THAT** By-Laws (1) through (5) and (9) be given their first and second reading.
- (B) **THAT** Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Laws (2) and (3) three readings.
- (C) **THAT** By-Laws (2) through (9) be given their third reading.


- 
- (1) A By-Law to Permit Council to Enter Into a Municipal Contribution Agreement with Engcon for the Provision of Affordable Housing at Canatara Court in Kingston.
FIRST AND SECOND READINGS PROPOSED NO. 2012-28
(See Clause (1), Report No. 18)
- (2) A By-Law to Authorize the Municipality to Borrow Up to \$149,000,000 During the January 1, 2012 to September 30, 2012 Period and Up to \$74,500,000 During the October 1, 2012 to December 31, 2012 Period in Order to Finance the City's Current Operating Expenditures on an Interim Basis.
THREE READINGS PROPOSED NO. 2012-29
(See Clause (a), Report No. 17)

Kingston City Council Meeting No. 2012-04

Agenda

Tuesday, January 10, 2012

Page 15

-
- (3) A By-Law to Provide for an Interim Tax Levy; Payment of Taxes by Instalment; Penalty and Interest at One and One Quarter Percent Monthly on Tax Arrears.
THREE READINGS PROPOSED NO. 2012-30
(See Clause (b), Report No. 17)
- (4) A By-Law to Exempt Certain Lands on Registered Plan 13M-80 from the Provisions of Section 50 (5) of the *Planning Act* R.S.O. 1990, Chapter P.13, and Amendments Thereto (Lots 10 - 24, Registered Plan 13M-80, municipally known as 2633 - 2691 Delmar Street, for the purpose of dividing the lots into two parcels to facilitate the sale of the semi-detached dwellings).
THREE READINGS PROPOSED NO. 2012-31
(Delegated Authority)
- (5) A By-Law to Amend By-Law No. 32-74, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh" to Remove the 'H' Holding Symbol Related to the 'Limited Service Residential' (LSR) Zone(3121 Highway 2 East, Plan 487 Lot 8 RP 13R3529 Part 8)
THREE READINGS PROPOSED NO. 2012-32
(Delegated Authority)
- (6) A By-Law to Amend By-Law No. 2010-128, "A By-Law to Regulate Parking".
THIRD READING PROPOSED NO. 2012-12
(See Clause (2), Report No. 9)
- (7) A By-Law to Amend By-Law No. 2005-260, "A By-Law Regarding the Levying of Special Rates and the Charging of Fees for Waste Management Services".
THIRD READING PROPOSED NO. 2012-14
(See Clause (5), Report No. 9)
- (8) A By-Law to Declare Surplus and Dispose of the Lands Known as Parts 2, 3, 4 and 5 13R-14798 and Parts 1, 2, 3, and 4 13R-18261, More Particularly Described as the Lands Denoted on the Attached Schedule A.
THIRD READING PROPOSED NO. 2012-2
(See Clause (g), Report No. 1)
- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, January 10, 2012
THREE READINGS PROPOSED NO. 2012-33
(City Council Meeting No. 2012-04)
- 

ADJOURNMENT