



City Council Meeting 2015-03

Tuesday, December 16, 2014 at 6:00 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 p.m.

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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:
 - a) Education and advice that is subject to solicitor-client privilege including communications necessary for the purpose – Municipal Act and other legal requirements regarding open and closed session meetings of Council;
 - b) Personal matters about an identifiable individual, including municipal or local board employees – Poet Laureate;
 - c) A proposed or pending acquisition or disposition of land by the Municipality or Local Board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Federal Divestitures;
 - d) Personal matters about an identifiable individual, including municipal or local board employees – CAO Performance Review Process.
2. **That** Council rise from the Committee of the Whole “Closed Meeting” without reporting.

Approval of Addeds

Disclosure of Potential Pecuniary Interest

Presentations

- 1) Paul Carl will conduct a smudging ceremony in recognition of the relationship between the City of Kingston and the First Nations, Metis and Inuit people that work, live and visit Kingston.

Delegations

- 1) Brian Osborne, a member of Kingston Association of Museums, Art Galleries, and Historic Sites Inc. Board of Directors and Chair of the Heritage Fund Grants Review Committee will appear before Council to speak to Clause g), Report number 1, Received from Chief Administrative Officer (Consent), Kingston Heritage Fund.
- 2) Dr. Stephen C. Lougheed, Professor of Biology and Environmental Studies, Queen’s University and Baillie Family Chair in Conservation Biology and Dr. Susan Irving will appear before Council to speak to New Motion 7, Received from Councillor Osanic and Councillor Neill with respect to the turtle mortality mitigation project.

Briefings

Petitions

- 1) A petition bearing approximately 115 signatures was presented at the Planning Committee Meeting and received by the Clerk's Department and reads as follows:

"As residents of Wycliffe Crescent and Rockford Place, we the undersigned, request an increased separation distance, sound barrier and modifications to the current proposed site plan to take into consideration our concerns as outlined in the document 'Report of Concerns and Petition from the Wycliffe Crescent and Rockford Place Residents in regards to Proposed Business Park Commercial Development at 1122 John Counter Blvd & Proposed By-Law Amendment'."

Referred to the Commissioner of Community Services

- 2) A petition bearing approximately 41 signatures was presented at the Planning Committee Meeting and received by the Clerk's Department and reads as follows:

"Great Oak Montessori – Support for new Childcare Facility and Private School located at 1292 Highway 15, Kingston, Ontario K7L 0C4."

Referred to the Commissioner of Community Services

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

Motion of Condolences

Moved by Mayor Paterson

Seconded by Councillor Candon

That the condolences of Kingston City Council be extended to the friends and family of Melissa Boulton, Administrative Assistant in Facilities Management & Construction Services on the sudden passing of her husband, Aaron Boulton on December 6, 2014. Aaron will be dearly missed by all those that knew him. Our thoughts are with Melissa and her family during this difficult time.

Deferred Motions

Reports

Report Number 1: Received from the Chief Administrative Officer (Consent)

Report Number 1

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) International Hockey Hall of Fame and Museum Inc. – License Extension at the INVISTA Centre, 1350 Gardiners Road

That Council authorize the Mayor and the Clerk to execute all necessary agreements and other documents as may be required to amend and extend the license agreement with the International Hockey Hall of Fame and Museum Inc., to occupy 1,450 square feet of space as shown in Exhibit A (attached to Report Number 15-016) for the annual rate of \$1.00 for a term of five years (2015 to 2019), with an option for one additional term of five years (2020 to 2024), in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Community Services (15-016) is attached as Schedule Pages 1 - 26)

(File Number CSU-L15-000-2015)

b) Appointment of Chief Building Official and Deputy Chief Building Official

That a by-law be presented to Council to amend By-Law Number 98-8 “A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston”, replacing Terry Willing in subsection 5 to read “Del Stowe is hereby appointed Chief Building Official for the purpose of enforcement of the Building Code Act, R.S.O. 1992, Chapter B.13, in the City of Kingston, effective December 16, 2014”; and

That a by-law be presented to Council to amend By-Law Number 98-8 “A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston”, replacing Del Stowe in subsection 5 a) to read “Lisa Capener-Hunt is hereby appointed Deputy Chief Building Official for the purposes of the enforcement of the Building Code act, as amended, in the City of Kingston, effective December 16, 2014”.

(See By-Law Number (6), 2015-08)

(The Report of the Commissioner of Community Services (15-020) is attached as Schedule Pages 27 - 31)

(File Number CSU-C12-000-2015)

c) Community Investment Fund 2014 Recommendations

That Council approve the fourteen (14) 2014 Community Investment Fund grant recommendations (attached to Report Number 15-014 as Exhibit A) for a total of \$170,320 which is included in the 2014 operational budget.

(The Report of the Commissioner of Community Services (15-014) is attached as Schedule Pages 32 - 39)

(File Number CSU-F25-000-2015)

d) Delegated Approval and Signing Authority

That Council:

1. Delegate Authority to the Commissioner, Community Services or her delegates, to review and recommend for execution, subject to legal review and budget confirmation:
 - a. Service Agreements with the Province or its agents, including the Ministry of Municipal Affairs and Housing, Canada Mortgage and Housing Corporation, Ministry of Community and Social Services, Ministry of Children and Youth Services, Ministry of Education, Ministry of Health and Long Term Care and the South East Local Health Integration Network, for funding and cost-shared programs and initiatives including the delivery of social assistance, social housing, homelessness, child care, municipal homemaking, health and long-term care;
 - b. Service Agreements with Service Providers, including private corporations and entities, for services related to the identified programs and service delivery, including provincially selected/recognized technology, information services and data suppliers;
 - c. Affiliation Agreements with educational institutions and training agencies;
 - d. Service Agreements between the City and Service Providers, including private corporations and entities, for provision of 100% municipally funded social services essential and/or beneficial to the wellbeing of the community, and funded through the municipal operating budget of the following classes: funding for rent supplements, the seniors' centre, eviction prevention, enhanced emergency hostel services, homeless services and residential housing supports;
 - e. Service Agreements with Service Providers, including private corporations and entities, for services associated with municipal

- emergency response and reception centre operations including: registration, inquiry, food, clothing, lodging, first aid, communications, special needs, psychosocial support services, animal care and other related services as outlined in the City of Kingston's Emergency Plan under the responsibilities of Community Services;
- f. Service Agreements with Service Providers, including private corporations and entities, implemented to provide health care and support services to residents pursuant to regulatory requirement that do not exceed \$50,000 in expenditure out of the municipal budget; and
2. Authorize the Mayor and Clerk, following the review and recommendation by staff, including the City Solicitor, to execute:
- a. Service Agreements with the Province or its agents, for funding and cost-shared programs and initiatives;
 - b. Service Agreements between the City and Service Providers, including private corporations and entities, for services related to the identified programs and service delivery, including provincially selected/recognized technology, information and data suppliers;
 - c. Affiliation Agreements with educational institutions and training agencies;
 - d. Service Agreements between the City and Service Providers, including private corporations and entities, for provision of 100% municipally funded social services essential and/or beneficial to the wellbeing of the community, and funded through the municipal operating budget;
 - e. Service Agreements with Service Providers, including private corporations and entities, for services associated with municipal emergency response and reception centre operations as outlined in the City of Kingston's Emergency Plan under the Community Services' responsibilities;
 - f. Grant Applications and Agreements, providing that they are time sensitive and they support and/enhance an existing service and/or program and is within the approved operational budget; and

That Council delegates approval and signing authority for budget schedules, contract addenda, service description documents, contract amendments and any agreements necessarily containing personal information of individual recipients, to the Commissioner, Community Services or her delegates, it being understood that these documents will be in a form satisfactory to the City Solicitor and consistent within approved municipal budgets; and

That Council direct staff to bring forward for Council's consideration, prior to any commitments being made on behalf of the City, as well as to the Rural-Urban Liaison Advisory Committee (RULAC) where possible and applicable, any new initiatives or exceptional undertakings that have appreciable policy implications, service level adjustments and/or significant financial implications for the City related to these service areas; and

That this delegation of authority be for the Term of Council (December 1, 2014 to November 30, 2018).

(The Report of the Commissioner of Community Services (15-001) is attached as Schedule Pages 40 - 46)

(File Number CSU-S00-000-2015)

e) Capital Investment in Affordable Housing Program – Abbeyfield Houses Society of Kingston – Funding Termination

That Council approve the by-law attached as Exhibit A, "A By-Law to Repeal By-Law 2012-180, being a By-Law to Terminate the Municipal Contribution Agreement with Abbeyfield Houses Society of Kingston" to Report Number 15-009; and

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 termination of the Municipal Contribution Agreement entered into with Abbeyfield Houses Society of Kingston as required and to the satisfaction of the Director of Legal Services; and

That Council authorize the Mayor and Clerk to execute all document and agreements related to the termination of the funding as outlined in this report as approved by the Commissioner, Community Services, or her delegate.

(See By-Law Number (7), 2015-09)

(The Report of the Commissioner of Community Services (15-009) is attached as Schedule Pages 47 - 51)

(File Number CSU S18-000-2015)

f) Renewal of Ontario Parcel Mapping – Teranet Enterprises Inc.

That Council authorize the Mayor and Clerk to execute a subscription agreement for the provision of property and ownership mapping with Teranet Enterprises Inc. for an additional 5 year term based on a set annual fee not to exceed \$11,608, subject to the satisfaction of the Director of Legal Services.

(The Report of the Chief Financial Officer and City Treasurer (15-002) is attached as Schedule Pages 52 - 55)

(File Number CSU A23-000-2015)

g) Renewal of Service Level Agreement between the City of Kingston and the Kingston Association of Museums, Art Galleries and Historic Sites (KAM) and Approval of the Project and Operating Grant Recommendations for the 2015 City of Kingston Heritage Fund

That the Mayor and Clerk be authorized to execute a Service Level Agreement between the City of Kingston and the Kingston Association of Museums, Art Galleries and Historic Sites (KAM) acceptable to the Director of Legal Services that identifies the services to be provided by KAM and the associated funding to be issued by the City of Kingston for those services; and

That Council approve the recommendations submitted by the Kingston Association of Museums, Art Galleries and Historic Sites with regard to the 2015 City of Kingston Heritage Fund in support of both project and operating grants as outlined in the 'Year End Report to City of Kingston, November 2014', Appendix A; and

That the Kingston Association of Museums, Art Galleries and Historic Sites be directed to release the project and operating grant funds totaling \$238,245.45 to the successful applicants; and

That funding in the amount of \$65,000 from the Working Fund Reserve be approved as one-time funding for the Heritage Fund in 2014 in order to address budget approval timing differences between the Marine Museum of the Great Lakes and the Heritage Fund program.

(The Report of the Commissioner of Corporate and Strategic Initiatives (15-006) is attached as Schedule Pages 56 - 73)

(File Number CSU L04-000-2015)

h) Kingston's Brownfield Strategy 2005-2014 and Opportunities for Municipal Acquisition and Remediation of Brownfield Properties

That Council direct staff to continue to assess the feasibility of municipal ownership and remediation of the failed tax sale property at 1100 Montreal Street; and

That a report to Council be provided by April 1, 2015 providing any recommendations derived from the additional assessment.

(The Report of the Commissioner of Corporate and Strategic Initiatives (15-015) is attached as Schedule Pages 74 - 94)

(File Number CSU E05-001-2015)

i) Question on the Ballot – Locating a Casino in Kingston – Results

That the Ontario Lottery and Gaming Corporation be advised that:

- the City of Kingston has consulted with the public through inclusion of a question on the ballot in the 2014 municipal election with respect to placement of a gaming site in Kingston;
- the results of the vote on the question were 23,607 electors or 67.09% voting No; 11,580 electors or 32.91% voting Yes;
- the number of eligible voters was 90,179; 35,187 electors voted on the question, resulting in a turnout of 39.02%; and
- as a result, the public input received through the ballot question does not support a placement of a gaming site in Kingston. The results of the vote provide insufficient indication that the public is in favour of the placement of a gaming site in Kingston. This is due to both (i) the lack of a 50% or greater vote on the question and (ii) the opposition of 67.09% of votes cast to the concept.

(The Report of the Chief Administrative Officer (15-027) is attached as Schedule Pages 95 - 98)

(File Number CSU P09-000-2015)

j) Annual Amendment to Fees and Charges By-Law 2005-10

That a by-law be presented for all three readings to amend By-Law 2005-10 "A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston", as amended, in order to establish fees and charges for 2015.

(See By-Law Number (8), 2015-10)

(The Report of the Chief Financial Officer and City Treasurer (15-013) is attached as Schedule Pages 99 - 153)

(File Number CSU F21-000-2015)

k) Award of Contract – Financial Management System

That the contract for the Financial Management System (FMS) be awarded to Tyler Technologies Inc. to implement and support Phase 1 of a new financial management system at a cost not to exceed \$1,300,000 excluding HST; and

That Tyler Technologies Inc. be confirmed as a “vendor of record” for the purpose of acquiring additional FMS user licenses, software modules and implementation services to expand the capability of the FMS in City departments and Utilities Kingston; and

That annual software support and maintenance expenses for year two and onward estimated at \$113,825 plus annual increases, be included in future operating budgets; and

That Council authorize the Mayor and Clerk to execute the Phase 1 contract for software and implementation services with Tyler Technologies Inc. for the provision of a Financial Management System in a form satisfactory to the Director of Legal Services; and

That Council authorize the Mayor and Clerk to execute subsequent contracts with Tyler Technologies Inc. for additional software modules and implementation services, as recommended by the Chief Information Office (CIO), subject to budget approval and in a form satisfactory to the Director of Legal Services; and

That the Chief Information Officer (CIO) be delegated authority to enter into and execute related maintenance and support agreements with Tyler Technologies, subject to annual review and in a form satisfactory to the Director of Legal Services. (The Report of the Chief Financial Officer and City Treasurer (15-019) is attached as Schedule Pages 154 - 163)

(File Number CSU A23-000-2015)

l) Award of Contract - Cisco Network Equipment

That the contract for “Cisco Network Equipment supply and services” be awarded to Bell Canada to supply and implement the first phase of the City’s network upgrade project at a cost not to exceed \$121,656.61 excluding HST; and

That a Standing Purchase Order be established with Bell Canada for the purpose of acquiring additional Cisco network equipment and services for a period of 2 years with options to renew for a third and fourth year; and

That Council authorize the Mayor and Clerk to execute a contract, in a form satisfactory to the Director of Legal Services, with Bell Canada for the supply and service of Cisco network equipment.

(The Report of the Chief Financial Officer and City Treasurer (15-029) is attached as Schedule Pages 164 - 167)

(File Number CSU V08-000-2015)

Report Number 2: Received from the Chief Administrative Officer (Recommend)

Report Number 2

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1) Proposed Allocation of 2014/15 Community Homelessness Prevention Initiative (CHPI) Funding

That Council approve the additional \$1,113,869 funding allocation received under the Community Homelessness Prevention Initiative (CHPI) for 2014/15 to be used for the following purposes:

- a) To offset planned expenditures for 2015 from the Homelessness Plan Implementation Reserve in the amount of \$242,289, previously approved in Council Report Number 14-234 (attached as Exhibit B to Report Number 15-007). Expenses are related to extending 2014 service agreements for emergency shelters and related services;
- b) To increase capacity in those programs and services already approved by Council to advance the implementation of the 10-Year Plan by funding staff at the agencies delivering Prevention/Diversion; Housing Assistance/Emergency Shelter and Housing First /Rapid Re-housing Programs at a cost of \$300,000 for 2015 until such time as the City receives confirmation of the 2015/16 CHPI allocation after which, CHPI funding will be used to cover the cost;
- c) To contribute \$240,000 to homelessness services which were covered by municipal contribution for 2015 as approved in Report 14-234.
- d) To allocate \$111,386 to allowable administrative expenses under the CHPI funding guidelines to offset costs related to data collection, training and other administrative activities; and
- e) To apply the balance of CHPI funds in the amount of \$220,194 to enhance services for youth (16 to 24 years of age) who are homeless or at risk of homelessness by increasing funding to youth serving programs for Q2-Q4 2015 and until such time as the City receives confirmation of the 2015/16 CHPI allocation after which, CHPI funding will be used to cover the cost; and

That Council approve funding in the amount of \$226,033 from the Homelessness Implementation Plan Reserve to be provided to Ryandale Shelter for the Homeless to allow the program to continue to operate as an overflow shelter from July 1, 2015 to June 30, 2016; and

That Council approve funding in the amount of \$86,670 from the Local Services Realignment Reserve to be provided to The Gathering Place, Salvation Army

Community & Family Services, to allow the program to continue to operate through Q2- Q4 of 2015; and

That Council reconfirm the Strategic Direction #5: Cultivating Partnerships, in the 10-Year Municipal Housing and Homelessness Plan by directing staff to continue to work collaboratively with other agencies through a community table composed of other funding agencies such as United Way KFL&A, Community Foundation of Kingston and Area (CFKA), Government of Canada and other stakeholders to maximize collaborative funding to support the implementation of the Plan.

(The Report of the Commissioner of Community Services (15-007) is attached as Schedule Pages 168 - 209)

(File Number CSU F25-000-2015)

2) Investment in Affordable Housing (IAF) 2014 Extension Funds

That Council approve the proposed Investment in Affordable Housing for Ontario 2014 Extension Program Year 1 allocation as described in Exhibit A to Report Number 15-011 to be implemented through the 2015 budget; and

That Council direct staff to submit the Program Delivery and Fiscal Plan to the Province outlining the Year 1 funding allocation in accordance with the Service Manager Administration Agreement; and

That Council approve the amending by-law "A By-law to Amend By-law Number 14-137 Passed Under the City of Kingston Housing Facilities By-law"; and

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 delivery of funding as outlined in this report as required and to the satisfaction of the Director of Legal Services; and

That Council authorize the Mayor and Clerk to execute all documents and agreements related to the funding allocations outlined in this report as approved by the Commissioner of Community Services or her delegate.

(See By-Law Number (9), 2015-11)

(The Report of the Commissioner of Community Services (15-011) is attached as Schedule Pages 210 - 220)

(File Number CSU F25-000-2015)

3) Update – Federal Divestiture of Marie Museum Site

That council direct staff to continue to work with the Marine Museum of the Great Lakes and Public Works and Government Services Canada and report back to Council with an update before January 31, 2015

(The Report of the Commissioner of Community Services (15-024) is attached as Schedule Pages 231 - 249)

(File Number CSU R03-000-2015)

Report Number 3: Received from the Planning Committee

Report Number 3

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. Application for Zoning By-Law Amendment - 885 Haverhill Drive

That subject to public comments received from the Public Meeting, that the application for Zoning By-Law Amendment (Our File Number D14-087-2014) submitted by D. Hector, for the property located at 885 Haverhill Drive, be approved; and

That the City of Kingston Zoning By-Law Number 76-26, as amended, be further amended as follows:

1. Map 5 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'R1-3' to 'R1-69', as shown on Schedule "A" attached to and forming part of By-Law Number 2015-12.
- 1.2. By adding the following Section 12(3)(bm) as follows:
“(bm) R1-69 (885 Haverhill Drive)
Notwithstanding any provisions of Section 12 to the contrary, the lands zoned 'R1-69' on Schedule 'A' hereto, the following regulations shall apply:
 - (i) Additional Permitted Uses:
A Second Residential Unit
 - (ii) Prohibited Us:
Garden Suite;
Boarding House;
Lodging House.
 - (iii) Lot Area (minimum): 557 square metres
 - (iv) Lot Frontage (minimum): 16.76 metres
 - (v) Second Residential Unit
 - (a) Second Residential Unit Area:

A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (i) floor area occupied by mechanical, service and electrical equipment that serve the building;
- (ii) an open porch or balcony; and
- (iii) areas internal to the building that are intended for the storage of vehicles.

(b) Second Residential Units Per Dwelling House

(maximum): 1 only

(c) Access:

The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.14 metre wide unobstructed walkway from the front of the building to the access is provided.

(d) Accessory Uses, Parking Etc:

- (i) In addition to any other parking requirements, parking space(s) required by subsection 5(16)(a) of the By-Law shall be provided for the second residential unit. Notwithstanding anything to the contrary in this By-Law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;
- (ii) An additional driveway shall not be permitted for a second residential unit; and

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

(Note: A copy of the draft by-law is attached as Schedule Pages 250 – 254)

(See By-Law Number (10), 2015-12)

Note: Councillor George declared a pecuniary interest regarding the Application for Zoning By-Law Amendment 50 Hamilton Street as his company may have been retained by the applicant.

2. Application for Zoning By-Law Amendment - 50 Hamilton Street

That having considered the matter hereby determines that the changes in the application as reflected in the amending Zoning By-Law as presented at the Public Meeting of October 2, 2014 are minor; and

That Section 34(17) of the *Planning Act* provides for Council to determine if further notice is required when a change is made in a proposed by-law after the holding of a Public Meeting; and

That Council hereby determines that the giving of further notice is not required for the Zoning By-Law Amendment application for 50 Hamilton Street (D14-083-2014); and

That the application for Zoning By-Law Amendment (Our File Number D14-083-2014), submitted by Martin Mack Holdings Inc., for the property located at 50 Hamilton Street, be approved; and

That the City of Kingston Zoning By-Law Number 8499, as amended, be further amended as follows:

1. Map 19 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'A' to 'A.458', as shown on Schedule "A" attached to and forming part of By-Law Number 2015-13.

1.2. By adding a new subsection 458 to Part VIII - Exceptions To Various Zone Classifications thereto as follows:

"458. (50 Hamilton Street, 41 Linton Street)

Notwithstanding the provisions of Section 5 and 6 hereof to the contrary, the lands designated 'A.458' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Minimum Lot Area: 260 square metres
- (b) Minimum Rear Yard: 5.2 metres
- (c) Maximum Lot Coverage: 38%"

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

(Note: A copy of the draft by-law is attached as Schedule Pages 255 - 258)

(See By-Law Number (11), 2015-13)

3. Application for Draft Plan of Subdivision - Lyndenwood Subdivision Phase 5

That the application for Draft Plan of Subdivision (File Number D12-005-2013) submitted by Macaulay Shiomi Howson Ltd., on behalf of Caraco Development Corporation, for the property municipally known as 1374 Andersen Drive, be approved, subject to the following conditions:

1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision, prepared by Macaulay Shiomi Howson Ltd., dated July 25, 2014 which shows the following:

- 210 residential lots (Lots 1-210)
- 2 residential blocks (Blocks D and E)
- 1 block for parkland dedication (Block A)
- 1 block for commercial uses (Block B)
- 1 block for a Hydro Corridor and Stormwater Management Pond (Block C)
- 6 new roadways (Edward Riley Drive, Augusta Drive, Goodwin Drive, Celeste Drive, Andersen Drive and Max Crescent)

2. Streets and Civic Addressing:

- (a) That prior to Final Plan Approval, access to the site must be obtained from a public highway.
- (b) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (c) That the road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (d) That prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the Final Plan is registered and the final lot layout has been confirmed.
- (e) That for lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning and Development Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.

(f) That the Owner shall agree that the location and design of any construction access shall be approved by the City and/or the appropriate authority.

3. Reserves and Easements:

(a) That any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 metre reserve to be conveyed to the City free of all charges and encumbrances.

(b) That prior to Final Plan Approval, any required daylighting triangles shall be conveyed to the City free of all charges and encumbrances.

(c) That a parkland block, noted as Block A in the Draft Plan of Subdivision, shall be conveyed to the City of Kingston for park purposes, in a condition satisfactory to the City of Kingston and at no cost to the City of Kingston, and shall be fenced to the satisfaction of the City. Prior to Final Plan Approval, the City of Kingston will confirm parkland conveyance.

4. Financial Requirements:

(a) That the Owner agrees in writing to satisfy all of the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.

(b) That prior to Final Plan Approval, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.

(c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.

(d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies/Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

(a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.

(b) The Subdivision Agreement between the Owner and the Municipality is registered against the lands to which it applies once the Plan of Subdivision has been registered.

(c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

6. Engineering Drawings:

(a) That prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.

(b) That prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

7. Revisions to Draft Plan:

(a) That any further subdivision of blocks or additional road patterns on the Plan shall be completed to the satisfaction of the City.

(b) That prior to Final Plan Approval of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.

(c) That where final engineering design(s) result in minor variations to the Plan (i.e. in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

8. Phasing:

(a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.

(b) That the phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the City, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.

- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

9. H-Symbol Removal:

- (a) That prior to Final Plan Approval, the Owner shall apply to remove the Holding Symbol of the 'Open Space One' zone to permit the development of the stormwater management facility.
- (b) The Holding Symbol for the residential and commercial sites cannot be removed and building permits will not be issued until after the portion of the proposed Cataraqui Woods Drive extension has been constructed from Sydenham Road to Andersen Drive and all works associated with the proposed stormwater management facility are operational, including any required works on lands outside of the Draft Plan of Subdivision. This requirement will be included in the Subdivision Agreement.

10. Zoning By-Law Compliance:

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the *Planning Act*.
- (b) That prior to Final Plan Approval, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.
- (c) The Subdivision Agreement will include requirements indicating that building permits for Blocks D and E will not be issued until PCAUS has been issued for the abutting lands and the required road frontage is available.

11. Geotechnical Study:

- (a) That prior to Final Plan Approval, the Owner shall submit a Geotechnical Study, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

12. Environmental Site Assessment :

- (a) Provisions shall be included in the Subdivision Agreement that should site remediation be required to meet the applicable soil and ground water criteria made under Part XV.1 of the Environmental Protection Act (MOECC, as amended), the Owner shall submit to the City, prior to Final Plan Approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment and to the satisfaction of the City.
- (b) Provisions shall be included in the Subdivision Agreement that the Owner shall provide a report or Record of Site Condition prepared by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria made under Part XV.1 of the Environmental Protection Act (MOECC, as amended).

13. Archaeological Assessment:

- (a) That the Subdivision Agreement shall contain provisions that in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism Culture & Sport (416-314-7132) and the City of Kingston Planning and Development Department (613-546-4291 extension 3180) must be immediately contacted.
- (b) That the Subdivision Agreement shall contain provisions that in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police 613-549-4660, the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services 416-326-8404, the Cultural Program Branch of the Ministry of Tourism Culture and Sport 416-314-7132 and the Planning and Development Department 613-546-4291 extension 3180 must be immediately contacted.

14. Stormwater Management:

- (a) That prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority (CRCA). The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.
- (b) That prior to Final Plan Approval, a Stormwater Management Report and implementing Plan shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.

- (c) That prior to Final Plan Approval, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under Ontario Regulation 148/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses from the Cataraqui Region Conservation Authority, prior to the commencing rough grading, stockpiling and construction of the stormwater management pond and drainage outlet diversion on Blocks G and H.
- (d) That prior to Final Plan Approval, cost-sharing details for Stormwater Management shall be finalized between the Owner and the Municipality.

15. Traffic Impact Study:

- (a) That Prior to Final Plan Approval, the Owner shall submit a Traffic Impact Study, prepared by a professional engineer to the satisfaction of the Municipality. The study shall include a detailed assessment of the need for any additional traffic signals that would be required adjacent to this development. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the Report's recommendations to the satisfaction of the Municipality's Director of Engineering.

16. Noise Study:

- (a) That prior to Final Plan Approval, the Owner shall submit a detailed noise study prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality.

17. Parkland Conveyance:

- (a) Block A (0.81ha) as described in the Draft Plan of Subdivision for Lyndenwood Phase 5 shall be conveyed to the Municipality for parkland purposes as well as to satisfy the requirement for parkland contributions for both Lyndenwood Phase 4 - Stage 5 and Lyndenwood Phase 5.
- (b) If a utility company requests permission to locate an above ground facility within 'Block A', and if this can be done without significantly affecting the park, physically or aesthetically, then a mutually acceptable location by the City of Kingston and the utility company will be agreed upon.
- (c) That prior to conveyance of Block A, the trees identified to be retained or removed as agreed upon on in the approved Tree Preservation Plan have been carried out and inspected by City staff.
- (d) The storage of materials and equipment before, during or after construction shall not be permitted within the identified parkland without written consent of

the City's Parks Development Division of the Recreation and Leisure Services Department.

- (e) That prior to assumption of the park, the Manager of Parks Development shall be in receipt of a clearance memo from the Manager of Environment indicating that the park site is environmentally clean.
- (f) That prior to the transfer of deeds for the parkland to the City, the Manager of Parks Development or designate shall inspect the park site to ensure that the park is in a clean/natural state. Should the parkland to be conveyed be in an unsatisfactory state, the Owner shall be held responsible for restoring the site to the City's satisfaction.

18. Landscaping and Tree Preservation:

- (a) That prior to Final Plan Approval, a Landscape Plan shall be prepared to the satisfaction of the Municipality.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.
- (c) That prior to Final Plan Approval, the Owner shall submit a Tree Preservation Plan prepared by an ISA Certified Arborist to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.
- (d) Replacement trees and/or compensation amounts shall be addressed prior to Final Subdivision approval.

19. Fire and Rescue:

The following clauses are to be included in the Final Subdivision Agreement:

- i. Access for firefighting and water supply availability shall be approved by Kingston Fire and Rescue prior to the issuance of any building permits for the construction of model homes.
- ii. Construction of homes shall be phased as to permit a firebreak every seventh lot be designated by the developer with the final submission being approved by the chief fire official. No building permits shall be issued for the designated fire break lots until such time in which the exterior finish cladding, roofing and windows are complete on the abutting lots unless approved by the chief fire official.

20. Canada Post – Community Mail Boxes:

- (a) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mail boxes within the Plan, and shall identify such locations on drawings for approval by the City.

- (b) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the City, provide detailed design plans for the community mail boxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).
- (d) That prior to Final Plan Approval, the Owner shall enter into a Community Mailbox Developer Agreement and pay the Address Activation Fee with Canada Post Corporation for the installation of Community Mail Boxes as required by Canada Post.
- (e) That the Owner shall identify in all offers of purchase and sale, or lease for all lots and blocks within this Plan that mail delivery will be provided via a community mail box, provided that the Owner has paid for the activation and equipment installation of the community mail box, and the locations of all community mail boxes within this Plan. A Notice to Purchasers shall also be included in the Subdivision Agreement to this effect.

21. Hydro One Requirements:

- (a) That prior to Final Plan Approval, the Owner/Subdivider shall submit in triplicate to Hydro One Networks Inc. (HONI) the lot grading and drainage plan, showing existing and final grades, for review and approval.
- (b) Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the right-of-way. During construction, there will be no storage of materials or mounding of earth, snow or other debris on the right-of-way.
- (c) That temporary fencing must be installed along the easement corridor during construction. Permanent fencing must be erected where subdivision lots directly abut the HONI easement at the Owner's expense.
- (d) That permanent fencing must be installed after construction is completed along the Hydro One corridor, at the Owner's expense.
- (e) The Owner shall make arrangements satisfactory to HONI for the crossing of the hydro right-of-way by any proposed roads. Separate proposals including detailed lighting and site servicing plans shall be submitted in triplicate to HONI for future road crossings. The Owner must contact Roman Dorfman, HONI Senior Real Estate Coordinator, at 905-946-6243 to begin the process of acquiring a Construction and Encroachment Agreement. Roman Dorfman and the Owner are currently working together in regards to the proposed water retention pond. Hydro One file number Kingston 635.06-3335.

- (f) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.
- (g) The easement rights of HONI and its legal predecessors are to be protected and maintained.
- (h) If the proposed development is within close proximity to a Transmission or Distribution station the following applies:
 - i. The Owner hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Owner with any purchaser(s) of any unit or proposed unit in the Development contains the following notice/warning provisions (or clauses substantially similar thereto in all respects), namely: "Each unit purchaser and/or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations, and/or equipment owned and/or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the "Interferences") to this Development, and despite the inclusion of control features within this Development, Interferences from this aforementioned sources may, occasionally interfere with some activities of the occupants in this Development. Notwithstanding the above, each unit purchaser and/or lessee agrees to indemnify and save HONI harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability from any of the Interferences in respect of this Development and/or its occupants. Furthermore, there may be alterations and/or expansions by HONI to its facilities and/or transformer station which may temporarily affect the living environment of the residents, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims of any kind howsoever arising from use, expansion and/or alterations of such facilities and/or operations on, over or under its transformer station. Furthermore, each unit purchaser and/or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning/vibration clause similar to the foregoing shall be inserted into

any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser's respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor/Declarant."

- ii. The Owner covenants and agrees that so long as the City does not object thereto, the language set out in Section 3.1 (d) hereof (or language substantially similar thereto) shall also be included in the Subdivision Agreement entered into by the Developer with the City of Kingston to be registered on title to the Development.
- (i) The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for the Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet) and for 115 kV conductors it is 3 metres (10 feet). It is the proponent's responsibility to be aware and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise or lower without warning, depending on the electrical demand placed on the line.

22. Union Gas Requirements:

- (a) That prior to Final Plan Approval, the Owner shall provide to Union Gas Limited the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.

23. Warning Clauses:

That the Owner shall include the following warning clauses in a schedule to all offers of purchase and sale, or lease for all lots/blocks within this Plan:

- (a) Within the entire Subdivision Plan:
 - i. "Purchasers and/or tenants are advised that Augusta Drive and Andersen Drive are potential future transit routes."
 - ii. "Concrete bus pads may be constructed in the future within the City's right-of-way on these streets. There are no plans to provide transit service on these streets at this time."
 - iii. "Purchasers and/or tenants are advised that noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."

- iv. "Purchasers and/or tenants are advised that the proposed finished lot grading may not meet Municipality of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions".
 - v. "Purchasers and/or tenants are advised that traffic calming measures may be incorporated into the road allowances."
 - vi. "Purchasers and/or tenants are advised that the planting of trees on Municipal boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice."
 - vii. "Purchasers and/or tenants are advised that mail delivery will be to a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
- (b) Lots 21, 22, 35 to 48, 73 to 76, 102, 103, 122-158 and 197 to 210:
- i. The following clause shall be registered on title and included in all Development Agreements and Offers of Sale and Purchase or Lease of these properties:

"This dwelling is fitted with a forced air heating system and the fan, ducts, etc. are sized to accommodate the installation of a central air conditioning system if it is found necessary by the owner/occupant at any time in the future. If the air conditioning is to be provided at a later date, the outdoor unit shall be located in a noise insensitive location. The final installation shall meet the Ministry of Environment criteria in Publication NPC-216 and other applicable levels specified by the Municipality."
 - ii. The following warning clause shall be registered on title and included in all Development Agreements and Offers of Sale and Purchase or Lease of these properties:

"Purchasers/tenants are advised that sound levels due to increasing traffic on Augusta Drive, Andersen Drive and/or Cataraqui Woods Drive may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the Municipality's and the Ministry of Environment's sound level criteria."
- (c) Lots 177 to 196:
- The following warning clause shall be registered on title and included in all Development Agreements and Offers of Sale and Purchase or Lease of these properties:

“Purchasers/tenants are advised that due to the proximity of the Hydro One facilities, sound from these facilities will at times be audible.”

(d) Lot 177:

The following warning clause shall be registered on title and included in all Development Agreements and Offers of Sale and Purchase or Lease of this property:

“Lot 177 abuts a future park, and periodically active and passive use of the park may interfere with the quiet and enjoyment of their home or yard. Changes to the park may occur over time based on neighbourhood needs or operational requirements of the City. Encroachment on the future parkland is not permitted.”

24. Bell Canada Requirements:

- (a) That the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services.
- (b) That the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the City, or if no such conditions are imposed, the Owner shall advise the City of the arrangements for servicing.
- (c) That the Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that they may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the City that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

25. Utilities Kingston:

- (a) That prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design,

installation, connection and/or expansion of water distribution services and sanitary sewer distribution services, or any other related matters.

- (b) That the Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the City.
- (c) That the Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.
- (d) That the Owner shall agree to provide an oversizing contribution of \$103,082.76 for servicing requirements.

26. Builder's Plan:

That prior to Final Approval of the Plan of Subdivision, the Owner shall prepare a Builder's Plan to the satisfaction of the Municipality that includes the location of all driveways, all above ground infrastructure including street tree planting, and on street parking and snow storage throughout the plan of subdivision.

27. Model Homes:

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the City, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

28. General Conditions:

- (a) That Prior to Final Plan Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied.
- (b) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality's Tariff of Fees By-Law.
- (c) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area to the requirements of the Zoning By-Law.
- (d) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.

- (e) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the Municipality.
- (f) That Prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (g) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality. The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

29. Clearance Letters:

- (a) That Prior to Final Plan Approval, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) That Prior to Final Plan Approval, the Municipality is to be advised in writing by the Catarauqui Region Conservation Authority the method by which Conditions 14 (a), (b), and (c) and 18(c) have been satisfied.
- (c) That Prior to Final Plan Approval, the Municipality is to be advised in writing by Canada Post the method by which Condition 20 has been satisfied.
- (d) That Prior to Final Plan Approval, the Municipality is to be advised in writing by Hydro One the method by which Condition 21 has been satisfied.
- (e) That Prior to Final Plan Approval, the Municipality is to be advised in writing by Union Gas the method by which Condition 22 has been satisfied.
- (f) That Prior to Final Plan Approval, the Municipality is to be advised in writing by Bell Canada the method by which Condition 24 has been satisfied.

30. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval.

The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

Report Number 4: Received from the Municipal Heritage Committee

Report Number 4

To the Mayor and Members of Council:

The Kingston Municipal Heritage 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) Recommendation to amend the Final District Plan for Old Sydenham Heritage Conservation District

That Appendix A.1 regarding “Rationale for Delegation Approval Authority to Staff” found on page 71 of the Draft Final Report: Old Sydenham Heritage Area Heritage Conservation District Plan be amended by deleting the phrase “As stated on page 75 of the Plan” from the third paragraph and by deleting the fourth paragraph in its entirety which reads as follows:

“The Kingston Municipal Heritage Committee can be more effective by allowing trained heritage staff to address details of heritage projects, while it attends to broader heritage concerns. While it should consider heritage expertise in making decisions, the Committee itself should not function as a panel of heritage experts.”

(Note: A copy of the Appendix A.1 is attached as Schedule Pages 259 and 260)

2) Notice of Intention to Designate – The McCallum House, 1069 Highway 15

That Council serve a Notice of Intention to Designate the property located at 1069 Highway 15, known as the McCallum House (Plan 1846, Block 246, former Township of Pittsburgh, now in the City of Kingston), as a property of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*, as attached as Exhibit ‘A’ to Report Number MHC-14-073; and

That should no Notice of Objection be received by the Clerk of the Corporation of the City of Kingston within 30 days of the serving of the Notice of Intention to Designate, Council approves the designation By-Law for 1069 Highway 15, the McCallum House, as attached as Exhibit ‘B’ to Report Number MHC-14-073.

(See By-Law Number (1), 2015-03)

(Note: A copy of the Notice of Intention and a copy of the draft by-law are attached as Schedule Pages 261 - 265)

Committee of the Whole

Information Reports

1. **City of Kingston and Alderville First Nation Commemoration Project**

This report is to provide Council with an update regarding a motion passed at its meeting held on July 16, 2013.

(The Report of the Commissioner of Corporate & Strategic Initiatives (15-004) is attached as Schedule Pages 266 – 273)

(File Number CSU-M02-000-2015)

2. **2014 Update on Kingston's Civic Museums and City Hall**

This report is to provide Council with an update as it relates to Kingston's civic museums and City Hall in relation to the 2014 Priority Status Matrix.

(The Report of the Commissioner of Corporate & Strategic Initiatives (15-010) is attached as Schedule Pages 274 – 290)

(File Number CSU-R03-000-2015)

3. **Rural Advisory Committee**

This report is to inform Council that information on the Rural Advisory Committee as requested will be provided to Council within the context of the committee review that is currently underway and which will be reported in the first quarter of 2015.

(The Report of the Commissioner of Community Services (15-023) is attached as Schedule Pages 291 – 294)

(File Number CSU-C15-000-2015)

Information Reports from Members of Council

Miscellaneous Business

Motions of Council are required:

1. At the Special Council meeting held on December 4, 2014, a draw of names of those Councillors willing to serve as Deputy Mayor for two-month increments was carried out by the Clerk with the following results:
 - January and February 2015 – Councillor Neill
 - March and April 2015 – Councillor Boehme
 - May and June 2015 – Councillor Holland
 - July and August 2015 – Councillor Stroud
 - September and October 2015 – Councillor George

As per the resolution approved, Council members had an opportunity to “trade” time slots and report back so that the times can be confirmed by Council at this meeting. Please note that Councillors Boehme and Neill have agreed to trade time slots and that is so noted.

New Motions

1. Moved by Councillor Neill
Seconded by Councillor Stroud
Whereas there are several high traffic pedestrian areas immediately around Queen's University, some on arterial streets, that currently are not identified as priority sidewalks for Winter Control;
Therefore be it resolved that Public Works work collaboratively with Queen's and AMS to broaden the pedestrian priority sidewalk snow removal in the Queen's main campus area.
2. Moved by Councillor Neill
Seconded by Councillor Stroud
Whereas the corner of Union and University is a very high pedestrian traffic area during the University school year; and
Whereas "Scramble Crossings" have been identified as a highly effective way to mitigate traffic at high pedestrian intersections, and this has been identified in the Queen's Campus Master Plan as a potential remedy by the Queen's consultants,
Therefore be it resolved that city staff explore the feasibility of a "scramble crossing" at Union and University, with a report and recommendation to Council no later than June, for possible implementation by Sept. 1, 2015.
3. Moved by Councillor Neill
Seconded by Councillor McLaren
Whereas the community embraced the Art on the Wall project, and a number of local artists contributed by painting on the wall bordering the Park; and
Whereas some vandalism has defaced the hard work of some artists, but they are unable to restore the damaged paintings to their original state due to City bylaws;
Therefore be it resolved that the original artists can request a 48 hour permit from the City to restore their work to its original condition.
4. Moved by Councillor Osanic
Seconded by Councillor Hutchison
Whereas many residents have expressed dissatisfaction with long line ups to vote at their respective polling stations on October 27, 2014; and
Whereas many residents expressed concerns that long wait times were a barrier to casting their vote due to health reasons or other scheduled commitments; and
Whereas the City of Kingston endeavours to make polling stations accessible and offer voting options to encourage higher voter turnout in successive elections; and

Whereas the reporting out of election results were delayed in 2014 compared to previous elections; and

Whereas Kingston City Council values input from citizens and would like to implement improvements in the next election,

Therefore be it resolved that the Chief Administrative Officer be directed to:

- i) Solicit feedback from the public about their experience when voting on October 27, 2014 in order to improve voter turnout; and
- ii) Collect feedback from staff who worked at the polling stations to inform the next election process; and
- iii) Prepare a report that evaluates findings and recommends process, communication or other improvements that could reduce waiting time for polling stations and reduce time delays in the reporting of election results; and,
- iv) Prepare options for council's consideration for the resolution of identified problems and potential improvements to the process on advance and election day polls in addition to reporting out of results earlier on the night of the election; and

That the report be brought to Administrative Policies Committee not later than the end of March 2015 for Committee review before being presented to Council no later than June, 2015.

5. Moved by Mayor Paterson
Seconded by Councillor Turner

Whereas the City of Kingston has consulted with the public, via a question on the ballot in the 2014 municipal election with respect to locating a casino in Kingston; and

Whereas the public has indicated, by a vote of 67.09 % to 32.91% that they do not support the establishment of a casino in Kingston;

Therefore be it resolved that the Ontario Lottery and Gaming Corporation be advised that the Corporation of the City of Kingston does not support locating a casino in Kingston.

6. Moved by Councillor McLaren
Seconded by Councillor Stroud

Whereas a priority of mayor and council is to maintain low tax rate increases; to become a smart and livable city; to encourage creative thinking, invention and an openness to new way of doing things; and

Whereas it may be possible to increase non-tax revenue from expanded services thus: putting a downward force on the need to raise taxes; improving livability; and being open to new ways of doing things; and

Whereas Canada Post is obligated to clear the snow around its community mail boxes; and

Whereas City snow clearing crews need to be in the vicinity to perform their current mandate; and

Whereas City crews on occasion have cleared Canada Post's community mail boxes of snow; and

Whereas the cost of the City's increased marginal effort is likely less than the total cost to Canada Post; and

Whereas increased non-tax revenues streams represent a win-win for residents and the city,

Therefore be it resolved that staff report back to the Environment, Infrastructure & Transportation Policies Committee with a report no later than the end of April 2015 for committee review having ascertain the city's increased costs and capacity requirements from providing snow clearing services to Canada Post for their community mail boxes in the City of Kingston.

7. Moved by Councillor Osanic
Seconded by Councillor Neill

Whereas four or the five turtle species found in the Kingston area are listed as species at risk by the provincial government and given special protection under provincial laws, and

Whereas research has documented many unnecessary turtles deaths on certain Kingston roadways, and

Whereas the need for protection measures beyond signage has been identified as the best way to reduce turtle deaths on Kingston roadways, and

Whereas before proceeding with a project to protect turtles at risk on a main city thoroughfare, Kingston City Council 2010 – 2014 required the community to raise half the estimated costs of the project, \$30,600, and

Whereas a group of citizens formed Turtles Kingston and has raised the required amount,

Therefore be it resolved that Kingston City Council, by way of this motion, officially thank Turtles Kingston and the Kingston Field Naturalists and all the donors to this fundraising project including these corporate donors: Limestone Organic Creamery, Scott Wentworth Landscape Group, Transformix Engineering, Tomlinson Environmental Services, and Phillip Brown of Brown's Food Services as well as the students and their teachers of Cataraqui Woods Elementary School, École Sir John A. MacDonald School, Kingston Collegiate Vocational Institute Environmental Club, Martello School, and St. Marguerite Bourgeoy's School, and

also the Kingston Egyptian Dance Ensemble, and the many individuals who contributed to the fundraising efforts; and

That Kingston City Council acknowledge the contribution of \$5,000 by the TD Friends of the Environment Fund; and

That staff be instructed to consult with members of the Kingston Field Naturalists, Turtles Kingston, and the Cataraqui Regional Conservation Area during the planning process for the first turtle mortality mitigation project.

Notices of Motion

Minutes

That the Minutes of City Council Meeting Number 2014-31, held on November 4, 2014, the Minutes of City Council Meeting Number 2014-32, held on November 18, 2014, the Minutes of City Council Inaugural Meeting Number 2015-01, held Tuesday, December 2, 2014 and that the Minutes of the Special City Council Meeting Number 2015-02 held Thursday, December 4, 2104 be confirmed.

(Distributed to all Members of Council on December 12, 2014)

Tabling of Documents

- 2015-01** Cataraqui Region Conservation Authority, Full Authority Meeting – Agenda – October 22, 2014
(File Number CSU-D03-000-2015)
- 2015-02** Cataraqui Region Conservation Authority, Full Authority Meeting – Agenda – November 26, 2014
(File Number CSU-D03-000-2015)
- 2015-03** Cataraqui Source Protection Authority Meeting Minutes, October 22, 2014
(File Number CSU-D03-000-2015)
- 2015-04** The Cataraqui Region Conservation Authority, Full Authority Meeting Minutes, October 22, 2014
(File Number CSU-D03-000-2015)
- 2015-05** Kingston Police Services Board, Meeting No. 14-12 – November 17, 2014
(File Number CSU-P17-000-2015)
- 2015-06** Kingston Police Services Board, Minutes – October 16, 2014
(File Number CSU-P17-000-2015)
- 2015-07** KFL&A Public Health, Board Agenda – November 26, 2014
(File Number CSU-S08-001-2015)

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- 2015-08** Downtown Kingston! BIA, Meeting Minutes Number 08-2014,
October 8, 2014
(File Number CSU-A01-001-2015)
- 2015-09** Kingston Frontenac Public Library Board, Minutes of Regular Public
Library Board, September 24, 2014
(File Number CSU-R02-000-2015)
- 2015-10** Kingston Frontenac Public Library Board, Unconfirmed Minutes of Regular
Meeting #2014-08, October 22, 2014
(File Number CSU-R02-000-2015)

Communications

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

Filed

- 03-012** From Jennifer Allan, Administrative Assistant, the Corporation of the City
of Oshawa, acknowledging receipt of our correspondence regarding the
motion on Westray amendments.
(File Number CSU-H04-000-2015)
- 03-013** From Bonnie Nistico-Dunk, City Clerk, City of St. Catharines,
acknowledging receipt of City of Kingston's resolution with respect to
speed limit reductions.
(File Number CSU-T08-000-2015)
- 03-014** From Kevin Flynn, Minister of Labour, acknowledging receipt of City of
Kingston's resolution regarding Westray amendments.
(File Number CSU-H04-000-2015)
- 03-015** From Brenda Clark, County Clerk, County of Simcoe, acknowledging
receipt of City of Kingston's resolution with respect to speed limit
reductions.
(File Number CSU-T08-000-2015)
- 03-016** From Brenda Clark, County Clerk, County of Simcoe, acknowledging
receipt of City of Kingston's resolution regarding Westray amendments.
(File Number CSU-H04-000-2015)
- 03-017** From Lisa Pearson, Committee & Print Supervisor, City of Barrie,
acknowledging receipt of City of Kingston's resolution regarding Westray
amendments.
(File Number CSU-H04-000-2015)

03-024 From the Committee of Adjustment, A Notice of Decision for the following application:

Consent – In respect of an application for consent to serve the property at 3130 Babcock Road, the Committee decided that the application should be provisionally approved, subject to conditions. The final date for the appeal is December 22, 2014.

(File Number CSU-D19-000-2015)

03-025 From Dr. William (Bill) J. Egnatoff, Rotary Adventures in History Planning Coordinator, on behalf of the participants, resources persons and planners congratulating the Mayor and Councillors of the City of Kingston

(File Number: CUS-xxx-000-2015)

Referred to All Members of Council

03-001 From AMO – AMO Member's Update – What Happened Today.

(File Number CSU-A01-004-2015)

(Distributed to all Members of Council on November 28, 2014)

03-002 From AMCTO with respect to Corporate training for Councils and Senior Management.

(File Number CSU-C00-001-2015)

(Distributed to all Members of Council on November 28, 2014)

03-003 From AMO with respect to Municipal Council Education Program.

(File Number CSU-C00-001-2015)

(Distributed to all Members of Council on November 28, 2014)

03-004 From AMO, with respect to The Honourable David C. Onley speaking at the 2014 Ontario West Municipal Conference – Taking You to the Leaders on Friday, December 12, 2014.

(File Number CSU-A04-001-2015)

(Distributed to all Members of Council on November 28, 2014)

03-005 From Ontario Clean Air Alliance with respect to Premier Wynne ending electricity separatism.

(File Number CSU-E06-001-2015)

(Distributed to all Members of Council on November 28, 2014)

03-006 From AMO with respect to Blue Box Arbitration Decision made.

(File Number CSU-E07-001-2015)

(Distributed to all Members of Council on November 28, 2014)

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- 03-007** From Vinothini Kajendran, Municipal Programs and Education Branch, Ministry of Municipal Affairs and Housing with respect to Municipal Delegation Form for the Combined Conference of the Ontario Good Roads Association (OGRA) and Rural Ontario Municipal Association (ROMA).
(File Number CSU-A04-001-2015)
(Distributed to all Members of Council on November 28, 2014)
- 03-008** From Steve Knechtel, General Manager/Secretary-Treasurer with respect to the Appointment of Members to the Cataraqui Region Conservation Authority Starting January 2015.
(File Number CSU-C12-001-2015)
(Distributed to all Members of Council on November 28, 2014)
- 03-009** Received from AMO with respect to Provincial Funding Announcements – 2015 OMPF and Public Transit.
(File Number CSU-F11-001-2015)
(Distributed to all Members of Council on November 28, 2014)
- 03-010** Received from Krista Fazackerley, Communications and Marketing, Cataraqui Region Conservation Authority with respect to a News Release in relation to Watershed Conditions Statement.
(File Number CSU-E05-001-2015)
(Distributed to all Members of Council on November 28, 2014)
- 03-011** Received from Vanessa Latimer, Clerk, Township of Leeds and the Thousand Islands with respect to Notice of Passing, Zoning By-Law Amendment (Section 34 of the Planning Act).
(File Number CSU-D14-001-2015)
(Distributed to all Members of Council on November 28, 2014)
- 03-018** Received from Katrina DiGiovanni, Deputy Clerk, Township of Pelee attaching a copy of a Council Resolution with respect to Canada Post continuing home delivery mail services.
(File Number CSU-A08-000-2015)
(Distributed to all Members of Council on December 5, 2014)
- 03-019** Received from AMO with respect to 2014 Ontario West Municipal Conference Taking you to the Leaders.
(File Number CSU-A04-000-2015)
(Distributed to all Members of Council on December 5, 2014)

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- 03-020** Received from AMO with respect to Request for Nominations for the 2015-2019 ROMA Board to be elected at the 2015 Annual Conference.
(File Number CSU-A04-000-2015)
(Distributed to all Members of Council on December 5, 2014)
- 03-021** Received from AMO, Report to Member Municipalities with respect to Highlights of the November 2014 Board Meeting.
(File Number CSU-A01-004-2015)
(Distributed to all Members of Council on December 5, 2014)
- 03-022** Received from Sheila Kidd, Director of Transportation Services and Jeremy DaCosta, Transmit Manager with respect to an invitation to Mayor and Members of Council to Kingston Transit 4 Million Ride Celebration.
(File Number CSU-T03-000-2015)
(Distributed to all Members of Council on December 5, 2014)
- 03-023** Received from Elizabeth Savill, Secretary-Treasurer, AMO, with respect to 2014-2016 AMO Board of Directors – Request for Nominations To Fill Vacancies.
(File Number CSU-A01-001-2015)
(Distributed to all Members of Council on December 11, 2014)
- 03-026** Received from AMO, Breaking News with respect to the Ministry of Education Proposing New Process for School Closures.
(File Number CSU-R07-000-2015)
(Distributed to all Members of Council on December 11, 2014)

Other Business

By-Laws

- a) **That** By-Laws (1) through (11) and (13) be given their first and second reading.
 - b) **That** Clause 11.34 of By-Law Number 2010-1 be suspended for the purpose of giving By-Laws (6) to (9) three readings.
 - c) **That** By-Laws (2) through (13) be given their third reading.
- (1) A By-Law to Designate McCallum House at 1069 Highway 15 to be of Cultural Heritage Value and Interest Pursuant to the Provisions of the Ontario Heritage Act (R.S.O., 1990, 0.18).

First and Second Readings
(See Clause (2) Report Number 4)

Proposed Number 2015-03

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- (2) A By-Law to Provide for The Assumption of the Public Highways in Midland Park Subdivision Phase 3, Registered Plan 13M-81, 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** **Proposed Number 2015-04**
(Delegated Authority)
- (3) A By-Law to Provide for the Assumption of the Widening of the Public Highway in Grant Homes Subdivision, Registered Plan 13M-93, 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** **Proposed Number 2015-05**
(Delegated Authority)
- (4) A By-Law to Establish Part Of Lot 12, Concession 2, City of Kingston, County of Frontenac, Shown As Parts 3, 4 And 6 On Plan 13R-5482 As Part Of The Public Highway Known As Centennial Drive in the City Of Kingston In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001, As Amended.
- Three Readings** **Proposed Number 2015-06**
(Delegated Authority)
- (5) A By-Law to Repeal By-Law Number 2013-49, "A By-Law to Establish Blocks 3, 4 and 6 on Plan 13R-5482 as Part of the Public Highway known as Centennial Drive in the City of Kingston in accordance with Section 31(4) of The Municipal Act, Chapter 25, S.O. 2001, as Amended".
- Three Readings** **Proposed Number 2015-07**
(Delegated Authority)
- (6) A By-Law to Amend By-Law Number 98-8 "A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston".
- Three Readings** **Proposed Number 2015-08**
(See Clause (b) Report Number 1)
- (7) A By-Law to Repeal By-Law Number 2012-180, being a By-Law to Terminate the Municipal Contribution Agreement with Abbeyfield Houses Society of Kingston.
- Three Readings** **Proposed Number 2015-09**
(See Clause (e), Report Number 1)

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- (8) A By-Law to Amend By-Law Number 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston, as Amended".

Three Readings

Proposed Number 2015-10

(See Clause (j), Report Number 1)

- (9) A By-Law to Amend By-Law 14-137, being a By-law to Enter Into a Municipal Contribution Agreement with Kingston and Frontenac Housing Corporation

Three Readings

Proposed Number 2015-11

(See Clause (2), Report Number 2)

- (10) A By-Law to Amend By-Law 76-26, "A By-Law to Regulate the use of lands and the Character, Location and use of Buildings and Structures in The Township of Kingston" (Zone Change from 'R1-3' to 'R1-69', 885 Haverhill Drive.

Three Readings

Proposed Number 2015-12

(See Clause (1), Report Number 3)

- (11) A By-Law to Amend By-Law Number 8499, "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston" (Zone Change from 'A' to 'A.458", 50 Hamilton Street).

Three Readings

Proposed Number 2015-13

(See Clause (2), Report Number 3)

- (12) A By-Law to Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board": Remove Jason Ruffolo; Add Tim Doherty–Frontenac Condominium Corporation # 11, The Landmark, 165 Ontario Street.

Third Reading

Proposed Number 2014-188

(See Communication Number 32-580)

- (13) A By-Law to Confirm the Proceedings of Council at its Meeting Held on Tuesday, December 16, 2014

Three Readings

Proposed Number 2015-14

(City Council Meeting No. 2015-03)

Adjournment