



## CITY COUNCIL MEETING NO. 2012-05

The Regular Meeting of Kingston City Council was held on Tuesday, January 24, 2012, and was called to order at 5:30 pm in the Council Chamber, City Hall. Regular business commenced at 7:42 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 5:35 pm to 7:30 pm in the Councillors' Lounge, with a recess from 6:29 pm to 6:45 pm.

There was a Building Permit Fees Rates and Fees Bylaw No. 2005-10 Public Meeting from 6:30 pm to 6:40 pm in the Council Chamber.

### **(Council Chamber)**

#### **ROLL CALL**

Present: Mayor Gerretsen, Councillor Berg (arrived at 5:35 pm), Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison (arrived at 5:35 pm), Councillor Neill, Councillor Osanic (arrived at 5:35 pm), Councillor Paterson (arrived at 5:35 pm), Councillor Reitzel, Councillor Schell, Councillor Scott (13)

Absent: (0)

### **(Councillors' Lounge)**

#### **Administrative Staff Present:**

Mr. K. Arjoon, Deputy City Clerk

Mr. J. Bolognone, City Clerk

Ms. P. Burns, Director, Human Resources and Organization Development

Mr. G. Hunt, Chief Administrative Officer

Ms. L. Hurdle, Commissioner, Community Services

Mr. S. Kanellos, Director, Real Estate & Construction

Mr. H. Linscott, Director, Legal Services

Mr. D. Roberge, Manager, Labour Relations & Health & Safety

Mr. N. Unsworth, Manager, Parks Development

Mr. G. Wallace, Project Manager

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### **COMMITTEE OF THE WHOLE "CLOSED MEETING"**

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

**THAT** Council resolve itself into the Committee of the Whole "Closed Meeting" to consider the following item(s):

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**Note: Item No. (c) was deferred from the meeting held on January 10, 2012.**

- (a) Labour relations or employee negotiations – ONA Collective Bargaining Mandate;
- (b) A proposed or pending acquisition or disposition of land by the municipality or local board – Employment Lands;
- (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;

**CARRIED**

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**(Council Chamber)**

**Administrative Staff Present:**

Mr. K. Arjoon, Deputy City Clerk

Mr. J. Bolognone, City Clerk

Mr. W. Ferris, Director, Recreation and Leisure Services

Ms. D. Green, Manager, Traffic Division

Mr. P. Huigenbos, Project Engineer

Mr. G. Hunt, Chief Administrative Officer

Ms. L. Hurdle, Commissioner, Community Services

Ms. M. Hyland, Communications Officer

Ms. D. Kennedy, Director, Financial Services

Ms. S. Kidd, Director, Transportation Services

Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services

Ms. K. Leonard, Manager, Licensing and Enforcement

Mr. H. Linscott, Director, Legal Services

Mr. J. Miller, Director, Utilities Engineer

Mr. S. Murphy, Manager, Building Services

Mr. N. Unsworth, Manager, Parks Development

Mr. M. Van Buren, Director, Engineering

Mr. G. Wallace, Project Manager

Mr. T. Willing, Director, Building and Licensing

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**REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”**

- (2) Moved by Councillor Scott  
Seconded by Councillor Reitzel

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

**CARRIED**

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**APPROVAL OF ADDEDS**

Moved by Councillor Downes  
Seconded by Councillor Neill

**THAT** the addeds be approved.

**CARRIED  
(A 2/3 Vote of Council was Received)**

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**DISCLOSURE OF PECUNIARY INTEREST**

Councillor George declared a pecuniary interest in the matter of Clause (3), Report No. (110), 2011, By-Law No. (2012-11), as his company was hired by the applicant to provide survey services.

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**PRESENTATIONS**

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**DELEGATIONS**

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**BRIEFINGS**

- 1) Rob McRae, Project Manager of the Cataraqui Region Conservation Authority (CRCA) will provide Council with an update on drinking water source protection.  
**(Note: Council agreed to allow this briefing by way of a motion passed on January 10, 2012.)**

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**PETITIONS**

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**MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY,  
CONDOLENCES AND SPEEDY RECOVERY**

Council consented to the **addition** of Motion of Congratulations (1), and Motion of Condolences (3) and (4).

**Motion of Congratulations**

- 1) Moved by Councillor Berg  
Seconded by Councillor Scott

**THAT** the congratulations of Kingston City Council be extended to Mr. Arthur McDonald who is among 27 Ontarians appointed to Ontario's highest honour, The Order of Ontario. Mr. McDonald is a respected Queen's University physicist who led the Sudbury Neutrino Observatory scientific team confirming that neutrinos have mass. This changed the basic understanding of physics for these fundamental particles, a very significant scientific discovery. Congratulations Mr. McDonald!

### **Motions of Condolence**

- 1) Moved by Councillor Berg  
Seconded by Councillor Paterson

**THAT** the condolences of Kingston City Council be extended to the family and friends of Edith Morey, who passed away on Sunday January 8, 2012. Mrs. Morey was one of Canada's oldest living citizens. She passed away at Providence Manor at the age of 111. Mrs. Morey grew up in Flinton, Ontario before moving to the Verona area and eventually to Kingston. She enjoyed a life of tremendous longevity and independence during which time she was truly inspirational to all who knew and loved her. Mrs. Morey had a passion for gardening and she enjoyed going for walks near her downtown Kingston home. Our thoughts are with the four generations of family members that Mrs. Morey leaves behind and her friends in our extended community who knew her best.

- 2) Moved by Councillor Osanic  
Seconded by Councillor Downes

**THAT** the condolences of Kingston City Council be extended to the family and friends of Veronica Wiltschko, who passed away January 14, 2012. Veronica was the loving partner of City of Kingston staff Larry Moran of the Public Works department. Ms Wiltschko will be greatly missed by her colleagues and friends at the Ministry of Health and Long-Term Care. Our thoughts are with Larry and the family during this difficult time.

- 3) Moved by Councillor Scott  
Seconded by Councillor Berg

**THAT** the condolences of Kingston City Council be extended to the family and friends of Howard Reid, who sadly passed away on January 20, 2012. Mr. Reid retired in 1989 from the Kingston Police as a Constable after 30 years of dedicated service. He will be fondly remembered for his sense of humour and passion for hockey. Our thoughts are with Mr. Reid's family during this difficult time.

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

**THAT** the condolences of Kingston City Council be extended to the family and friends of Mr. Fredrick Delaney of Gananoque, who passed away on Thursday January 12, 2012. Mr. Delaney was a loving family man and a thoughtful and dedicated community

member. He served as a town councillor, Deputy Mayor and Mayor of Gananoque for three consecutive terms from 1986 to 1994. Mr. Delaney was well-known throughout his home community, where he remained engaged in public service. Our thoughts are with the Delaney family as they mourn the loss of their cherished family member. The Town of Gananoque has lost a great man and a true community ambassador.

**CARRIED**

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## **DEFERRED MOTIONS**

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## **REPORTS**

### **Report No. 20: Received from the Chief Administrative Officer (Consent)**

Moved by Councillor Paterson  
Seconded by Councillor Downes

**THAT** Report No. 20: Received from the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the **separation** of Clauses (a), (d), and (e).

### **Report No. 20**

To the Mayor and Members of Council:  
The Chief Administrative Officer reports and recommends as follows:

**THAT** Council consent to the approval of the following routine items:

#### **a) Exploration of Solutions for Parking and Pedestrian Safety – Hotel Dieu Hospital**

**THAT** city staff be authorized to enter into discussions with Hotel Dieu Hospital to understand the potential need to expand parking supply and opportunities to enhance hospital pedestrian safety concerns on Brock Street and report back to Council for further direction within 4-6 months; and

**THAT** a budget of \$50,000 funded from the working fund reserve be provided to support the analysis that may be required.

(The Report of the Chief Administrative Officer (12-060) was attached as Schedule Pages 1-6)  
(File No. CSU-T02-000-2012)

**CARRIED**

**b) Various Changes to School Bus Loading Zones**

**THAT** City Council amend By-Law No. 2010-128, "A By-law to Regulate Parking" as amended, in order to implement new school bus loading zones and parking changes on streets adjacent to

- 1) Queen Elizabeth Collegiate and Vocational Institute (QECVI);
- 2) St. Paul Catholic School; and
- 3) Collins Bay Public School.

(The Report of the President and CEO of Utilities Kingston (12-062) was attached as Schedule Pages 7-19)

(File No. CSU-T02-000-2012)

**(See By-Law No. (1), 2012-34)**

**(See By-Law No. (2), 2012-35)**

**(See By-Law No. (3), 2012-36)**

**c) Tir Nan Óg – St. Patrick's Day Celebration Temporary Road Closure on Market Street**

**THAT** a By-law be presented to City Council to provide for the temporary closure of Market Street, from Ontario Street to King Street, on Saturday, March 17, 2012 from 7:00 a.m. to Sunday, March 18 at 7:00 am, for a community related purpose (St. Patrick's Day celebration); and

**THAT** the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the City of Kingston; and

**THAT** the applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage; and

**THAT** the applicant must acquire a specific days license before this event in addition to a tent permit (that would be issued through the building department); and

**THAT** the applicant agrees to take out sufficient public liability property damage insurance in the amount of \$2,000,000.00, to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

(The Report of the President and CEO of Utilities Kingston (12-063) was attached as Schedule Pages 20-24)

(File No. CSU-T08-000-2012)

**(See By-Law No. (4), 2012-37)**

**d) Reduced Speed Limits in School Zones**

**THAT** City Council amend By-Law No. 2003-209, "A By-Law For Regulating Traffic in the Highways Of The City of Kingston, Subject To The Provisions Of The Highway Traffic Act" as amended, in order to reduce the posted speed limit from 50 km/h to 40 km/h within ten school zones.

(The Report of the President and CEO of Utilities Kingston (12-064) was attached as Schedule Pages 25-39)

(File No. CSU-T08-000-2012)

**(See By-Law No. (5), 2012-38)**

**CARRIED**

**e) Reductions in Posted Speed Limits – Various areas**

**THAT** City Council amend By-Law No. 2003-209, "A By-Law For Regulating Traffic in the Highways Of The City of Kingston, Subject To The Provisions Of The Highway Traffic Act" as amended, in order to reduce the posted speed limit on various roadways as described in the attached by-law.

(The Report of the President and CEO of Utilities Kingston (12-065) was attached as Schedule Pages 40-54)

(File No. CSU-T08-000-2012)

**(See By-Law No. (6), 2012-39)**

**CARRIED**

**f) Amendment to the Sewer Use By-law Extra Strength Surcharge Fees**

**THAT** Council approve an amendment to By-law 2008-192, A By-Law To Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston by deleting in its entirety Schedule C and replacing it with a new Schedule C.

(The Report of the President and CEO of Utilities Kingston (12-071) was attached as Schedule Pages 55-62)

(File No. CSU-E01-000-2012)

**(See By-Law No. (7), 2012-40)**

**g) Stop Up and Close an Unopened Road Allowance in the Cataraqui Estate Business Park to Facilitate Plan of Subdivision Application**

**THAT** Council give two readings to the by-law attached as Exhibit C, to stop up and close a portion of the Resource Road road allowance described as Part 1 on the draft reference plan 13R- -----, as depicted in Exhibit B; and

**THAT** Council authorize and direct the City Clerk, in accordance with the City of Kingston Notice By-law 2003-015 as amended, to give notice of Council's intention to stop up and close the portion of Resource Road road allowance described as Part 1 on the draft reference plan 13R- -----, as depicted in Exhibit B; and

**THAT** Council, upon providing the prescribed public notice of Council's intent, give third reading and approve the attached by-law to stop up and close the portion of Resource Road road allowance described as Part 1 on the draft reference plan 13R- -----, as depicted in Exhibit B.

(The Report of the Commissioner of Sustainability and Growth (12-074) was attached as Schedule Pages 63-69)

(File No. CSU-T09-000-2012)

**(See By-Law No. (8), 2012-41)**

**CARRIED**  
**(Clauses (b), (c), (f) and (g))**

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## **REPORTS (CONTINUED)**

### **Report No. 21: Received from the Chief Administrative Officer (Recommend)**

Moved by Councillor Scott

Seconded by Councillor Reitzel

**THAT** Report No. 21: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to the **addition** of Item No (3).

### **Report No. 21**

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

#### **1) Building Permit Fee Reduction for Industrial Buildings Over 100,000 Square Feet**

**THAT** pursuant to the requirements of the Building Code Act and subject to the comments received at the public meeting, Council approve the following amendments to Schedule 'A' to the Rates and Fees By-law No. 2005-10 as amended, to provide under the heading for "Building and Licensing" two new categories to be inserted below the 4<sup>th</sup> category and to read as follows:

(a) "Permit for Industrial Use Buildings 100,000 square foot floor area and under (per \$1,000 of Construction value) = \$12";

(b) "Permit for that portion of an Industrial Use Building permit in excess of 100,000 square foot floor area (per \$1,000 of Construction value) = \$6"; and

**THAT** the amending By-Law receive all three readings at the same meeting.

(The Report of the Commissioner of Sustainability and Growth (12-066) was attached as Schedule Pages 70-78)

(File No. CSU-D00-000-2012)

**(See By-Law No. (9), 2012-42)**

**CARRIED**



**2) Acquisition of Sutherland Drive Property for the Purpose of Parkland and Other Potential Community Use**

**THAT** Council approve the acquisition of the Sutherland Drive property (no civic address);

**THAT** the City Treasurer be authorized to prepare and register a notice of vesting pursuant to subsection 379(5) of the *Municipal Act, 2001* for the property known municipally as Sutherland Drive, Roll No. 10.11.040.130.07300, PIN 36000-0472(LT) described as Part Lot 1 Plan 793 and Part Lot 4 Plan 793;

**THAT** Council authorizes the cancellation of the taxes in the amount of \$92,847.55 pursuant to subsection 354(2) (a) of the *Municipal Act, 2001*.

(The Report of the Commissioner of Community Services (12-069) was attached as Schedule Pages 79-83)  
(File No. CSU-L18-000-2012)

**CARRIED**

**(3) Municipal Finance Internship Pilot Program**

**THAT** Council authorize the Mayor and City Treasurer to sign the Municipal Finance Internship Pilot Program Application; and

**THAT** Council authorize the Mayor and City Treasurer to sign the Municipal Finance Internship Pilot Program Grant Agreement, subject to the satisfaction of the Legal Services Department, should the City of Kingston be selected as a host municipality.

(The Report of the City Treasurer (12-079) was distributed separately from the Agenda)  
(File No. CSU-F11-000-2012)

**CARRIED**

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**REPORTS (CONTINUED)**

**Report No. 22: Received from the Kingston Municipal Heritage Committee**

Moved by Councillor Glover  
Seconded by Councillor Schell

**THAT** Report No. 22: Received from the Kingston Municipal Heritage Committee be received and adopted.

Council consented to the **separation** of Clause (1).

**Report No. 22**

To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee reports and recommends as follows:

**1) Notice to Update Designation By-Law for 102 Centre Street**

**WHEREAS** Section 29 of the *Ontario Heritage Act, R.S.O. 1990*, Chapter 0.18 authorizes the Council of a Municipality to enact By-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

**WHEREAS** when the Council of a municipality has appointed a Municipal Heritage Committee, the Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee; and,

**WHEREAS** the property at 102 Centre Street was subject to a Committee of Adjustment decision that changed the legal description of the property; and,

**WHEREAS** the current reasons for designation are not sufficient under the current requirements of the Ontario Heritage Act; and,

**WHEREAS** a Heritage Impact Statement was prepared by Bray Heritage, Dr. Jennifer McKendry, and André Scheinman that evaluated the property based on the City's evaluation template and provided an updated statement of significance to be used as the basis of a new Designation By-law;

**THEREFORE BE IT RESOLVED THAT** Council serve Notice of Intent to Update the Designation By-law under the Ontario Heritage Act for the property located at 102 Centre Street (Part of Farm Lot 22, Concession 1, City of Kingston, County of Frontenac, being Part 1 on Plan 13R-20257) pursuant to section 30.1 of in accordance with the requirements of the *Ontario Heritage Act*.

The Recommendation Report of the Commissioner, Sustainability & Growth (KMHC-12-001) was attached to the KMHC agenda as Schedule – Pages 1-6.

**CARRIED**

**2) Approval of alterations at 320-322 Princess Street for wooden wall signage and signage applied to the front window glass**

**THAT** Council consent to the approval of alterations to the designated property located at 320 -322 Princess Street in accordance with the details described in Application P18-295-005-2011 and the submission dated December 21<sup>st</sup>, 2011 that was deemed complete by the Planning and Development Department on December 21<sup>st</sup>, 2011 said alterations requesting approval for wooden wall signage and signage applied to the front window glass subject to the following terms and condition:

- 1) That a sign permit is required.

**3) Reaffirmation of Emergency Approval of alterations at 161 Earl Street for the replacement of roof shingles**

**THAT** Council consent to the approval of alterations to the designated property located at 161 Earl Street also known as Fraser House, in accordance with the details described in Application P18-030-001-2011EA and the submission dated December 02<sup>nd</sup>, 2011 that was deemed complete by the Planning and Development Department on December 02<sup>nd</sup>, 2011, said alterations requesting approval for the replacement of roof shingles.

**4) Final Approval of Heritage Grant Application at 268 Main Street, Barriefield Village also known as St. Mark's Church for repointing a section of the bell tower**

**WHEREAS** the owner of 268 Main Street, Barriefield Village also known as St. Mark's Church has requested final approval for Heritage Grant Application HG-01-2011, and

**WHEREAS** as per the requirements of By-Law No. 2005-258 'A By-Law to Establish a Heritage Grants Program', a site visit to review the completed works was completed;

**THEREFORE BE IT RESOLVED THAT** Heritage Property Grant HG-01-2011 for 268 Main Street, Barriefield Village also known as St. Mark's Church **BE APPROVED** for repointing a section of the bell tower which does not include work approved and completed in 2010 as part of Application P18-416-102-2010; and

**THAT** staff be authorized to issue a cheque for \$2000.00 as per the process outlined in By-Law No. 2005-258 'A By-Law to Establish a Heritage Grants Program'.

**5) Correspondence to Curator of Military Communications and Electronics Museum regarding a Military Reserve/'Lot A' Boundary Stone**

**WHEREAS** in 1999, Heritage Kingston was approached by the Curator of the Military Communications and Electronics Museum with a proposal to remove a boundary marker and replace it with a replica; and

**WHEREAS** this was proposed in order to protect the original marker from deterioration by salt and exposure to the elements; and

**WHEREAS** the substitution has taken place over 10 years later and the marker there is not faithful to the original marker; and

**WHEREAS** those who were involved with the original proposal may no longer be involved with the Canadian Forces Base;

**THEREFORE BE IT RESOLVED THAT** the Kingston Municipal Heritage Committee provide correspondence as a reminder of the request of the original delegation, that the marker be replicated rather than another marker put in place.

**CARRIED  
(Clauses (2) through (5))**

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**REPORTS (CONTINUED)**

**Report No. 23: Received from the Administrative Policies Committee**

Moved by Councillor Hector  
Seconded by Councillor Paterson

**THAT** Report No. 23: Received from the Administrative Policies Committee be received and adopted.

**Report No. 23**

To the Mayor and Members of Council:  
The Administrative Policies Committee reports and recommends as follows:

**1) Power Play Sports – Noise Exemption**

**THAT** the Power Play Centre, located at 820 Gardiners Road, be granted an exemption from the General Noise Prohibition on the use of whistles and buzzers, contained in section 7 of Schedule 'A' of By-Law No. 2004-52, "A By-Law to Regulate Noise", subject to the following conditions:

1. The volume of the buzzer signal shall be kept at a reasonable sound level;
2. The blowing of whistles and sounding of buzzers shall be limited to only what is necessary for the regulation of the hockey games;
3. No blowing of whistles or sounding of buzzers shall occur between 11:00 p.m. and 7:00 a.m. (9:00 a.m. on Sundays);
4. Notice will be given two weeks in advance of any tournaments in the following manner:
  - a. Publication on the Power Play Center website;
  - b. Written notices to be provided to abutting neighbours;
  - c. Signage placed at the entrance to the facility.
5. Banging of sticks and banging in the stands will be monitored by the center and by the time keeper and will be kept to a minimum; and

**THAT** the conditions are for a temporary exemption which will be reviewed over the next 12 months; and

**THAT** Staff report back to the Administrative Policies Committee in February of 2013, with its findings, including any complaints received regarding the use of whistles and buzzers or any other activities at the facility, and with a recommendation regarding the continuation of the exemption.

The Recommendation Report of the Commissioner, Sustainability & Growth (AP-12-005) was attached to the EITP agenda as Schedule Pages 06-15.

**CARRIED**

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**REPORTS (CONTINUED)**

**Report No. 24: Received from the Planning Committee**

Council consented to the **addition** of Planning Report No. (24).

Moved by Councillor George  
Seconded by Councillor Reitzel

**THAT** Report No. 24: Received from the Planning Committee be received and adopted.

**Report No. 24**

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

**1) Application for Zoning By-Law Amendment, Cataraqi Estates Business Park, Lands bounded by Resource Road, Venture Drive and Centennial Drive**

**THAT** the application for Zoning By-Law Amendment (Our File No. D14-230-2011) submitted by the City of Kingston's Real Estate & Construction Services Department, for the lands within the Cataraqi Estates Business Park and bounded by Resource Road, Venture Drive and Centennial Drive, **BE APPROVED**; and,

**THAT** the Township of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

a) Map 3 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject lands from 'M6-23', 'M1-12', 'M1-13' and 'OS' to 'M1-13' and from 'BP-2' to 'OS' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2012-45.

b) By **deleting** subsection 24(3)(m) in its entirety and replacing it with the following:

**"(m) Cataraqi Estates Business Park (bounded by Resource Road, Venture Drive and Centennial Drive)**

On the approximately 11.9 hectare parcel of land bounded by Resource Road, Venture Drive and Centennial Drive and zoned 'M1-13', the following regulations shall apply to the entire area zoned 'M1-13':

(a) Notwithstanding any provisions of Sections 4 or 5 hereof to the contrary, for the lands zoned 'M1-13' on Schedule "A" hereto, the Venture Drive frontage will be considered the front yard.

(b) Notwithstanding any provisions of Sections 5 or 24 (1) hereof to the contrary, the lands zoned 'M1-13' on Schedule "A" hereto, may be used in accordance with the provisions of Sections 5 and 24 except that:

(i) **ONLY PERMITTED USES:**

Manufacturing, assembling, fabricating, and processing operations;  
Construction and transportation activities and facility;  
Storage, warehousing and wholesale trade activities;  
Communications and utilities facility;  
Institutional uses with General Industrial characteristics, such as a trade school;  
Business and professional office provided that such use is located within 90 metres of the Resource Road frontage; and,  
Public use in accordance with Section 5(18) of By-Law No. 76-26.

- (ii) A maximum of 25% of the total floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises.
- (iii) **ONLY COMPLEMENTARY PERMITTED USES:**
  - Office and business services such as printing and equipment repair intended to serve the General Industrial area;
  - Restaurant;
  - Financial institution;
  - Personal services and convenience commercial;
  - Automotive, heavy equipment or truck repair facility;
  - Public and private parks and recreation facilities; and,
  - Parking lots and parking structure.
- (iv) **MINIMUM FRONT YARD DEPTH : 10 metres**
- (v) **MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres**
- (vi) **MINIMUM INTERIOR SIDE YARD WIDTH: 3 metres**
- (vii) **MINIMUM REAR YARD DEPTH : 7.6 metres**
- (viii) **MAXIMUM BUILDING HEIGHT: 20 metres**
- (ix) **MINIMUM PARKING REQUIREMENT FOR MANUFACTURING OR WAREHOUSE USE: 1 space per 100m<sup>2</sup> of gross floor area**
- (x) **YARD IN WHICH REQUIRED PARKING AREA PERMITTED:**  
Parking area may be permitted in the front yard, exterior side yard and rear yard provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line
- (xi) **YARD IN WHICH LOADING SPACES ARE PERMITTED:** Loading spaces shall be located in the exterior side yard or rear yard only provided that such loading space is located no closer than 18.3 metres to any street line"; and,

**THAT** the Amending By-Law be presented to City Council for all three readings.  
**(See By-Law No. (15), 2012-45)**

**CARRIED**

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## **INFORMATION REPORTS**

### **1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of November 2011**

This information report is to:

1. Advise council of tenders/RFPs approved and contracts awarded greater than \$50,000 that meet the established criteria of delegated authority for the month of November 2011.
2. Report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of November 2011.

(The Report of the City Treasurer (12-053) was attached as Schedule Pages 84-90)  
(File No. CSU-F18-000-2012)

### **2) Construction of Speed Humps**

This information report provides an opportunity to correct and clarify verbal information provided to Council during budget deliberations at the Committee of the Whole meeting on November 21, 2011. Information was sought from staff regarding the responsibility for costs to rectify speed humps on Rideau Street and Queen Mary Road that were not built to proper specification. A total of 14 speed humps were deemed to be non-satisfactory and required replacement. The costs to reconstruct the 14 speed humps was cost shared between the City and Contractor on a 50/50% basis with the City share of the cost totalling \$25,140.

The following information report provides additional clarification on this matter and steps that the City staff has taken to improve speed hump specifications for future traffic calming projects and tools to assist with quality control and inspection during construction.

(The Report of the President and CEO of Utilities Kingston (12-061) was attached as Schedule Pages 91-96)  
(File No. CSU-T06-000-2012)

### **3) Priority Status Matrix – 2011 Q4 Update**

The attached 2011 Priority Status Matrix – Q4 Update is a listing of projects and initiatives assigned to staff by the current Council and previous Council through standing committees and Council resolutions. Along with this document, the 2011 Draft Corporate Work Plan (Report No. 11-060 2011-01-18) and Kingston's Strategic Plan 2011-2014

formed the basis of work for 2011. Initiatives remaining incomplete by the end of Q4 2011 will be carried over to the 2012 matrix currently being developed for Council's review.

Commissioners and Directors have reviewed the matrix and included comments on initiatives and completion dates where appropriate.

(The Report of the Chief Administrative Officer (12-067) was attached as Schedule Pages 97-108)

(File No. CSU-C08-000-2012)

**4) 'Make a Place for People' 8-80 Cities Project Breakwater Park**

*8-80 Cities*, an urban design firm partnered with the Ministry of Health Promotions, and invited communities across Ontario to submit applications by December 2, 2011 for a 'Make a Place for People' and/or 'Make a Place for People Pro' initiative. The City partnered with KFL&A Public Health in submitting applications for both projects and were notified on December 17, 2011 that the City of Kingston (Breakwater Park) was one of six municipalities of thirty four applications that was awarded the 'Make a Place for People' project. This project award brings Gil Penalosa and his *8-80 Cities* team to work with the City, KFL&A Public Health and the community on visioning for Breakwater Park. The City is committed to undertake a community consultation process leading to a design and revitalization of Breakwater Park in 2012. *8-80 Cities* is an opportunity that effectively compliments the proposed Breakwater Park project roll out.

(The Report of the Commissioner of Community Services (12-070) was attached as Schedule Pages 109-114)

(File No. CSU-R04-000-2012)

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**MISCELLANEOUS BUSINESS**

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**NEW MOTIONS**

Council consented to the **addition** of New Motions No (2) and (3).

- 1) Moved by Councillor Hector  
Seconded by Councillor Berg

**THAT** notwithstanding the City of Kingston Proclamations Policy, the following motion be approved:

**WHEREAS** Canadians significantly help improve the quality of life in various communities around the world by their involvement as international development stakeholders, volunteers, and supporters; and

**WHEREAS** throughout 2012, the Federation of Canadian Municipalities (FCM) will celebrate 25 years of mobilizing the expertise of Canadian municipalities to support local governance, democratic practices, and the provision of essential services in 43 developing countries, and counting; and



**WHEREAS** since 1987, the Federation of Canadian Municipalities has been a valued partner, together with the Canadian International Development Agency and member municipalities, in strengthening the effectiveness and focus of Canada's international aid; and

**WHEREAS** during the first full week of February each year, the Government of Canada celebrates Canada's contribution to international development and its commitment to improving the quality of life in various communities around the world;

**THEREFORE BE IT RESOLVED THAT** I Mayor Gerretsen, as Mayor of the City of Kingston, hereby proclaim that the week of February 5-11, 2012, shall be "International Development Week" in the City of Kingston. I recognize the Federation of Canadian Municipality's contribution over the past 25 years as a Canadian and world leader in international municipal development. Finally, I invite all citizens to become informed about international development, to show their solidarity with developing countries, and to continue to support Canadian municipalities' international community-building efforts.

**CARRIED**

- 2) Moved by Councillor Scott  
Seconded by Councillor Reitzel

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

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

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

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

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

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

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

**AND FURTHER THAT** the Ontario Provincial Police, the Ontario Police Association and the Ontario Police Chief’s Association be requested to support the resolution.”

**THAT** the Nottawasaga Police Services Board be so advised.

**DEFERRED**  
**(See Motion To Defer Which Was CARRIED)**  
**(Councillor Neill recorded as opposed)**

Moved by Councillor Hutchison  
Seconded by Councillor George

**THAT** the motion of Councillors Scott and Reitzel be deferred to April 3, 2012, to allow the Kingston Police Services Board an opportunity to provide comments on the matter.

**CARRIED**  
**(Councillor Neill recorded as opposed)**

3) Moved by Councillor Berg  
Seconded by Councillor Scott

**WHEREAS** the Corporation of the City of Kingston welcomes unique, creative solutions for renewable energy in our community where history and innovation thrive, and

**WHEREAS** the Municipality of Kingston welcomes companies looking to build solar panel arrays on our rural lands while considering impacts to environmental, social, and cultural aspects during the planning and development of solar arrays,

**THEREFORE BE IT RESOLVED THAT** the Province of Ontario be requested to ensure water quality during project planning and development by considering aspects of turbidity and erosion, stormwater management, and cleaning methodologies and products; and

**THAT** the Province of Ontario be requested to ensure adequate setbacks and buffer zones of the completed projects by considering aspects of wildlife corridors, berms and/or living fences as visual and sound barriers for neighbours and travelers through the bucolic splendour of rural and historic Kingston; and

**THAT** this resolution be forwarded to the Honourable John Gerretsen, Attorney General and the Honourable Jim Bradley, Minister of the Environment, for their consideration of future solar array projects.

**CARRIED**

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**NOTICES OF MOTION**

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## MINUTES

Moved by Councillor Councillor Berg  
Seconded by Councillor Neill

**THAT** the Minutes of City Council Meeting No. 2012-04, held Tuesday, January 10, 2012 be confirmed.

**(Distributed to all Members of Council on January 20, 2012)**

**CARRIED**

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## TABLING OF DOCUMENTS

Council consented to the **addition** of Tabling of Documents (2012-19) and (2012-20).

- 2012-17 Downtown Kingston! BIA  
Minutes – December 14, 2011  
(File No. CSU-A01-001-2012)
- 2012-18 Cataraqui Source Protection Committee  
Agenda – January 19, 2012  
(File No. CSU-D03-001-2012)
- 2012-19 KFL&A Public Health  
Agenda – January 25, 2012  
(File No. CSU-S08-001-2012)
- 2012-20 Cataraqui Region Conservation Authority  
Agenda – January 25, 2012  
(File No. CSU-D03-000-2012)

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## COMMUNICATIONS

Council consented to the **addition** of Communications No (05-053) through (05-059).

### Filed

- 05-048 From the City of Oshawa, acknowledging receipt of Kingston City Council's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement.  
(File No. CSU-F00-000-2012)  
**(Distributed to all Members of Council on January 16, 2012)**
- 05-049 From the City of Pickering, acknowledging receipt of Kingston City Council's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement.  
(File No. CSU-F00-000-2012)  
**(Distributed to all Members of Council on January 16, 2012)**

- 05-053 From the City of Vaughan, acknowledging receipt of Kingston's City Council's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement (CETA).  
(File No. CSU-F00-000-2012)
- 05-054 From the Corporation of the Municipality of Clarington, acknowledging receipt of Kingston's City Council's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement (CETA).  
(File No. CSU-F00-000-2012)
- 05-055 From the City of Hamilton, acknowledging receipt of Kingston's City Council's resolution regarding support for formation of Consortium Wind Turbines in the Wolfe Island Shoals.  
(File No. CSU-F00-000-2012)

**Referred to All Members of Council**

- 05-050 From the County of Huron, asking for Council's support of a resolution adopted by the County of Huron's Council with respect to the findings and recommendations of the Low Frequency Noise Committee.  
(File No. CSU-C10-000-2012)  
**(Distributed to all Members of Council on January 16, 2012)**
- 05-051 From AMO, providing a "save the date" for upcoming events throughout 2012.  
(File No. CSU-A01-004-2012)  
**(Distributed to all Members of Council on January 16, 2012)**
- 05-056 From Councillor Jim Collard, Town of Niagara-on-the-Lake, inviting Mayor and Members of Council to the 2012 OSUM Conference and Trade Show at Deerhurst Resort, May 2 – 4, 2012.  
(File No. CSU-A04-000-2012)  
**(Distributed to all Members of Council on January 23, 2012)**
- 05-057 From the City of Windsor, acknowledging receipt of Kingston's City Council's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement, and in response, providing a resolution passed by the City of Windsor's Council with respect to CETA.  
(File No. CSU-F00-000-2012)  
**(Distributed to all Members of Council on January 23, 2012)**
- 05-058 From the Ontario Good Roads Association, providing a Notice of Poll for the 2012/2013 OGRA Board of Directors.  
(File No. CSU-A01-000-2012)  
**(Distributed to all Members of Council on January 24, 2012)**

05-059 From the Corporation of the Town of Gravenhurst, asking for Council's support of a resolution adopted by the Town of Gravenhurst's Council to support the private member's bill introduced by MPP Norm Miller to have a one metre paved shoulder on certain provincially owned highways.

(File No. CSU-C10-000-2012)

**(Distributed to all Members of Council on January 24, 2012)**

**Referred to the City Clerk**

05-047 From the Kingston Military Family Resource Centre, asking that Council proclaim February 6 to 11 as "Military Family Awareness Week" in the City of Kingston.

(File No. CSU-M10-000-2011)

**(Distributed to all Members of Council on January 13, 2012)**

**Referred to the Commissioner of Sustainability and Growth**

05-052 From the Commissioner of the Environment and Sustainable Development of Canada, providing notification of third party reference in an environmental petition.

(File No. CSU-E00-000-2012)

**(Distributed to all Members of Council on January 16, 2012)**

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**OTHER BUSINESS**

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**BY-LAWS**

Council consented to the **addition** of By-Law (15).

- (A) Moved by Councillor Hector  
Seconded by Councillor Hutchison

**THAT** By-Laws (1) through (10) and (15) be given their first and second reading.

**CARRIED**

- (B) Moved by Councillor Osanic  
Seconded by Councillor Paterson

**THAT** Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Laws (9) and (10) three readings.

**CARRIED**

Councillor George withdrew from the meeting.

- (C) Moved by Councillor Neill  
Seconded by Councillor Schell

**THAT** By-Law (11) be given its third reading.

**CARRIED**

Councillor George returned to the meeting.

- (D) Moved by Councillor Neill  
Seconded by Councillor Schell

**THAT** By-Laws (9), (10), and (12) through (15) be given their third reading.

**CARRIED**

- (1) A By-Law to Amend By-Law No. 2010-128, "A By-Law to Regulate Parking".  
FIRST AND SECOND READINGS PROPOSED NO. 2012-34  
**(See Clause (b), Report No. 20)**
- (2) A By-Law to Amend By-Law No. 2010-128, "A By-Law to Regulate Parking".  
FIRST AND SECOND READINGS PROPOSED NO. 2012-35  
**(See Clause (b), Report No. 20)**
- (3) A By-Law to Amend By-Law No. 2010-128, "A By-Law to Regulate Parking".  
FIRST AND SECOND READINGS PROPOSED NO. 2012-36  
**(See Clause (b), Report No. 20)**
- (4) A By-Law to Authorize the Temporary Closing of a Portion of Market Street from Ontario Street to Mid-Block, on Saturday, March 17, 2012 from 7:00 A.M. until 7:00 A.M. Sunday, March 18, 2012 (Community Purposes – St. Patrick's Day Celebration)  
FIRST AND SECOND READINGS PROPOSED NO. 2012-37  
**(See Clause (c), Report No. 20)**
- (5) A By-Law to Amend By-Law No.2003-209, "A By-Law for Regulating Traffic in the Highways of the City of Kingston, Subject to the Provisions of the Highway Traffic Act", (Amend Speed Limits on Various Streets)  
FIRST AND SECOND READINGS PROPOSED NO. 2012-38  
**(See Clause (d), Report No. 20)**
- (6) A By-Law to Amend By-Law No.2003-209, "A By-Law for Regulating Traffic in the Highways of the City of Kingston, Subject to the Provisions of the Highway Traffic Act", (Amend Speed Limits on Various Streets)  
FIRST AND SECOND READINGS PROPOSED NO. 2012-39  
**(See Clause (e), Report No. 20)**

- (7) A By-law To Amend By-law 2008-192, A By-law to Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers in the City of Kingston  
FIRST AND SECOND READINGS PROPOSED NO. 2012-40  
**(See Clause (f), Report No. 20)**
- (8) A By-law To Stop Up, Close and Declare Surplus the Portion of Resource Road Highway Described as Part 1 on Draft Reference Plan 13R- 20332.  
FIRST AND SECOND READINGS PROPOSED NO. 2012-41  
**(See Clause (g), Report No. 20)**
- (9) A By-Law to Amend By-Law No. 2005-10, "A By-Law to Establish Fees and Charges to be Collected by the Corporation of the City of Kingston", as Amended – Building Permit Fee Reduction For Construction Of Industrial Buildings With a Floor Area Larger Than 100,000 Square Feet  
THREE READINGS PROPOSED NO. 2012-42  
**(See Clause (1), Report No. 21)**
- (10) A By-Law to Amend By-Law No. 87-136 "A By-Law to Authorize the Adoption of Regulations Established for the Purpose of Dealing with Applications for the Extended Use of Sidewalks.  
THREE READINGS PROPOSED NO. 2012-43  
**(See Clause (2) Report No. 61, 2011)**
- (11) A By-Law to Stop Up and Close, Declare Surplus and Dispose of Various Lands Within Purdy Mills Subdivision, Registered Plan 1853.  
THIRD READING PROPOSED NO. 2012-11  
**(See Clause (3), Report No. 110)**
- (12) A By-Law to Approve the Renaming of Maria Street to Rosanna Avenue, as Shown on Plan 13M-84 Located West of Bayridge Drive, Directly North of Princess Street, City of Kingston, County of Frontenac.  
THIRD READING PROPOSED NO. 2012-15  
**(See Clause (8), Report No. 9)**
- (13) 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.  
THIRD READING PROPOSED NO. 2012-28  
**(See Clause (1), Report No. 18)**
- (14) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, January 24, 2012  
THREE READINGS PROPOSED NO. 2012-44  
**(City Council Meeting No. 2012-05)**

- (15) A By-Law to Amend Zoning By-Law No. 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" (Modify Site Specific Zoning – 'M1-13', Cataraqui Estates Business Park)  
THREE READINGS PROPOSED NO. 2012-45  
**(See Clause (1), Report No. 24)**

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**ADJOURNMENT**

Moved by Councillor Glover  
Seconded by Councillor Hector

**THAT** Council do now adjourn.

**CARRIED**

Council adjourned at 8:57 pm.

(Signed)

John Bolognone  
City Clerk

Mark Gerretsen  
Mayor