



CITY COUNCIL MEETING NO. 2012-12

The Regular Meeting of Kingston City Council was held on Tuesday, April 3, 2012, and was called to order at 7:00 pm in the Council Chamber, City Hall. Regular business commenced at 7:37 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 7:05 pm to 7:25 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Gerretsen, Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison (arrived at 7:05 pm), Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (arrived at 7:05 pm) (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk

Mr. J. Bolognone, City Clerk

Mr. G. Hunt, Chief Administrative Officer

Mr. J. Keech, President and CEO, Utilities Kingston

Mr. H. Linscott, Director, Legal Services

Mr. P. MacLatchy, Director, Environment and Sustainable Initiatives

Moved by Councillor Hector

Seconded by Councillor Berg

THAT Council waive the rules of By-Law 2010-1, "Council Procedural By-Law" in order to amend the Council Agenda to consider the addeds following Roll Call.

CARRIED
(A 2/3 Vote of Council Was Received)
(See Page No. 3)

COMMITTEE OF THE WHOLE “CLOSED MEETING”

Council consented to the **addition** of item (b).

- (1) Moved by Councillor Berg
Seconded by Councillor Downes

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

- (a) A proposed or pending acquisition of land by the municipality or local board – 1316 Princess Street;

- (b) Litigation or potential litigation affecting the municipality or local board – Ravensview Waste Water Treatment Plant.

CARRIED

(Council Chamber)

Administrative Staff Present:

- Mr. K. Arjoon, Deputy City Clerk
- Ms. S. Bailey, Manager, Heritage and Urban Design
- Mr. G. Bain, Director, Planning and Development
- Ms. C. Beach, Commissioner, Sustainability and Growth
- Mr. J. Bolognone, City Clerk
- Mr. J. Davis, Project Manager
- Mr. W. Ferris, Director, Recreation and Leisure Services
- Mr. J. Giles, Manager, Solid Waste
- Mr. J. Hale, Driver/Labourer
- Mr. G. Hunt, Chief Administrative Officer
- Ms. L. Hurdle, Commissioner, Community Services
- Mr. J. Keech, President and CEO, Utilities Kingston
- Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
- Mr. H. Linscott, Director, Legal Services
- Mr. P. MacLatchy, Director, Environment and Sustainable Initiatives
- Ms. S. Nicholson, Director, Corporate Affairs
- Ms. C. Thomson, Assistant to the Mayor
- Mr. N. Unsworth, Manager, Parks Development
- Mr. G. Wallace, Project Manager
- Mr. T. Willing, Director, Building and Licensing
- Ms. H. Wilson, Manager, Intergovernmental Relations

REPORT OF THE COMMITTEE OF THE WHOLE "CLOSED MEETING"

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

THAT Council rise from the Committee of the Whole "Closed Meeting" without reporting.
CARRIED

APPROVAL OF ADDEDS

- Moved by Councillor Hector
Seconded by Councillor Berg

THAT the addeds be approved.

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

DISCLOSURE OF PECUNIARY INTEREST

Councillor Hutchison declared a pecuniary interest in the matter of "Closed Meeting" Committee of the Whole Item (a) as his employer, Kingston Co-operative Homes, Inc., owns abutting land to the site at 1316 Princess Street.

PRESENTATIONS

DELEGATIONS

Council consented to the **addition** of delegation No. (2).

- 1) Mr. Jay Mifflin and Grant Malkoske spoke to Council regarding Clause (a), Report No. (46), regarding the Noise Exemption Request for Kingston North Congregation.
- 2) Mr. Raymond Zaback, Principal, Shoalts and Zaback Architects Ltd. spoke to Council regarding Clause (2), Report No. (47), regarding the final design for the new restaurant façade and roof top patio at 330 King Street.

BRIEFINGS

PETITIONS

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

Council consented to the **addition** of Motion of Congratulations No. (2), Motion of Speedy Recovery No. (1), Motion of Condolence No. (4), and to the **amendment** of Motion of Condolence No. (1).

Motions of Congratulations

- 1) Moved by Mayor Gerretsen
Seconded by Councillor Paterson

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

- 2) Moved by Councillor Hector
Seconded by Councillor Berg

THAT the congratulations of Kingston City Council be extended to the community members of FOCUS Kingston who initiated the vision “Kingston Canada’s most Sustainable City” for their volunteer time and dedication to the creation of Sustainable Kingston at the completion of their mandate. Thank you Harry Cleghorn, Dan Corbett, Kathy Barry Cotton, Adam Davidson-Harden, Daniel Hendry, Kathy Horton, Seam Wayne Ifill, Kelsey Jensen, Genny Landis, Richard Moller, Nathan Putnam, Venicio Rebelo, Alec Ross, and Chair Linda Whitfield.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to former City Clerk Carolyn Downs, and Tim Hamilton, Transportation Services for the loss of Dan Emmerson, who passed away on March 15, 2012, and Robert (Bob) Emmerson, who passed away on March 31st. Dan and Bob were loving brothers to Carolyn, and uncles to Tim. Our thoughts and prayers are with them during this very difficult time.

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

THAT Kingston City Council extends its sincere condolences to the family and friends of Shirley St. Onge, who passed away on March 23, 2012. Mrs. St. Onge was a longstanding member of the Independent Order of Oddfellows, an altruistic and benevolent service club which came into being during the 18th century. She was

awarded the gold medal for highest proficiency in her nursing studies after graduating from Belleville General Hospital and retired from Kingston Psychiatric Hospital after more than 30 years of health care service within our community. Mrs. St. Onge is deeply missed by her many family members, colleagues and friends.

- 3) Moved by Councillor Reitzel
Seconded by Councillor Scott

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

- 4) Moved by Councillor Berg
Seconded by Councillor Glover

THAT Kingston City Council extends its sincere condolences to the family of Barbara Lesslie who passed away on March 28, 2012. Mrs. Lesslie joined the Women's Royal Canadian Naval Service (WRENS #4093) during World War II and became President of the WRENS Association of Kingston. She served our community in a multitude of ways including four decades spent volunteering with the Kingston General Hospital Auxiliary. Her leadership and dedication will be greatly missed. Our thoughts are with her family and many friends.

CARRIED

DEFERRED MOTIONS

- 1) Moved by Councillor Scott
Seconded by Councillor Reitzel

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

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

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

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

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

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

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

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.

CARRIED

* * * * *

REPORTS

Report No. 46: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Schell

Seconded by Councillor Paterson

THAT Report No. 46: Received from the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the **separation** of Clauses (a) through (e).

Report No. 46

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

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

THAT this activity be permitted only for 10 days during the exemption period and that the applicant provides the Manager, Licensing and Enforcement Division, 72 hours notice before the exemption is being utilized.

(The Report of the Commissioner of Sustainability and Growth (12-088) is attached as Schedule Pages 1-5)
(File No. CSU-P01-001-2012)

**CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)**

Moved by Councillor Schell

Seconded by Councillor Scott

THAT Clause (a) of Report No. (46), Received from the CAO (Consent) be amended in paragraph (2) to reduce “15 days” to “10 days”.

CARRIED

REPORTS (CONTINUED)

Report No. 46: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Neill

Seconded by Councillor Osanic

THAT Council waive the rules of By-Law No. 2010-1, "Council Procedural By-Law", in order to allow Mr. Mifflin and Mr. Malkoske to answer further questions from Council with respect to the Clause (a), Noise Exemption Request - Kingston Congregations of Jehovah's Witnesses.

CARRIED

(A 2/3 Vote of Council Was Received)

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

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

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

(The Report of the Commissioner of Community Services (12-126) is attached as Schedule Pages 6-10) (File No. CSU-S18-000-2012)

CARRIED

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

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

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

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

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

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

CARRIED

REPORTS (CONTINUED)

Report No. 46: Received from the Chief Administrative Officer (Consent)

d) Endorsement of the 2011 Water System Annual Compliance Reports

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

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

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

(The Report of the President and CEO of Utilities Kingston (12-121) is attached as Schedule Pages 22-131)
(File No. CSU-E03-000-2012)

CARRIED

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

THAT Council authorize the Mayor and the Clerk to enter into a License Agreement with the owner of “Windmills Restaurant” located at 184 Princess Street, for the lease of City property adjacent to their store frontage on Princess Street for the purpose of operating a serving sidewalk patio. Such license is to be conditional on approval of the application by Council and the license agreement is to be in a form satisfactory to the Director of Legal Services.

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

CARRIED

REPORTS (CONTINUED)

Report No. 47: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor Hector

Seconded by Councillor George

THAT Report No. 47: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 47

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

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

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

THAT Council appoints Councillor Berg to sit on the Board of Directors of the Sustainable Kingston Corporation for the term of the Service Level Agreement; and

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

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

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

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

**CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)**

Moved by Councillor Scott

Seconded by Councillor George

THAT Councillor Berg be appointed to sit on the Board of Directors of the Sustainable Kingston Corporation for the term of the Service Level Agreement.

CARRIED

REPORTS (CONTINUED)

Report No. 47: Received from the Chief Administrative Officer (Recommend)

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

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

1. That, barring any functional or structural requirements, the applicant shall lower the height of the elevator shaft to be flush with the prevailing roofline of the permanent rooftop addition (including a service area, lobby and washrooms); and
2. That the aspect of lighting on the rooftop patio be delegated to Planning and Development Department staff with a requirement that the proponent supply information through the Site Plan Control Modification application (D11-375-2012M) as to how the lighting will appear at night, the extent to which the lighting will disperse off site and its impact on the overall square. This requirement is complementary to the standard technical review that occurs with every Site Plan control application that proposes on-site outdoor lighting; and
3. That in accordance with Condition 2 of the previous Council approval and as a commenting agency for *Planning Act* applications involving properties designated under the *Ontario Heritage Act*, KMHC shall continue to have a commenting role with the reappearance of the Site Plan Control modification technical circulation on the agenda of the next available Heritage Committee meeting.

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

**CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)**

Moved by Councillor Neill
Seconded by Councillor Schell

THAT Clause (2), Report No. 47, Received from the CAO (Recommend) be amended in condition (1) by deleting the words "consideration be given to lowering" and replaced with "the applicant shall lower" thereto.

CARRIED

REPORTS (CONTINUED)

Report No. 47: Received from the Chief Administrative Officer (Recommend)

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

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

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

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

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

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

REPORTS (CONTINUED)

Report No. 47: Received from the Chief Administrative Officer (Recommend)

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

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

CARRIED

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

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

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

CARRIED (10:3)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Downes

YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (10)

NAYS: Councillor Downes, Councillor Neill, Councillor Osanic (3)

ABSENT: (0)

REPORTS (CONTINUED)

Report No. 48: Received from the Arts, Recreation and Community Policies Committee

Moved by Councillor Glover
Seconded by Councillor Downes

THAT Report No. 48: Received from the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to the **separation** of Clauses (2) and (3).

Report No. 48

To the Mayor and Members of Council:

The Arts, Recreation and Community Policies Committee reports and recommends as follows:

1) Off Leash Dog Park

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

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

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

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

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

CARRIED

Moved by Councillor Downes
Seconded by Councillor Hector

THAT Council recess.

CARRIED

The meeting recessed at 7:43 p.m.

The meeting reconvened at 7:48 p.m.

2) Affordable Housing Land Acquisition and Disposition Program

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

REPORTS (CONTINUED)

Report No. 48: Received from the Arts, Recreation and Community Policies Committee

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

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

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

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

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

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Schell
Seconded by Councillor Reitzel

THAT Clause (2) be deferred to the Council meeting on April 17, 2012.

CARRIED

3) Affordable Housing Capital Investment Program

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

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

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

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

REPORTS (CONTINUED)

Report No. 48: Received from the Arts, Recreation and Community Policies Committee

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

**DEFERRED
(See Motion To Defer Which Was CARRIED)**

Moved by Councillor Schell
Seconded by Councillor Reitzel

THAT Clause (3) be deferred to the Council meeting on April 17, 2012.

CARRIED

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

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

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

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

**CARRIED
(Clauses (1) and (4))**

REPORTS (CONTINUED)

Report No. 49: Received from the FOCUS Kingston Steering Committee

Moved by Councillor Hector
Seconded by Councillor Reitzel

THAT Report No. 49: Received from the FOCUS Kingston Steering Committee be received and adopted.

Report No. 49

To the Mayor and Members of Council:
The FOCUS Kingston Steering Committee reports and recommends as follows:

1) Sustainable Kingston Implementation and Concluding Activities

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

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

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

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

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

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

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

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

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

CARRIED

INFORMATION REPORTS

1) Waste Recycling Strategy 2010-2013 update

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

(The Report of the President and CEO of Utilities Kingston (12-114) is attached as Schedule Pages 259-284)
(File No. CSU-E07-001-2012)

2) Update - Provincial Budget of March 27, 2012

On Tuesday March 27th, 2012 Mayor Gerretsen along with Jim Keech, President of Utilities Kingston, Jeff Garrah, President of KEDCO, JP Shearer, Director of Business Development and Holly Wilson, Manager of Intergovernmental Relations attended the introduction of the 2012 Ontario Budget Bill at Queen's Park.

(The Report of the Chief Administrative Officer (12-132) was distributed separately from the agenda)
(File No. CSU-F05-000-2012)

3) Update - Federal Budget of March 29, 2012

On Thursday March 29th 2012 Mayor Gerretsen and Holly Wilson, Manager of Intergovernmental Relations attended the reading of the 2012 federal budget bill in Ottawa.

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

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MISCELLANEOUS BUSINESS

Council consented to the **addition** of Miscellaneous Business Item (2).

- (1) Moved by Councillor George
Seconded by Councillor Paterson

THAT City Council accept the resignation of Mr. Ebon Gage from the Arts Advisory Committee with regret; and

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

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

(See Communication No. 12-175)

CARRIED

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

THAT as requested by the Ukrainian Canadian Club of Kingston, Council designate the “Lviv, Ukraine – Folklore Festival”, being held Friday, June 8, Saturday, June 9 and Sunday, June 10, 2012, at Regiopolis Notre Dame Catholic High School, as an event of municipal significance, to which Special Occasion Permits may be issued by the Alcohol and Gaming Commissioner of Ontario.

(See Communication No. 12-185)

CARRIED

NEW MOTIONS

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

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

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

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

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

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

NEW MOTIONS (CONTINUED)

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

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

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

CARRIED UNANIMOUSLY

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

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

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

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

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

WITHDRAWN

NEW MOTIONS (CONTINUED)

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

THAT the following motion be withdrawn:

“Moved by Councillor Osanic
Seconded by Councillor Neill

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

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

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

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

CARRIED

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

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

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

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

NEW MOTIONS (CONTINUED)

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

THAT staff report the information to KEAF by Q4 2012.

CARRIED

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

WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction; and

WHEREAS FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support, and provide FCM with the prestige required to carry the municipal message to the federal government; and

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

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

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

CARRIED

NOTICES OF MOTION

MINUTES

Moved by Councillor Scott
Seconded by Councillor George

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

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

CARRIED

TABLING OF DOCUMENTS

Council consented to the **addition** of Tabling of Documents (2012-34) through (2012-36).

- 2012-30 KFL&A Public Health Board
Agenda – March 28, 2012
(File No. CSU-S08-001-2012)

- 2012-31 Cataraqui Source Protection Authority
Agenda – March 28, 2012
(File No. CSU-D03-000-2012)

- 2012-32 Cataraqui Region Conservation Authority
Agenda – March 28, 2012
(File No. CSU-D03-000-2012)

- 2012-33 Downtown Kingston! BIA Board of Management
Minutes – February 8, 2012
(File No. CSU-A01-001-2012)

- 2012-34 Kingston Frontenac Public Library Board
Minutes – February 22, 2012
(File No. CSU-R02-000-2012)

- 2012-35 Kingston Frontenac Public Library Board (AGM)
Minutes – March 23, 2012
(File No. CSU-R02-000-2012)

- 2012-36 Downtown Kingston BIA
Newsletter – April 2012
(File No. CSU-R02-000-2012)

COMMUNICATIONS

Council consented to the **addition** of Communications (12-178) through (12-194).

Filed

- 12-162 From the Town of Milton, acknowledging receipt of Kingston City Council's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement (CETA).
(File No. CSU-F00-000-2012)
- 12-163 From the City of St. Thomas, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the City of St. Thomas passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-164 From Go Italian, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 2815 Princess Street.
(File No. CSU-P09-000-2012)
- 12-170 From the Township of Wellington North, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Township's Council passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-171 From the Town of Arnprior, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Town's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-172 From the Township of Manitouwadge, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Township's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-173 From the City of Owen Sound, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the City of Owen Sound's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-176 From the Municipality of West Nipissing, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Municipality's Council passed a motion in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-177 From the Committee of Adjustment, a Notice of Decision for the following applications:

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 76-26 for the property at 4146 Bath Road, the Committee decided that the

application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is April 16, 2012.

CONSENT – In respect of an application for consent to sever the property at 471 Catarauqui Woods Drive, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is April 17, 2012.

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

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

- 12-178 From the Town of Iroquois Falls, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Town's Council passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-180 From the City of Oshawa, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the City of Oshawa's Council passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-186 From The Beer Store, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 1130 Midland Avenue.
(File No. CSU-P09-000-2012)
- 12-187 From Jack Astor's Bar and Grill, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 330 King Street East.
(File No. CSU-P09-000-2012)
- 12-188 From the City of Barrie, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes.
(File No. CSU-F22-000-2012)
- 12-189 From the City of Cornwall, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the City's Council passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)
- 12-190 From the Municipality of Wawa, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Municipality's Council passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)

- 12-191 From the City of Belleville, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes.
(File No. CSU-F22-000-2012)
- 12-192 From the Municipality of Leamington, acknowledging receipt of Kingston City Council's resolution regarding Provincial payment in lieu of taxes, and advising that the Municipality's Council passed a resolution in support to this resolution.
(File No. CSU-F22-000-2012)

Referred to All Members of Council

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

(See Miscellaneous Business Item No. 1)

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

- 12-179 From AMO, providing AMO's breaking news regarding the 2012 Provincial Budget.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on March 29, 2012)
- 12-181 From Kingston Municipal Heritage Committee, providing a memo with a Draft Portion of KMHC March 26th Minutes regarding the Clause (2), Report No. (47), Received from the CAO (Recommend), Review of New Information in Relation to Council's Approval under the Ontario Heritage Act (330 King Street East) (12-118)
(File No. CSU-P18-000-2012)
(Distributed to all Members of Council on March 29, 2012)
- 12-182 From AMO, providing AMO's breaking news regarding the 2012 Federal Budget.
(File No. CSU-F05-000-2012)
(Distributed to all Members of Council on March 30, 2012)
- 12-183 From AMO, providing the AMO Watch File for March 29, 2012.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on March 30, 2012)
- 12-184 From AMO, providing the AMO Urban Symposium Program Update for April 19 and April 20, 2012.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on March 30, 2012)
- 12-185 From Nadia Luciuk, Pavilion Coordinator, Ukrainian Canadian Club of Kingston, an application for a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario for the "Lviv, Ukraine – Folklore Festival" located at Regiopolis Notre Dame Catholic High School June 4 to June 10, 2012.
(File No. CSU-P09-000-2012) (File No. CSU-M02-000-2012)
(Distributed to all Members of Council on April 2, 2012)
(See Miscellaneous Business Item No. (2))
- 12-193 From Dillon Consulting Limited, providing a Notice of Study Commencement for the Ministry of Transportation, Ontario Class Environmental Assessment and Preliminary Design of Gananoque South Truck Inspection Station.
(File No. CSU-P09-000-2012) (File No. CSU-M02-000-2012)
(Distributed to all Members of Council on April 3, 2012)

Referred to the City Clerk

- 12-194 From the Kingston Humane Society, asking that Council proclaim May 2012 as "May is Kingston Humane Society Month" in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on April 3, 2012)

OTHER BUSINESS

BY-LAWS

Council consented to the addition of By-Law (9).

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

THAT By-Laws (1) through (3), (8) and (9) be given their first and second reading.

CARRIED

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

THAT By-Laws (3) and (5) through (9) be given their third reading.

CARRIED

- (C) Moved by Councillor Berg
Seconded by Councillor Osanic

THAT By-Law (4) be given its third reading.

CARRIED

- (1) A By-Law to Amend By-Law No. 2010-205 "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston" (To Establish the Sustainable Kingston Corporation)
FIRST AND SECOND READINGS PROPOSED NO. 2012-70
(See Clause (1), Report No. 47)
- (2) A By-Law to Amend By-Law No. 2010-205 "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by the Corporation of the City of Kingston" (To Delete FOCUS Kingston Steering Committee Mandate)
FIRST AND SECOND READINGS PROPOSED NO. 2012-71
(See Clause (1), Report No. 49)
- (3) A By-Law to Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law" to Remove the '-H' Holding Symbol Related to the 'LDR/I' and 'LDR*15' Zones (J.A. Pye Ontario Ltd. - Lyndenwood Phase 4, Stage 5, in the City of Kingston)
THREE READINGS PROPOSED NO. 2012-72
(Delegated Authority)

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- (4) A By-Law to Approve the Renaming of the Portion of Barrack Street Between King Street and the Street End of Barrack Street East of Ontario Street to Tragically Hip Way
THIRD READING PROPOSED NO. 2012-58
(See Clause (1), Report No. 32)
- (5) A By-Law to Establish the 2012 Tax Capping Limits
THIRD READING PROPOSED NO. 2012-65
(See Clause (3), Report No. 44)
- (6) A By-Law to Establish the 2012 Tax Ratios
THIRD READING PROPOSED NO. 2012-66
(See Clause (4), Report No. 44)
- (7) A By-Law to Amend By-Law No. 2010-1, "Council Procedural By-Law" (Amend Section 14.37 – Challenging the Chair).
THIRD READING PROPOSED NO. 2012-67
(See New Motions, Item (1), March 6, 2012)
- (8) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, April 3, 2012
THREE READINGS PROPOSED NO. 2012-73
(City Council Meeting No. 2012-12)
- (9) A By-Law to Establish Part 1 on Reference Plan 13R-6019 and Part 4 on Reference Plan 13R-20083 as Parts of the Public Highways Known as Terry Fox 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 NO. 2012-74
(Delegated Authority)

ADJOURNMENT

Moved by Councillor Downes
Seconded by Councillor Hector

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:30 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor