



## City Council Meeting 2018-18

Tuesday, August 7, 2018 at 5:45 pm  
in the Council Chamber at City Hall.

Council will resolve into the Committee of the Whole  
“Closed Meeting” and will reconvene  
as regular Council at 7:30 pm.

There will be a Meeting of the Membership of Kingston Municipal Non-Profit Housing Corporation (Town Homes Kingston) at 6:45 pm in the Council Chamber.

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(Council Chamber)

**Call Meeting to Order**

**Roll Call**

**The Committee of the Whole “Closed Meeting”**

1. **That** Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following item:
  - (a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Homestead Land Holdings Limited – 51-57 Queen Street, 18 Queen Street and 282 Ontario Street.

**Approval of Addeds**

**Disclosure of Potential Pecuniary Interest**

**Presentations**

**Delegations**

**Briefings**

**Petitions**

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

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

**Deferred Motion**

The following motion was deferred from the July 10, 2018, Council Meeting.

**1. Application for a Zoning By-Law Amendment – 1821 Bur Brook Road (Charles and Mitch Bender)**

**Note: The following recommendation lost at Planning Committee and therefore is being presented to Council with a recommendation that the application be denied:**

**That** the staff recommendation noted hereunder be denied:

**That** the application for a zoning by-law amendment (File Number D14-037-2016) submitted by Robert Clark, Clark Consulting Services, on behalf of Charles and Mitch Bender, for the property municipally known as 1821 Bur Brook Road, be approved; and

**That** By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 76-26) to Report Number PC-18-044; and

**That** Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

**That** the amending by-law be presented to Council for all three readings.

**(See By-Law Number (3), 2018-130)**

**Note: See also New Motion 3.**

## Reports

### **Report Number 68: Received from the Chief Administrative Officer (Consent)**

Report Number 68

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

All items listed on the Consent Report shall be the subject of one motion. Any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the Consent Report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

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

#### **1. Patio Application – SanTur Brewing Inc.**

**That** Council authorize the Mayor and Clerk to enter into a License Agreement, in a form satisfactory to the Director of Legal Services, with the owner of “SanTur Brewing Inc.”, located at 177 Princess Street, for the lease of City property adjacent to their business on the Princess Street frontage for the purpose of operating a serving sidewalk patio.

(The Report of the President and CEO, Utilities Kingston (18-224) is attached to the agenda as schedule pages 1-6)

(File Number CSU-D23-000-2018)

#### **2. Award of Contract – One 2019 Model Year Forestry Aerial Truck**

**That** Altec Industries Ltd. be awarded the contract for the purchase of one 2019 model year forestry aerial truck (F31-TIS-TS-FL-2018-06), for the total purchase price of \$271,022 plus applicable taxes; and

**That** Council authorize the Mayor and Clerk to execute the required agreement in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO, Utilities Kingston (18-221) is attached to the agenda as schedule pages 7-10)

(File Number CSU-V00-000-2018)

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**3. Award of Contract – One 2019 Model Year, Crew Cab Dump Truck**

**That** Petrie Ford Sales be awarded the contract for the purchase of one 2019 model year, crew cab dump truck (F31-TIS-TS-FL-2018-16), for the total purchase price of \$55,109 plus applicable taxes; and

**That** the Deputy Commissioner Operations – Transportation and Infrastructure be authorized to execute the required agreements, in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO, Utilities Kingston (18-226) is attached to the agenda as schedule pages 11-14)

(File Number CSU-V00-000-2018)

**4. Queen’s University ReUnion Street Festival**

**That** a by-law be presented to City Council to provide for the temporary closure to motor vehicle traffic and on-street parking on Union Street, from University Avenue to Division Street, from 5:00 a.m. on Friday, October 19 to 9:00 p.m. on Sunday, October 21, 2018; and

**That** the amending by-law be presented for all three readings; and

**That** Queen’s Alma Mater Society be granted an exemption from Schedule “B” (4) of By-Law Number 2004-52, “A By-law to Regulate Noise” to permit amplified sound for the ReUnion Street Festival on Union Street from University Avenue to Division Street, from 7:00 p.m. on Saturday, October 20 to 2:00 a.m. on Sunday, October 21, 2018, with sound testing from 12:00 p.m. to 7:00 p.m. on October 20, 2018; and

**That** the Mayor and Clerk be authorized to enter into an agreement with Queen’s University and the Queen’s Alma Mater Society that defines the roles and responsibilities of each in a form satisfactory to the Director of Legal Services.

**(See By-Law Number (4), 2018-131)**

(The Report of the President and CEO, Utilities Kingston (18-219) is attached to the agenda as schedule pages 15-34)

(File Number CSU-P01-001-2018 and File Number CSU-T08-2018)

**5. Request for Noise Exemption – MTO Highway 401/Kingston Road 38 Interchange Construction**

**That** the Ontario Ministry of Transportation be granted an exemption from Schedule “B”, Activity 1 and 3, of By-Law Number 2004-52, “A By-Law to Regulate Noise”, to permit noise from construction activity and from the operation of construction equipment at Highway 401/Kingston Road 38 Interchange from 7 p.m.

to 7 a.m. on periodic dates for a total of 150 nights between September 1, 2018 and November 30, 2020.

(The Report of Commissioner of Community Services (18-223) is attached to the agenda as schedule pages 35-48)

(File Number CSU-P01-001-2018)

**6. Request for Noise Exemption – Construction, Kingston (Norman Rogers) Airport Expansion Project**

**That** a Change Order be issued under the Kingston Airport Expansion Contract (F31-CES-FMCS-2017-1) with H.R. Doornekamp Construction Limited to permit construction activity at the Norman Rogers Airport from 7:00 p.m. to 7:00 a.m. on periodic dates between August 13 and September 27, 2018.

(The Report of Commissioner of Corporate & Emergency Services (18-222) is attached to the agenda as schedule pages 49-62)

(File Number CSU-P01-001-2018)

**7. Award of Contract – Airport Runway Liquid De-icing Sprayer**

**That** Council authorize the Mayor and Clerk to execute an agreement, pursuant to RFP F31-CES-AP-2018-2, with Team Eagle Ltd. for the purchase of one tow behind runway liquid de-icing sprayer, in a form satisfactory to the Director of Legal Services.

(The Report of Commissioner of Corporate & Emergency Services (18-229) is attached to the agenda as schedule pages 63-67)

(File Number CSU-P01-001-2018)

**8. Consulting Services for Intersection Design**

**That** the Director, Transportation Services, be authorized to sole source, pursuant to By-Law Number 2000-134, A By-law to establish Purchasing Policies and Procedures, the detailed design of the intersections contained with the Front Road multi-use path to WSP Canada Inc., at a cost within the overall budget of \$59,970, exclusive of HST; and

**That** Council authorize the Mayor and Clerk to execute an agreement between the City of Kingston and WSP Canada Inc., in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO, Utilities Kingston (18-330) is attached to the agenda as schedule pages 68-72)

(File Number CSU-P01-001-2018 and File Number CSU-T05-2018)

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**Report Number 69: Received from Heritage Kingston**

Report Number 69

To the Mayor and Members of Council:

Heritage Kingston reports and recommends as follows:

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

**1. Applications Recommended for Approval (Statutory Consultation with Heritage Kingston)**

**i. Approval of an Application for Heritage Permit – 103 Stuart Street**

**That** alterations to the property at 103 Stuart Street, be approved in accordance with details described in the application (File Number P18-069-2018), with said alterations to include:

1. Relocating an existing door on the east wall to an existing window opening, and replacing the door with a window;
2. Installing two new compressor units at the southeast corner of the building;
3. Installing two mechanical louvers into existing windows on the north side of the building; and

**That** the approval of the alterations be subject to the following conditions:

1. A Building Permit shall be obtained;
2. All masonry works shall be completed in accordance with the City's Policy on Masonry Restoration on Heritage Buildings;
3. All window works shall be completed in accordance with the City's Policy on Window Renovation in Heritage Buildings;
4. Any new concrete shall be tinted to a grey tone in order to minimize its contrast with the limestone walls;
5. The new compressor units and louvers be painted/coloured grey; and

**That** city staff measure the current noise (db) levels and following the installation of two new compressor units, measure the subsequent noise (db) levels to determine if an increase in noise levels has occurred. In the event that an increase in noise is significant, City staff shall work with

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Queen's University to determine if mitigative controls are required. Where mitigation requires alteration to the property, subsequent heritage approvals shall be obtained.

**2. Applications Supported for Approval by Heritage Kingston (Non Statutory Consultation)**

**i. Approval of an Application for Heritage Permit – 1 Emily Street**

**That** alterations to the property at 1 Emily Street be approved in accordance with the details described in the application (File Number P18-066-2018), which was deemed complete on June 22, 2018, with said alterations to include the removal of a later rear addition and the construction of a one-storey stucco clad rear addition with new landscaping treatment; and

**That** the approval of the alterations be subject to the following conditions:

1. A Building Permit shall be obtained, including confirmation of zoning compliance;
2. Any necessary *Planning Act* applications shall be completed; and
3. Planning staff shall be circulated the drawings and design specifications, tied to the Building Permit application, for review and approval to ensure consistency with the scope of the Heritage Permit sought by this application.

(Report Number HK-18-046 is attached to the agenda as schedule pages 73-102)

**ii. Approval of an Application for Heritage Permit – 13 Maitland Street**

**That** alterations to the property at 13 Maitland Street, be approved in accordance with the details described in the application (File Number P18-045-2018), which was deemed complete on June 3, 2018, with said alterations to include:

1. The repair of a small area of stucco cladding with like-for-like material and colour on the rear (east) side of the principal building;
2. To remove the remaining cement-based stucco cladding on the rear two-storey stone addition;
3. To repair and repoint the exposed stonework as necessary; and

**That** the approval of the alterations be subject to the following conditions:



1. All masonry works shall be completed in accordance with the City's Policy on Masonry Restoration on Heritage Buildings; and
2. Photographic and/or graphic illustration of the proposed construction detail where the exposed stonework on the rear addition meets the stucco on the principal building shall be provided to Heritage Planning staff to ensure that the heritage attributes of the property are conserved.

(Report Number HK-18-049 is attached to the agenda as schedule pages 103-125)

**iii. Approval of an Application for Heritage Permit – 92 Gore Street**

**That** alterations to the property at 92 Gore Street, be approved in accordance with the details described in the application (File Number P18-070-2018), which was deemed complete on June 11, 2018, with said alterations to include the replacement of existing asphalt shingle roof with a standing seam metal roof in a silver/grey colour; and

**That** the approval of the alterations be subject to the following conditions:

1. A Building Permit shall be obtained if any structural repairs to the roof are required; and
2. Details pertaining to the selected standing-seam metal roof be submitted to Heritage Planning staff to ensure that the proposed roof is compatible with the architectural style of the subject property and will conserve the cultural heritage value of the Old Sydenham Heritage Conservation District.

(Report Number HK-18-050 is attached to the agenda as schedule pages 126-144)

**iv. Approval of an Application for Heritage Permit – 5 Court Street**

**That** alterations to the property at 5 Court Street be approved in accordance with the details described in the application (File Number P18-064-2018), which was deemed complete on June 18, 2018, with said alterations to include: disassembling, repairing and restoring many of the existing features of the Kirkpatrick Fountain; replicating missing or overly deteriorated elements; and replacing/repairing the mechanical components; and

**That** notwithstanding Part VII, Section 23(i) of By-Law Number 2013-141, as amended, this approval shall remain in effect for six (6) years

subject to periodic inspections by the City per Section 23(f) of the noted by-law; and

**That** the approval of the alterations be subject to the following conditions:

1. All masonry works shall be completed in accordance with the City's Policy on Masonry Restoration on Heritage Buildings;
2. Any necessary replica features shall be designed as to accurately recreate the existing details using similar/compatible materials, so as to appear original to the fountain; and
3. No storage of equipment or materials shall occur within 1.5 meters of the edge of the canopy of any existing trees.

(Report Number HK-18-051 is attached to the agenda as schedule pages 145-197)

**v. Approval of an Application for Heritage Permit – 23 Sydenham Street**

**That** alterations to the property at 23 Sydenham Street, be approved in accordance with the details described in the application (File Number P18-062-2018), which was deemed complete on June 11, 2018, with said alterations to include the installation of a new six foot wood fence along three property lines to meet the existing fencing and fully enclose the rear portion of the property; and

**That** the approval of the alterations be subject to the following condition:

1. The fencing shall meet the requirements of the City of Kingston By-Law Number 2003-405, as amended (A By-Law to Regulate Fences).

(Report Number HK-18-052 is attached to the agenda as schedule pages 198-217)

**Report Number 70: Received from the Environment, Infrastructure and Transportation Policies Committee**

Report Number 70

To the Mayor and Members of Council:

The Environment, Infrastructure and Transportation Policies Committee reports and recommends as follows:

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

**1. Approval of the Asset Management Policy**

**That** the Asset Management Policy attached as Exhibit 'A' to Report Number EITP-18-008 be approved as it relates to the City owned assets managed by Utilities Kingston.

(Exhibit 'A' of Report Number EITP-18-008 is attached to the agenda as schedule pages 218-224)

**2. Approval of the 2017 Kingston Environmental Advisory Forum (KEAF) Report Card**

**That** the 2017 Kingston Environmental Advisory Forum (KEAF) Report Card be approved as a summary of the work accomplished by KEAF.

(The 2017 KEAF Report Card is attached to the agenda as schedule pages 225-228)

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**Report Number 71: Received from the Arts, Recreation and Community Policies Committee**

Report Number 71

To the Mayor and Members of Council:

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

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

**1. Allocation Policy Updates**

**That** Council adopt the Ice Allocation Policy and Guideline and Sports Field Allocation Policy and Guideline updates, attached as Exhibit A (Draft Ice Allocation Policy) and Exhibit B (Draft Sports Field Allocation Policy) to Report Number ARCP-18-003.

(Exhibits A and B of Report Number ARCP-18-003 are attached to the agenda as schedule pages 229-261)

**2. A Pilot Project to Promote Local Music and Musicians**

**That** Council approve the Terms of Reference for a Pilot Project to Promote Local Music and Musicians as described in Exhibit B attached to Report Number ARCP-18-004; and

**That** Council direct staff to implement the Pilot Project to Promote Local Music and Musicians in collaboration with the Arts Advisory Committee and the Kingston Accommodation Partners based on the Terms of Reference as approved; and

**That** the Commissioner of Community Services, or the Cultural Director as his/her designate, under delegated authority, be authorized to execute any legal agreements as needed, to the satisfaction of the Director of Legal Services, to enable the City of Kingston to work with local artists and the Kingston Accommodation Partners to support the pilot project as proposed in Report Number ARCP-18-004; and

**That** Council direct staff to report back with future recommendations regarding the Pilot Project to Promote Local Music and Musicians no later than 12 months following the project launch.

(Report Number ARCP-18-004 is attached to the agenda as schedule pages 262-276)

**3. Appointment to the Mayor's Arts Awards Nominations Working Group**

**That** Dave Coon be appointed as a member of the public to the Mayor's Arts Awards Nominations Working Group, with a term expiring November 30, 2018.

**4. 2017 Housing and Homelessness Advisory Committee Report Card**

**That** the 2017 Housing and Homelessness Advisory Committee Report Card be approved as a summary of the work accomplished by the Committee.

(The 2017 Housing and Homelessness Advisory Committee Report Card is attached to the agenda as schedule pages 277-288)

**5. Recognition of David Jackson; Former Committee Chair, Housing and Homelessness Advisory Committee**

**That** Council recognize the outstanding contribution of David Jackson to the housing and homelessness community.

**Committee of the Whole**

**Information Reports**

**1. Mid-Year Update: Queen's/City Partnership Work**

The purpose of this report is to provide Council with a mid-year update on the activities relating to the Queen's University-City of Kingston partnership.

(The Report of the Chief Administrative Officer (18-160) is attached to the agenda as schedule pages 279-287)

(File Number CSU-R07-000-2018)

**2. Mid-Year Update: Workforce Development & In-Migration Strategy**

The purpose of this report is to provide Council with a mid-year update on the implementation progress of the Workforce Development and In-Migration Strategy.

(The Report of the Chief Administrative Officer (18-163) is attached to the agenda as schedule pages 288-298)

(File Number CSU-D01-000-2018)

**3. Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of June 2018**

The purpose of this report is to provide Council with details of purchases greater than \$50,000 that meet the established criteria of delegated authority as well as contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of June 2018.

(The Report of the Chief Financial Officer and City Treasurer (18-220) is attached to the agenda as schedule pages 299-306)

(File Number CSU-F18-000-2018)

**4. Report on Agreements Executed Under Delegated Approval and Signing Authority: April 1, 2018 – June 30, 2018**

The purpose of this report is to provide Council with details of agreements executed under delegated approval and signing authority by the Community Services Group.

(The Report of the Commissioner of Community Services (18-158) is attached to the agenda as schedule pages 307-324)

(File Number CSU-L04-000-2018)

**5. Delegated Authority Heritage Approvals**

The purpose of this report is to provide Council with details of the delegated authority heritage approvals issued by staff in accordance with Part VI, Section 20.d. of By-Law Number 2013-141 "Procedural By-Law for Heritage".

(The Report of the Commissioner of Community Services (18-211) is attached to the agenda as schedule pages 325-352)

(File Number CSU-P18-000-2018)

**6. Funding Impacts – Cancellation of Provincial Cap and Trade Program**

The purpose of this report is to provide Council with a status report on the project funding at risk as a result of the cancellation of the Cap and Trade Program.

(The Report of the Chief Financial Officer and City Treasurer (18-228) is attached to the agenda as schedule pages 353-360)

(File Number CSU-F11-000-2018)

**7. 2018 Priority Status Matrix – Q2 Update**

This information report provides Council with the Q2 update on the 2018 Priority Status Matrix.

(The Report of the Chief Administrative Officer (18-331) is attached to the agenda as schedule pages 361-369)

(File Number CSU-C08-000-2018)

**8. Update on Community Bike Share Program**

The purpose of this report is to provide Council with an update on the community bike share program that was approved by Council in May 2018.

(The Report of the Commissioner of Community Services (18-332) is attached to the agenda as schedule pages 370-373)

(File Number CSU-T00-000-2018)

**Information Reports from Members of Council**

**Miscellaneous Business**

- 1. That** the resignation of Jill Banting from the Arts Advisory Committee Public Art Working Group be received with regret.  
**(See Communication Number 18-440)**

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2. **That** the resignation of Teresa Carlesimo from the Arts Advisory Committee Public Art Working Group be received with regret.  
**(See Communication Number 18-441)**
  3. **That** notwithstanding section 3.1.4, subsection (v), of the Illumination of City Facilities Policy, Kingston City Council approve the illumination of City Hall and Springer Market Square on September 1, 2018 for Childhood Cancer Awareness Month.  
**(See Communication Number 18-443)**
  4. **That** as requested by KidsInclusive – Kingston Health Sciences Centre, that Council proclaim September 9, 2018 as “International Fetal Alcohol Spectrum Disorder (FASD) Awareness Day”, in the City of Kingston.  
**(See Communication Number 18-446)**
  5. **That** as requested by the Pakistan Canada Association of Kingston, that Council proclaim August 14, 2018 as “Pakistan Day”, in the City of Kingston.  
**(See Communication Number 18-457)**
  6. **That** as requested by the Pakistan Canada Association of Kingston, Council raise the flag on August 14, 2018, in Confederation Park for “Pakistan Independence Day”.  
**(See Communication Number 14-458)**
  7. **That** as requested by SEVA Canada, that Council proclaim October 11, 2018 as “World Sight Day”, in the City of Kingston.  
**(See Communication Number 18-464)**
  8. **That** as requested by Canadian Forces Base (CFB) Kingston, Council raise the flag on August 27, 2018, in Confederation Park for “Canadian Armed Forces Logistics Branch 50<sup>th</sup> Anniversary”.  
**(See Communication Number 14-469)**

#### **New Motions**

1. Moved by Councillor M<sup>c</sup>Laren  
Seconded by Councillor Hutchison

**Whereas** fostering open government is a strategic priority where “citizens have the right to access documents and proceedings to allow for effective public involvement in and oversight of civic affairs”; and



**Whereas** the Ombudsman of Ontario has given the broad advice “When in doubt, open the meeting”; and

**Whereas** the Amberly Gavel Ltd. report of July 2018 exposed some knowledge gaps in Council and Staff concerning the correct balance between open government and the occasional need for closed meetings; and

**Whereas** the Municipal Act says in 239.2 (12): “If a municipality or a local board receives a report from a person referred to in clause 239.1 (a) or (b) reporting his or her opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the municipality or the local board, as the case may be, shall pass a resolution stating how it intends to address the report. 2017, c. 10, Sched. 1, s. 27.”;

**Therefore Be It Resolved That** Council will address the report by directing Staff to return to Administrative Policies Committee in the first quarter of 2019 with new recommendations and guidelines that meet or improve on the recommendations of the Ombudsman’s Sunshine Law Handbook for closed meetings; including, but not limited to the following:

1. an education component for the new council with correct knowledge to prevent errors of what should and should not be in a closed meeting that have occurred in the past from being repeated in the future and that includes at a minimum:
  - a. correct, clear and useful definitions and examples of the legal importance and relationship between motions, resolutions, and votes to confirmation bylaws;
  - b. correct, clear and useful definitions and examples distinguishing between “a procedural matter,” “giving direction to staff,” and “making a substantive decision” in a closed meeting;
  - c. a finer distinction between what is allowed to be in camera and what should be done in camera such that, even though legislation allows for a closed meeting, it may not be necessary to have a closed meeting where the ostensive reason for a closed meeting does not exist and/or where no harm would be incurred by the City if the meeting were to be in open session; and
2. recommendations to make confirmation bylaws more precise, explicit and open; and

3. recommendations for a more thorough and more accountable audio and video recording policy for votes and deliberations in closed meetings; and
4. recommendations for releasing of closed meeting material, votes, and deliberations after an appropriate time.

2. Moved by Councillor Neill  
Seconded by Councillor Holland

**Whereas** we just finished a Provincial Election in which our new By-Law Number 2014-16 was applied; and

**Whereas** there was some confusion around the wording, suggesting some clarification is needed; and

**Whereas** in past elections, through By-Law or as accepted courtesy, signs were not placed in or around parks or cemeteries; this was not the case in the recent election.

**Therefore Be It Resolved That** staff be requested to thoroughly review By-Law Number 2014-16, with public input, to clarify the policy of signs on public property, and to clearly restrict signs bordering municipal parks or cemeteries; and

**That** a proposed amended By-Law be brought to Administrative Policies Committee no later than Q2, 2019, enabling a Council decision well in advance of the 2019 Federal Election.

3. Moved by Councillor Oosterhof  
Seconded by Councillor Neill

**That** denial of the application for D14-037-2016, submitted by Clark Consulting Services, on behalf of Chuck & Mitch Bender/Backyard Fence Limited, for the property municipally known as 1821 Bur Brook Road be based on the following:

1. It is inconsistent, or conflicts with a policy statement issued under subsection 3(1) specifically:
  - a. **PPS 1.1.5.2** –“ On rural lands located in municipalities, permitted uses are:”  
“a) the management or use of resources; b) resource-based recreational uses (including recreational dwellings); c) limited residential development; d) home occupations and home industries; e) cemeteries; and f) other rural land uses.”

These activities of the applicant’s business are not permitted under PPS 1.1.5.2. Furthermore, the Applicant’s business is neither a home

occupation or a home industry as the business owner does not reside on the property and never has.

- b. **PPS 1.1.5.7** “Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.”  
The application results in the conversion of farmland to create a very large outside industrial compound. The proposed land uses are not related to agricultural, and should be directed to another area to minimize constraints on agricultural uses.
  - c. **PPS 1.1.1.d** – “Healthy, liveable and safe communities are sustained by: avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.”  
This application would allow an industrial contracting operation to be established in the middle of what is predominantly a residential area. This application will prevent the efficient expansion of the settlement area because the proposed industrial use is not compatible with residential development.
2. It fails to conform with or is in conflict with an applicable Official Plan policy, specifically,
- a. **3.13.19** “Small-Scale Industrial and Commercial Uses”  
“Small-scale industrial and commercial uses in the Rural designation can provide a modest means of starting a business. The businesses that grow are expected to move to more urban settings. Other businesses may employ local craftsman or artisans and remain small. Such businesses may be permitted in the Rural designation provided the uses are limited in size and do not have adverse effects on adjacent land uses through noise, vibration, reduction of privacy, traffic or other impact or hazard. New small-scale industrial and commercial uses are allowed by an amendment to the zoning by-law. Such amendments must set out specific limits on use, size, location and number of employees. All new small-scale industrial and commercial uses in the Rural designation are subject to the Site Plan Control By-law in accordance with the Planning Act.”  
The application does not conform to 3.13.19 as the applicant’s business has become well established over the last 20 years, has a workforce of up to 12, and has been awarded significant Federal government fencing contracts. The business is not a startup nor is it small scale.

Furthermore, the applicant proposes to relocate their entire business to the subject site, from their administrative offices to heavy equipment, inventory and parking for up to 12 employees. The use of the subject property will neither be small nor limited.

b. **4.6.32** – “Truck Traffic”

“The City will minimize the adverse effects of truck traffic on the functioning of roadways and on the amenity of residential areas by:

a) defining truck routes in the City and prohibiting truck movements on streets in residential areas, wherever warranted;

d) situating land uses that are likely to generate high levels of truck traffic to locations with suitable road and access conditions, having regard to compatibility with permitted uses;

e) encouraging trucks that provide service to industrial areas to travel within such areas and not through residential or commercial areas;

f) restricting home occupations that would generate truck activity;”

The proposed application is in conflict with 4.6.32 as it encourages and allows commercial traffic in and through a predominantly residential area.

c. **3.6.B** “General Industrial designation”

“The General Industrial designation is an area of employment intended to provide convenient locations for manufacturing, wholesale trade, construction, transportation, storage, communications, utilities, and similar uses. These uses will be grouped into distinct employment areas to foster economic synergy and avoid or mitigate adverse effects on residential uses or other sensitive uses.”

This application is in conflict with the intent of 3.6.B as it proposes to establish an industrial contracting business in the middle of what is predominantly a residential area instead of directing it to a distinct employment area with similar and compatible uses. Furthermore, the proposed application would result in commercial activities that would have adverse effects on the existing residential uses.

**Note: Please see Deferred Motion 1 (Page 3)**

**Consideration of New Motion 3 is subject to the outcome of the vote with respect to Deferred Motion 1.**

## Notices of Motion

### Minutes

**That** the Minutes of City Council Meeting Number 2018-17, held Tuesday, July 10, 2018 be confirmed.

(Distributed to all Members of Council on July 20, 2018)

### Tabling of Documents

### Communications

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

#### Filed

18-448 Delegated Authority Consent Application – Notice of Decision for an application for consent to install an easement at the property municipally addressed as 46 Cowdy Street. The application was approved subject to conditions. The final date for appeal is August 2, 2018.

(File Number CSU-D19-000-2018)

18-455 Delegated Authority Consent Application – Notice of Decision for an application for consent to sever at the property municipally addressed as 294 Rideau Street. The application was approved subject to conditions. The final date for appeal is August 9, 2018.

(File Number CSU-D19-000-2018)

#### Referred to All Members of Council

18-440 Letter of resignation from Jill Banting dated June 8, 2018, resigning from the Public Art Working Group.

(Distributed to all members of Council on July 24, 2018)

(File Number CSU-C12-000-2018)

**(See Miscellaneous Business 1)**

18-441 Letter of resignation from Teresa Carlesimo dated June 28, 2018, resigning from the Public Art Working Group.

(Distributed to all members of Council on July 24, 2018)

(File Number CSU-C12-000-2018)

**(See Miscellaneous Business 2)**

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- 18-443 Illumination Application from the Canadian Cancer Society – FLA & The Waterways requesting illumination of City Hall and Springer Market Square on September 1, 2018 for Childhood Cancer Awareness Month.  
(Distributed to all members of Council on July 24, 2018)  
(File Number CSU-M10-000-2018)  
**(See Miscellaneous Business 3)**
- 18-446 Proclamation Application from KidsInclusive – Kingston Health Sciences Centre requesting Council to proclaim September 9, 2018 as “International Fetal Alcohol Spectrum Disorder (FASD) Awareness Day” in the City of Kingston.  
(Distributed to all members of Council on July 24, 2018)  
(File Number CSU-M10-000-2018)  
**(See Miscellaneous Business 4)**
- 18-447 Correspondence from Ken Mann member of The Rotary Club of Kingston with respect to Queen’s Orientation.  
(Distributed to all members of Council on July 25, 2018)  
(File Number CSU-R07-000-2018)
- 18-451 Correspondence from Ontario Good Roads (OGRA) dated July 19, 2018 – OGRA Heads-Up Alert – OGRA establishes Memorandum of Understanding (MOU) with Transnomis Solutions Inc. to coordinate municipal collaboration efforts for Connected and Autonomous Vehicle (CAV) technologies.  
(Distributed to all members of Council on July 25, 2018)  
(File Number CSU-V00-000-2018)
- 18-452 Correspondence from Rural Ontario Municipal Association (ROMA) dated July 19, 2018 – Rural Matters: ROMA AGM and Conference, January 27 – 29, 2019 at the Sheraton Centre Toronto Hotel.  
(Distributed to all members of Council on July 25, 2018)  
(File Number CSU-A04-000-2018)
- 18-453 Correspondence from Ontario Good Roads Association dated July 20, 2018 – Reminder: Transport Futures – Gas Tax Forum, July 25, 2018 at the Innis Town Hall, University of Toronto.  
(Distributed to all members of Council on July 25, 2018)  
(File Number CSU-A04-000-2018)
- 18-454 Correspondence from Angela Bischoff, Director of Ontario Clean Air Alliance dated July 19, 2018 – Ford needs a real plan to lower electricity.

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- (Distributed to all members of Council on July 25, 2018)  
(File Number CSU-E06-000-2018)
- 18-456 Correspondence from Carol Watson, Clerk of the Township of Howick, requesting support of a resolution with respect to petitioning the Bereavement Authority of Ontario to amend Ontario Regulation 30/11 to allow borrowing of funds from the Care and Maintenance Trust Fund for capital improvements and purchases when other municipal cemetery funds are exhausted.  
(Distributed to all members of Council on July 26, 2018)  
(File Number CSU-L11-000-2018)
- 18-457 Proclamation Application from the Pakistan Canada Association of Kingston requesting Council to proclaim August 14, 2018 as “Pakistan Day” in the City of Kingston.  
(Distributed to all members of Council on July 26, 2018)  
(File Number CSU-M10-000-2018)  
**(See Miscellaneous Business 5)**
- 18-458 Flag raising request from the Pakistan Canada Association of Kingston requesting to raise the flag on August 14, 2018 in Confederation Park for Pakistan Independence Day.  
(Distributed to all members of Council on July 26, 2018)  
(File Number CSU-M10-000-2018)  
**(See Miscellaneous Business 6)**
- 18-459 Correspondence from Shawn Fairbank, Technologist, Water Resources, Cataraqui Region Conservation Authority (CRCA) dated July 24, 2018 with respect to a severe thunderstorm watch issued for parts of CRCA.  
(Distributed to all members of Council on July 26, 2018)  
(File Number CSU-E05-000-2018)
- 18-462 Correspondence from The College of Physicians and Surgeons of Ontario with respect to Nominations for an Outstanding Ontario Physician in Your Community – The College of Physicians and Surgeons of Ontario Council Award. The deadline for nominations is October 1, 2018.  
(Distributed to all members of Council on July 26, 2018)  
(File Number CSU-M11-000-2018)
- 18-463 Township of Leeds and the Thousand Islands Notice of a Statutory Public Meeting with respect to the Official Plan Review 2017-18. The meeting is August 22, 2018 at 6:30 pm at the Township Administration Office.

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- (Distributed to all members of Council on July 26, 2018)  
(File Number CSU-D08-000-2018)
- 18-464 Proclamation Application from SEVA Canada requesting Council to proclaim October 11, 2018 as “World Sight Day” in the City of Kingston.  
(Distributed to all members of Council on July 31, 2018)  
(File Number CSU-M10-000-2018)  
**(See Miscellaneous Business 7)**
- 18-465 Correspondence from AMCTO dated July 30, 2018 – AMCTO Responds to Announcement of The Better Local Government Act.  
(Distributed to all members of Council on July 31, 2018)  
(File Number CSU-L11-000-2018)
- 18-466 AMO Communications dated July 27, 2018 – AMO Policy Update – Ford Government announces legislation impacting municipal governments and changes to cannabis implementation.  
(Distributed to all members of Council on July 31, 2018)  
(File Number CSU-L11-000-2018)
- 18-467 Township of Leeds and the Thousand Islands Notice of a Public Meeting with respect to a road closing and sale. The meeting is September 4, 2018 at 5:30 pm at the Township Municipal Office.  
(Distributed to all members of Council on July 31, 2018)  
(File Number CSU-D08-000-2018)
- 18-468 Downtown Kingston! Newsletter – Summer 2018.  
(Distributed to all members of Council on July 31, 2018)  
(File Number CSU-A01-001-2018)
- 18-469 Flag raising request from the Canadian Forces Base Kingston requesting to raise the flag on August 27, 2018 in Confederation Park for the Canadian Armed Forces Logistics Branch 50<sup>th</sup> Anniversary.  
(Distributed to all members of Council on August 1, 2018)  
(File Number CSU-M10-000-2018)  
**(See Miscellaneous Business 8)**



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**Referred to the City Clerk**

- 18-438 Notice of a Special Occasion Permit under the Alcohol and Gaming Commission of Ontario at Rideau Acres Campground on August 10, 2018 and August 11, 2018.  
(Distributed to all members of Council on July 24, 2018)  
(File Number CSU-P09-000-2018)
- 18-439 Flag raising request from Association-canadienne française de l'Ontario, Conseil regional des Mille-îles (ACFOMI), requesting to raise the flag on September 25, 2018 in Confederation Park for Franco-Ontarian Day.  
(Distributed to all members of Council on July 24, 2018)  
(File Number CSU-M10-000-2018)
- 18-442 Notice of a Special Occasion Permit under the Alcohol and Gaming Commission of Ontario at 4587 Kauffman Lane, Battersea on August 11, 2018.  
(Distributed to all members of Council on July 24, 2018)  
(File Number CSU-P09-000-2018)
- 18-444 Illumination Application from the Canadian Cancer Society – FLA & The Waterways requesting illumination of City Hall and Springer Market Square on October 1, 2018 for Breast Cancer Awareness Month.  
(Distributed to all members of Council on July 24, 2018)  
(File Number CSU-M10-000-2018)
- 18-445 Notice of a Special Occasion Permit under the Alcohol and Gaming Commission of Ontario for the Loving Spoonful Night Market at the Kingston Memorial Centre Front Lawn on August 23, 2018.  
(Distributed to all members of Council on July 24, 2018)  
(File Number CSU-P09-000-2018)
- 18-449 Illumination Application from the Amanda Todd Legacy requesting illumination of City Hall and Springer Market Square on October 10, 2018 for Light Up Purple for World Mental Health Day.  
(Distributed to all members of Council on July 25, 2018)  
(File Number CSU-M10-000-2018)
- 18-450 Proclamation Application from the Amanda Todd Legacy requesting Council to proclaim October 10, 2018 as “Light Up Purple for World Mental Health Day” in the City of Kingston.  
(Distributed to all members of Council on July 25, 2018)  
(File Number CSU-M10-000-2018)

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- 18-460 Proclamation Application from the Kingston Mighty Preemies Organization requesting Council to proclaim November 17, 2018 as “World Prematurity Day” in the City of Kingston.  
(Distributed to all members of Council on July 26, 2018)  
(File Number CSU-M10-000-2018)
- 18-461 Illumination Application from the Kingston Mighty Preemies Organization requesting illumination of City Hall and Springer Market Square on November 17, 2018 for World Prematurity Day.  
(Distributed to all members of Council on July 26, 2018)  
(File Number CSU-M10-000-2018)

### Other Business

#### By-Laws

- a) **That** By-Laws (3) through (6) be given their first and second reading.
- b) **That** Clause 11.34 of By-Law Number 2010-1 be suspended for the purpose of giving By-Law (4) three readings.
- c) **That** By-Laws (1) through (6) be given their third reading.
- (1) A By-Law to Designate the Zachariah David Farmhouse at 3012 Creekford Road to be of Cultural Heritage Value and Interest pursuant to the Provisions of the Ontario Heritage Act (R.S.O. 1990, 0.18)  
Third Reading Proposed Number 2018-096  
**(See Clause 1iii, Report 55)**
- (2) A By-Law to Enter into a Municipal Contribution Agreement with Kingston & Frontenac Housing Corporation for the Provision of Affordable Housing Units at 1 Curtis Crescent and 20 Cliff Crescent, and to Repeal By-Law Number 2016-147 – A By-Law to Enter Into a Municipal Contribution Agreement with Kingston Municipal Non-Profit Housing Corporation (Town Homes Kingston)  
Third Reading Proposed Number 2018-120  
**(See Clause 14, Report 64)**
- (3) A By-Law to Amend By-Law Number 76-26, “A By-Law to Regulate the use of lands and the Character, Location and use of Buildings and Structures in The Township of Kingston” (Zone Change from Restricted Agricultural ‘A1’ Zone to Site Specific Restricted Agricultural ‘A1-21’ Zone, 1821 Bur Brook Road)  
Three Readings Proposed Number 2018-130  
**(Deferred Motion 1)**

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- (4) A By-law to Authorize the Temporary Closing for one block of Union Street from University Avenue to Division Street from Friday, October 19, 2018 to Sunday, October 21, 2018 for Community Purpose for Queen's University Homecoming  
Three Readings Proposed Number 2018-131  
**(See Clause 4, Report 68)**
- (5) A By-Law to Amend By-Law Number 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" (Removal of Holding Symbol, 3566 Princess Street)  
Three Readings Proposed Number 2018-132  
**(Delegated Authority)**  
**(See Schedule Pages 374-377)**
- (6) A By-Law to confirm the proceedings of Council at its meeting held on Tuesday August 7, 2018  
Three Readings Proposed Number 2018-133  
**(City Council Meeting Number 2018-18)**

**Adjournment**