

## City Council Meeting 2019-13

Tuesday, April 16, 2019 at 6:15 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.

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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 items:
  - a) Personal matters about an identifiable individual, including municipal or local board employees 2018 CAO Performance Review.
  - b) 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 – 268 Victoria Street.

## Approval of Addeds

#### **Disclosure of Potential Pecuniary Interest**

#### Presentations

#### Delegations

- **1.** Anne Coleman, Campaign Manager, Ontario Living Wage Network will appear before Council to speak with respect to New Motion Number 1.
- 2. Megan Knott, Executive Director, Kingston Accommodation Partners will appear before Council to speak with respect to Report 32, Clause 4 regarding Integrated Destination Strategy.
- 3. Allen Prowse, Board Chair, Christine Knott, Executive Director, Donna Dwyre, Manager of Resource Development and Communications and Wally Viner, Fundraising Cabinet Member, Hospice Kingston will appear before Council to speak with respect to New Motion Number 2.

## 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 Motions**

#### Reports

## Report Number 31: Received from the Chief Administrative Officer (Consent)

Report Number 31

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. Elmwood Park Joint Use Agreement

**That** Council direct the Mayor and City Clerk to execute a joint use agreement with the Conseil des écoles publiques de l'Est de l'Ontario (the Board) for the continued community use of the existing shared soccer field and the parking lots on the Board lands, at the school known as École Madeleine-de-Roybon, known municipally as 72 Gilmour Avenue and which is adjacent to Elmwood Park, for a term of ten (10) years, with an option to renew for a second ten (10) year term, commencing on the date of execution of the agreement, for the annual rent of \$1.00; and

**That** the joint use agreement be executed in a form satisfactory to the Director of Legal Services.

(The Report of the Acting Commissioner of Community Services (19-088) is attached to the agenda as schedule pages 1-6) (File Number CSU-R04-000-2019)

## 2. System Upgrade Agreement, SUA II with Motorola Solutions Canada Inc.

**That** Council approve the purchase of one System Upgrade Agreement, SUA II, from Motorola Solutions Canada, Inc., in keeping with the payment schedule attached as Exhibit A to Report Number 19-100; and

**That** Council authorize the Mayor and Clerk to execute an additional agreement, pursuant to RFP F31-TPES-F&R-2013-2, with Motorola Solutions Canada Inc., for the purchase of a System Upgrade Agreement, SUAII for a term of ten years, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate & Emergency Services (19-100) is attached to the agenda as schedule pages 7-11) (File Number CSU-P00-000-2019)

# 3. Award of Contract – Construction Services for Grass Creek Park Post and Beam Washroom Building

**That** Bourgon Construction be awarded the contract for the project 'Construction Services for Grass Creek Park Post and Beam Washroom Building', at a total amount of \$698,775.68 plus applicable taxes; and

**That** the Mayor and Clerk enter into an agreement with Bourgon Construction in a form satisfactory to the Director Legal Services.

(The Report of the President and CEO, Utilities Kingston (19-102) is attached to the agenda as schedule pages 12-15) (File Number CSU-R04-000-2019)

## 4. Award of Contract – Sidewalk and Bus Shelter Pressure Washing

**That** Council authorize the Mayor and Clerk to enter into a contract, in a form satisfactory to the Director of Legal Services, with Dedicated Environmental Services Inc. for Sidewalk and Bus Shelter Pressure Washing, for one year commencing May 1, 2019 with an option to renew for one additional year, at the City's sole discretion, under the same terms and conditions.

(The Report of the President and CEO, Utilities Kingston (19-109) is attached to the agenda as schedule pages 16-19)

(File Number CSU-T06-000-2019)

## 5. Appointment of Deputy City Clerk

**That** a by-law, attached as Exhibit A to Report Number 19-113, be presented to Council to amend By-Law Number 98-8, as amended, being a "By-law to appoint Statutory Officials of The Corporation of the City of Kingston" in order to appoint Gary Dyke as Deputy City Clerk to carry on the duties of the City Clerk when

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necessary or as deemed appropriate by the Chief Administrative Officer or by City Council; and

That the by-law be given three readings at the April 16, 2019 Council meeting.

## (See By-Law Number (4), 2019-055)

(The Report of the Commissioner of Corporate & Emergency Services (19-113) is attached to the agenda as schedule pages 20-23)

(File Number CSU-C12-000-2019)

#### Report Number 32: Received from the Chief Administrative Officer (Recommend)

#### Report Number 32

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

## 1. Transmittal of Report from Principles Integrity – Complaint Filed Against a Member of Council

**That** Council receive the Councillor Oosterhof Conflict of Interest and Code of Conduct Recommendation Report, submitted by Principles Integrity, dated April 6, 2019 attached as Exhibit "A" to Council Report Number 19-121.

(The Report of the City Clerk (19-121) is attached to the agenda as schedule pages 24-46)

(File Number CSU-C00-000-2019)

#### 2. On-Street Parking Changes – Breakwater Park Area

**That** the By-law attached as Exhibit A to Report Number 19-104 be presented to amend By-law Number 2010-128 "*A By-law to Regulate Parking*", as amended, in order to apply the proposed parking regulations on King Street West, Beverley Street, and Collingwood Street; and

**That** the amending by-law be presented for all three readings to allow for parking regulatory signage and equipment to be installed in May, corresponding with the increased parking demand from visitors to Breakwater Park.

## (See By-Law Number (3), 2019-054)

(The Report of the President and CEO, Utilities Kingston (19-104) is attached to the agenda as schedule pages 47-58) (File Number CSU-T02-000-2019)

## 3. Brownfield Property Tax Financial Assistance 305 Rideau Street

**That** Council approve the Brownfield Property Tax Financial Assistance Application submitted by Raw Factory Inc., owner of the property at 305 Rideau Street, for a Brownfields Rehabilitation Grant not to exceed \$408,300 subject to the establishment of, and in accordance with, the terms and conditions of a Brownfield Site Agreement; and

**That** a by-law be presented to Council for the cancellation of property taxes for Municipal and Education purposes for the duration of the rehabilitation period and the development period for the eligible property under the Brownfield Financial Tax Incentive Program (BFTIP); and

**That** following the first and second readings of the BFTIP by-law to cancel taxes, said by-law be forwarded to the Ministry of Finance for their approval and once approved, be presented to Council for third reading; and

**That** staff be directed to negotiate a Brownfields Site Agreement with RAW Factory Inc., establishing the terms and conditions governing the payment of the Brownfields Rehabilitation Grant for the redevelopment of 305 Rideau Street, consistent with the terms set out within Report Number 19-110; and

**That** the Mayor and Clerk be authorized to execute the Brownfields Site Agreement, in a form satisfactory to the Director of Legal Services.

## (See By-Law Number (1), 2019-053)

(The Report of the Acting Commissioner of Community Services (19-110) is attached to the agenda as schedule pages 59-74) (File Number CSU-E05-001-2019)

## 4. Integrated Destination Strategy

**That** Council endorse the Kingston Integrated Destination Strategy as submitted by Tourism Kingston; and

**That** Council direct staff to work through the implementation of City of Kingston led initiatives included in the Kingston Integrated Destination Strategy.

(The Report of the Acting Chief Administrative Officer (19-119) is attached to the agenda as schedule pages 75-189)

(File Number CSU-D06-000-2019)

#### **Report Number 33: Received from the Planning Committee**

**Report Number 33** 

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

## 1. Approval of an Application for Zoning By-Law Amendment & Draft Plan of Subdivision – 655 Graceland Avenue

**That** the applications for zoning by-law amendment and Draft Plan of Subdivision (File Numbers D14-041-2013 & D12-010-2013) submitted by Ainley Graham & Associates Limited, on behalf of 1829871 Ontario Limited, for the property municipally known as 655 Graceland Avenue, 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-19-014; and

**That** the Draft Plan of Subdivision be subject to the conditions as per Exhibit A (Proposed Draft Plan of Subdivision Conditions) to Report Number PC-19-027.

**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 (5), 2019-056** attached to the agenda as schedule pages 190–195 and Draft Plan of Subdivision attached to the agenda as schedule pages 196–211)

## 2. Approval of an Application for Final Plan of Condominium – 800 John Marks Avenue

**That** the application for Final Plan of Condominium (File Number D07-003-2018) submitted by Fotenn Consultants Inc., on behalf of Kingston East Medical Campus Corp., for the property municipally known as 800 John Marks Avenue, be approved; and

**That** the execution of the Condominium agreement for the Final Plan of Condominium (D07-003-2018) be subject to the successful registration of the Final Plan of Subdivision application (File Number D12-005-2018); and

**That** final approval be subject to the Owner entering into a Condominium agreement with the City, the agreement shall provide further notice to the Condominium Corporation and present and future purchasers, of the conditions contained within the registered Site Plan Control agreement and that the Condominium Corporation will be responsible for maintaining the approved site works and fulfilling any conditions of the agreement; and

**That** subject to the satisfaction of the Director of Legal Services, the Mayor and Clerk be authorized to execute the Condominium agreement, and the Director of Legal Services be authorized to forward the necessary signed and stamped originals and required copies of the Final Plan of Condominium to the Land Registry Office for registration.

(See Final Plan of Condominium attached to the agenda as schedule pages 212–215)

#### Committee of the Whole

#### **Information Reports**

### 1. 2019 Municipal Debt Limits

The purpose of this report is to provide Council with information with respect to the municipality's existing levels of long- term debt as well as the additional long term borrowings that could be available as per the provincial guidelines.

(The Report of the Chief Financial Officer and City Treasurer (19-098) is attached to the agenda as schedule pages 216-224)

(File Number CSU-F11-000-2019)

## 2. Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of February 2019

The purpose of this report is to provide Council with details of purchases greater than \$50,000 that meets 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 February 2019.

(The Report of the Chief Financial Officer and City Treasurer (19-099) is attached to the agenda as schedule pages 225-231)

(File Number CSU-F18-000-2019)

## 3. Quarterly Report: Kingston Economic Development Corporation – Q4 2018

The purpose of this report is to provide Council with detailed reporting on Q4 2018 activities and services for the economic development organization in accordance with the Service Level Agreement between the City of Kingston and Kingston Economic Development Corporation.

(The Report of the Acting Chief Administrative Officer (19-107) is attached to the agenda as schedule pages 232-251)

(File Number CSU-A01-000-2019)

# 4. Ontario's Discussion Paper on Reducing Litter and Waste in Our Communities

The purpose of this report is to provide to Council information regarding the Reducing Litter and Waste within Our Communities: Discussion Paper released by the Government of Ontario and to share with Council staff comments that will be submitted to the province.

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(The Report of the Acting Commissioner of Community Services (19-111) is attached to the agenda as schedule pages 252-290) (File Number CSU-E07-000-2019)

## 5. Quarterly Report: Tourism Kingston – Q4 2018

The purpose of this report is to provide Council with detailed reporting on Q4 2018 activities and services for Tourism Kingston in accordance with the Service Level Agreement between the City of Kingston and Tourism Kingston.

(The Report of the Acting Chief Administrative Officer (19-112) is attached to the agenda as schedule pages 291-348)

(File Number CSU-A01-000-2019)

## 5 Lower Union Street & 55 Ontario Street – Ongoing Appeal of Applications for an Official Plan & Zoning By-Law Amendment File Number D35-003-2017, LPAT Case Number PL180379

The purpose of this report is to provide Council with an update regarding the LPAT Appeal for proposed applications for an Official Plan and zoning by-law amendment for the properties municipally known as 5 Lower Union Street and 55 Ontario Street.

(The Report of the Acting Chief Administrative Officer (19-115) is attached to the agenda as schedule pages 349-417)

(File Number CSU-L01-001-2019)

## Information Reports from Members of Council

## **Miscellaneous Business**

**1. That** as requested by the Catholic Women's League of Canada, City Council proclaim the week of July 13 – July 17, 2019, as "Catholic Women's League of Canada Week" in the City of Kingston.

## (See Communication 13-279)

2. 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 in purple on May 5, 2019 for "World Pulmonary Hypertension Day 2019".

## (See Communication 13-288)

#### **New Motions**

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

**Whereas** the City of Kingston needs to attract and retain people to live, work, and play; and

**Whereas** people cannot adequately live, work, and play without a living wage; and

**Whereas** the Mayor's Task Force on Poverty Reduction report recommended a living wage; and

**Whereas** the additional cost to the city to implement a living wage for all direct full-time municipal employees is exactly zero because they are all already above the living wage; and

**Whereas** the City of Kingston can incentivize our contractors, partners, and other organizations in the public, private, and non-profit sector with purchasing policies and criteria for awarding contracts;

**Therefore Be It Resolved That** a living wage policy be developed based on the Ontario Living Wage Network (OLWN) certification program and be applied to all direct full-time municipal employees; and,

**That** the City of Kingston's living wage policy develop a preferential consideration for any contractors and partners who have a living wage policy.

2. Moved by Mayor Paterson Seconded by Councillor Neill

**Whereas** Hospice Kingston has been fundraising to build a 10 bed residential hospice facility to provide comfort, support and companionship to people with a life-limiting illness; and

**Whereas** Hospice Kingston has fundraised \$10.2M of its \$11.7M goal, thanks to tremendous support from the community; and

**Whereas** Hospice Kingston has approached the City of Kingston to partner to make this initiative feasible for residents of Kingston; and

**Whereas** a number of other municipalities in Ontario have contributed to the development of their local residential hospice facility.

**Therefore Be It Resolved That** Council direct City staff to investigate possible options for the City to contribute and help Hospice Kingston achieve its fundraising goals, within the financial parameters of Council's new strategic plan to be discussed at its next strategic planning session.

## Moved by Councillor Osanic Seconded by Councillor Hutchison

Whereas the Public Meeting for Application D35-009-2017 2 River St. and 50 Orchard St. was held at Planning Committee on March 8, 2018; and
Whereas many members of the public and the planning authorities, namely the Cataraqui Region Conservation Authority raised concerns about the documentation in relation to natural hazards and natural heritage submitted by the applicant as well as environmental concerns cited by Parks Canada;

**Therefore Be It Resolved That** staff be directed to have the Environmental Impact Assessment of the Davis Tannery by Ecological Services dated December 30, 2017 be peer reviewed by a third party with costs paid by the applicant and that the peer reviewer consider the setbacks from the wetlands and shorelines, a compensation and mitigation strategy, shoreline and riparian buffer restoration, and locations and mitigation measures from stormwater outlets and the other concerns submitted by the Cataraqui Region Conservation Authority and Parks Canada with emphasis on how any loss of turtle nesting habitat can be best mitigated particularly near Block 103 as currently proposed where video footage from the Friends of Inner Harbour in 2018 has shown 80 Northern Map turtles basking in the sun.

## **Notices of Motion**

#### Minutes

**That** the Minutes of City Council Meeting Number 2019-12, held Tuesday April 2, 2019 be confirmed.

(Distributed to all Members of Council on April 9, 2019)

## **Tabling of Documents**

2019-24	Kingston and Frontenac Housing Corporation Agenda – April 1, 2019 (File Number CSU-S13-000-2019)
2019-25	Kingston and Frontenac Housing Corporation Minutes – February 25, 2019 (File Number CSU-S13-000-2019)
2019-26	Cataraqui Region Conservation Authority

## 2018 Financial Statements (File Number CSU-D03-000-2019)

### Communications

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

#### Filed

- 13-270 Notice of a Public Meeting for a proposed Official Plan & Zoning By-Law Amendment & Draft Plan of Subdivision with respect to the property municipally known as Headway Block – multiple addresses. The Public Meeting is April 18, 2019 at 6:30 pm in the Council Chamber at City Hall. (File Number CSU-D14-000-2019)
- 13-271 Notice of a Public Meeting for a proposed Zoning By-Law Amendment with respect to the property municipally known as 235 Brock Street. The date of the Public Meeting is to be determined.
   (File Number CSU-D14-000-2019)
- 13-272 Notice of a Public Meeting for a proposed Zoning By-Law Amendment with respect to the property municipally known as 6 Scott Street. The date of the Public Meeting is to be determined. (File Number CSU-D14-000-2019)
- 13-273 Committee of Adjustment Notice of a Public Meeting for a minor variance with respect to the property municipally known as 275 Helen Street. The Public Meeting is April 15, 2019 at 5:00 pm at 1211 John Counter Boulevard.

(File Number CSU-D19-000-2019)

13-274 Committee of Adjustment Notice of a Public Meeting for a minor variance with respect to the property municipally known as 3228 4<sup>th</sup> Concession Road. The Public Meeting is April 15, 2019 at 5:00 pm at 1211 John Counter Boulevard.
 (File Number 2011 D10 000 0010)

(File Number CSU-D19-000-2019)

13-275 Committee of Adjustment Notice of a Public Meeting for a minor variance with respect to the property municipally known as 254 Collingwood Street. The Public Meeting is April 15, 2019 at 5:00 pm at 1211 John Counter Boulevard.

(File Number CSU-D19-000-2019)

13-276 Committee of Adjustment Notice to Reconvene a Public Meeting for a consent with respect to the property municipally known as 2285 Battersea Road. The Public Meeting is April 15, 2019 at 5:00 pm at 1211 John Counter Boulevard.

(File Number CSU-D19-000-2019)

13-277 Committee of Adjustment Notice to Reconvene a Public Meeting for a consent with respect to the property municipally known as 43 Crerar Boulevard. The Public Meeting is April 15, 2019 at 5:00 pm at 1211 John Counter Boulevard.

(File Number CSU-D19-000-2019)

#### **Referred to All Members of Council**

- 13-278 News Release from the Cataraqui Region Conservation Authority (CRCA), March 29, 2019 – CRCA watershed conditions statement – Water Safety.
   (Distributed to all members of Council on April 1, 2019)
   (File Number CSU-E05-000-2019)
- 13-280 News Release from the Cataraqui Region Conservation Authority (CRCA), March 27, 2019 – CRCA extends watershed conditions statement – Water Safety.
   (Distributed to all members of Council on April 1, 2019)

(File Number CSU-E05-000-2019)

 13-281 Correspondence from Krista Fazackerly, Cataraqui Region Conservation Authority, with respect to CRCA issues flood warning statement.
 (Distributed to all members of Council on April 1, 2019)

(File Number CSU-E05-000-2019)

- 13-282 Federation of Canadian Municipalities early bird registration for 2019 Annual Conference and Trade Show.
  (Distributed to all members of Council on April 1, 2019) (File Number CSU-A01-002-2019)
- Association of Municipalities of Ontario annual conference updates.
   (Distributed to all members of Council on April 1, 2019)
   (File Number CSU-A01-004-2019)

## City Council Meeting 2019-13 Agenda

## Tuesday, April 16, 2019

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13-295	AMO Policy Update – Municipal budgets may be affected by animal cruelty enforcement changes.
	(Distributed to all members of Council on April 9, 2019)
	(File Number CSU-A01-004-2019)
Referred t	o the City Clerk
13-279	Proclamation Application received from Maureen Vincentine of the Catholic Women's League of Canada, requesting Council to proclaim July 13 to July 17, 2019 as "Catholic Women's League of Canada Week" in the City of Kingston.
	(Distributed to all members of Council on April 1, 2019) (File Number CSU-M10-000-2019)
	See Miscellaneous Business Item 1
13-284	Proclamation Application received from Amber Lockwood of the Students Commission, requesting Council to proclaim May 1 to May 7, 2019 as "Youth Week" in the City of Kingston.
	(Distributed to all members of Council on April 2, 2019) (File Number CSU-M10-000-2019)
13-288	Illumination Application received from Pulmonary Hypertension Canada, requesting City Hall and Springer Market Square to be lit up in purple on May 5, 2019 for "World Pulmonary Hypertension Day 2019".
	(Distributed to all members of Council on April 5, 2019) (File Number CSU-M10-000-2019)
	See Miscellaneous Business Item 2
13-289	Illumination Application received from Chandra P Joshi of the India- Canada Association of Kingston, requesting City Hall and Springer Market Square to be lit up in orange on October 2, 2019 for "Mahatma Gandhi's Birthday and the International Day of Non-Violence". (Distributed to all members of Council on April 8, 2019) (File Number CSU-M10-000-2019)
13-292	Proclamation Application received from Teresa Roseboom of Drivers Against Distraction, requesting Council to proclaim May 2019 as "Motorcycle Awareness and Safety Month" in the City of Kingston. (Distributed to all members of Council on April 8, 2019) (File Number CSU-M10-000-2019)

#### **Other Business**

#### By-Laws

- **1.** That By-Laws (1) and (3) through (7) be given their first and second reading.
- **2.** That Clause 11.36 of By-Law Number 2010-1 be suspended for the purpose of giving By-Laws (3) and (4) three readings.
- **3.** That By-Laws (2) through (7) be given their third reading.
- A By-law to Cancel Municipal and Education Taxes for 305 Rideau Street
   First and Second Reading
   Proposed Number 2019-053
   (Clause 3, Report 32)
- (2) A By-law to Amend By-law Number 2003-209 "A By-Law to Regulate Traffic" (Various Locations)
   Third Reading
   Proposed Number 2019-047
   (Clause 3, Report 29)
- (3) A By-law to Amend By-law Number 2010-128 "A By-Law to Regulate Parking"
   Three Readings Proposed Number 2019-054
   (Clause 2, Report 32)
- (4) A By-law to Amend By-law Number 98-9 "A By-Law to Appoint Statutory Officials of The Corporation of The City of Kingston" (to appoint Gary Dyke as Deputy City Clerk)

Three Readings (Clause 5, Report 31)

Proposed Number 2019-055

(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", as amended, (Zone Change from Development 'D' Zone to Special Residential Type 1 'R1-76-H' Zone and Special Open Space 'OS-23' Zone, 655 Graceland Avenue)

Three Readings (Clause 1, Report 33)

Proposed Number 2019-056

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- A By-Law to Exempt Certain Lands on Registered Plan 13M-111 from the Provisions of Section 50 (5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, and Amendments Thereto (Blocks 69 and 70, Registered Plan 13M-111) Three Readings (Delegated Authority) (See Schedule Pages 418-419)
- (7) A By-Law to confirm the proceedings of Council at its meeting held on Tuesday April 16, 2019

Three Readings (City Council Meeting Number 2019-13)

Proposed Number 2019-058

Adjournment