



City Council Meeting 2019-23

Tuesday, September 17, 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 7:00 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 item(s):
 - a) Personal matters about an identifiable individual, including municipal or local board employees – Commissioner, Corporate Services – Recruitment.

Approval of Addeds

Disclosure of Potential Pecuniary Interest

Presentations

Delegations

Briefings

1. Debbi Miller, Manager, Community and Public Engagement, will appear before Council and provide a briefing with respect to Information Report Number 1 with respect to the Public Engagement National Award.
2. Ian Semple, Director, Transportation Services, will appear before Council and provide a briefing with respect to Clause 1 of Report Number 73: Received from the Chief Administrative Officer (Recommend) with respect to the Active Transportation 5-Year Implementation Plan.

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

The following Motion and accompanying Motion to Amend were deferred from the September 3, 2019 Council Meeting.

1. **Approval of Application for Heritage Permit under the *Ontario Heritage Act* – 72-82 Sydenham Street**

That alterations to the property at 72-82 Sydenham Street be approved in accordance with the details described in the application (File Number P18-046-2019), as amended herein, which was deemed complete on July 16, 2019, with said alterations to include the construction of two new paved areas; the installation of one new lamp post on private property; and the alteration of the hand rail to accommodate a new sign and bicycle rack; and

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

1. The proposal to install a bench and lamp post on the City's right-of-way are not approved and the applicant shall remove these items from the plans;
2. The applicant shall amend the proposed sign area of the new sign to be no greater than 0.18 square metres, or obtain an exemption from the Sign By-Law through clause 6.2 of By-Law Number 2009-140, as amended, as necessary;
3. The applicant shall ensure utility locates are completed before any excavation or re-grading;
4. Should any service valves be located within the paved areas, the applicant shall ensure they are brought up to grade in order to remain accessible/operable, to the satisfaction of Utilities Kingston;
5. Details of the finalized design for the lamp posts and sign shall be submitted to Heritage Planning staff to ensure that the heritage attributes of the property are conserved; and
6. Any alteration that interfaces with the masonry of the building shall comply with the City's Policy on Masonry Restoration in Heritage Buildings.

(Report HK-19-040 was attached to the September 3, 2019 agenda as schedule pages 158–187)

Motion to Amend

Moved by Councillor Doherty

Seconded by Councillor Neill

That Report 69, Clause 2i.: Received from Heritage Kingston be amended in bullet number 1 by deleting the word “not” and the words “and the applicant shall remove these items from the plans” so that the bullet reads as follows:

“1. The proposal to install a bench and lamp post on the City’s right of way are approved.”

Reports

Report Number 72: Received from the Chief Administrative Officer (Consent)

Report Number 72

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. Radiocommunication Facility Proposal – 1245 Midland Avenue – Municipal Statement of Concurrence or Non-Concurrence

That Council direct staff to sign the Notice of Completion and Land Use Authority Recommendations Report for the radiocommunication facility proposed for 1245 Midland Avenue, attached as Exhibit A to Report Number 19-232, and forward the documents to CRINS-SINRC to be provided to the proponent and Innovation, Science and Economic Development Canada.

(The Report of the Interim Chief Administrative Officer (19-232) is attached to the agenda as schedule pages 1-32)

(File Number CSU-A12-000-2019)

Report Number 73: Received from the Chief Administrative Officer (Recommend)

Report Number 73

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1. Active Transportation 5-Year Implementation Plan

That Council endorse and approve the Active Transportation Implementation Plan included as Exhibit A in Report Number 19-218; and

That Council direct staff to incorporate the infrastructure projects and programs outlined in Exhibit A in Report Number 19-218 into the work plans of the Transportation & Public Works Group and associated 2020-2022 operating and capital budgets and forecasts.

(The Report of the Commissioner, Transportation & Public Works (19-218) is attached to the agenda as schedule pages 33-127)

(File Number CSU-T00-000-2019)

2. Strategic Plan Mid-Year Update

That Council approve up to \$250,000 to be funded from the Environmental Reserve Fund to complete a Climate Change Management Strategy, including climate adaptation and mitigation planning.

(The Report of the Interim Chief Administrative Officer (19-246) is attached to the agenda as schedule pages 128-173)

(File Number CSU-C08-000-2019)

Report Number 74: Received from the Planning Committee

Report Number 74

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows from their September 5, 2019 meeting:

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 - 235 Brock Street

That the application for a zoning By-Law amendment (File Number D14-007-2019) submitted by FoTenn Consultants Inc., on behalf of Emilio Holdings Inc., for the property municipally known as 235 Brock Street, be approved; and

That By-Law Number 96-259, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 96-259) to Report Number PC-19-053; 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 (1), 2019-138 attached to the agenda as schedule pages 174– 177)

Report Number 75: Received from Arts, Recreation and Community Policies Committee

Report Number 75

To the Mayor and Members of Council:

Arts, Recreation and Community Policies Committee reports and recommends as follows from their September 4, 2019 meeting:

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. Belle Park Master Plan

That Council endorse the Belle Park Master Plan as shown in Exhibit A to Report Number ARCP-19-005; and

That staff be directed to include park improvement works, identified in the Belle Park Master Plan, as shown in Exhibit A to Report Number ARCP-19-005, in future capital budgets for consideration; and

That the Belle Park Working Group, having fulfilled its mandate, be, and is hereby, dissolved, and that sincere thanks from Council be extended to all current and former working group members for their valued contributions.

(See Exhibit A to Report Number ARCP-19-005 attached as schedule pages 178 – 479)

2. Appointments to Mayor's Arts Awards Nominations Working Group (Community Members)

That Mieke vanGeest, Marney McDiarmid, Erin Ball and Marc Garniss be appointed as public members to the Mayor's Arts Awards Nominations Working Group, with a term expiring on November 30, 2019.

Committee of the Whole

Information Reports

1. Public Engagement National Award

The purpose of this report is to update Council on the Communications and Public Engagement Division's acceptance of the Organization of the Year Award from the International Association for Public Participation (IAP2) Canada.

(The Report of the Interim Chief Administrative Officer (19-242) is attached to the agenda as schedule pages 480-485)

(File Number CSU-M11-000-2019)

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

(The Report of the Chief Financial Officer and City Treasurer (19-231) is attached to the agenda as schedule pages 486-495)

(File Number CSU-F18-000-2019)

3. Transition of Ontario's Blue Box Program Plan to Full Producer Responsibility

The purpose of this report is to provide Council with information with respect to the special advisor report, the recent announcement, and future matters that the City of Kingston will need to consider with respect to the Blue Box program.

(The Report of the Commissioner, Transportation & Public Works (19-243) is attached to the agenda as schedule pages 496-504)

(File Number CSU-E07-001-2019)

4. Supplementary Report – Application for Heritage Permit under the *Ontario Heritage Act*, 72-82 Sydenham Street, P18-046-2019

The purpose of this report is to provide Council with information regarding the Application for Heritage Permit under the *Ontario Heritage Act*, 72-82 Sydenham Street and the specific location of a proposed bench and lamp post, the financial implications of the City permitting the bench and/or lamp post to be located in the City right-of-way and any permits and/or encroachment agreements that may be required.

(The Report of the Interim Chief Administrative Officer (19-248) is attached to the agenda as schedule pages 505-514)

(File Number CSU-P18-000-2019)

Information Reports from Members of Council

Miscellaneous Business

New Motions

1. Moved by Mayor Paterson
Seconded by Deputy Mayor Kiley

Whereas Section 9.1 of By-Law Number 2010-1, "Council Procedural By-Law", as amended, states that "meetings of Council are held at City Hall in the Council Chambers at 216 Ontario Street unless otherwise decided by resolution of Council", and

Whereas it is desirable to hold a special meeting of Council in an alternative and functional location in order to accommodate the anticipated interest in a briefing on climate change from Dianne Saxe, former Environmental Commissioner of Ontario;

Therefore Be It Resolved That Council waive By-Law Number 2010-1, as amended, in order to hold a special meeting of Council in a modified open house format, commencing at 6 p.m. on Tuesday, October 22, 2019 in Memorial Hall.

2. Moved by Councillor Chapelle
Seconded by Councillor Holland

Whereas a core principle of Council's Strategic Plan, 2019-2022 supports addressing policies through a rural lens; and

Whereas the dependence on private wells and access to clean drinking water in rural Kingston is critical to their long-term sustainability as vibrant and viable communities; and

Whereas The Corporation of the City of Kingston implemented the Cataraqui Source Protection Plan in April 2015, and established a Regional Risk Management Office through the Cataraqui Region Conservation Authority; and

Whereas the Cataraqui Source Protection Plan defines a drinking water threat as an activity that has the potential to harm the quality or quantity of water that is used as a source of drinking water. A drinking water threat can be an existing activity, or an activity that could exist in the future.

Whereas the Cataraqui Source Protection Plan identifies regionally sensitive groundwater areas as highly vulnerable aquifers (HVAs) and significant groundwater recharge areas (SGRAs) and both Council and the Cataraqui Region Conservation Authority have recognized that HVAs and SGRAs account for more than 90 percent of the entire Cataraqui Source Protection Area which is

characterized by thin soils and fractured limestone bedrock, so that any water and pollutants on the ground surface can easily soak in and potentially affect drinking water sources placing residents reliant on private wells at risk; and

Therefore Be It Resolved That the Cataraqui Region Conservation Authority be requested to assess the impact of Council's decision to declare a Climate Emergency on private wells through the lens of the Cataraqui Source Protection Plan and pending changes to the Provincial Policy Statement and work with City to report back in Q1, 2020 and in doing so acknowledge the concerns of our rural communities; and

That based on findings and or new research required that Cataraqui Region Conservation Authority and city staff investigate long-term strategies to mitigate the impact of climate change on our most venerable rural residents who do not have access to municipal water sources and jointly report back to council in Q3 2020.

Notices of Motion

Minutes

That the Minutes of City Council Meeting Number 2019-22, held Tuesday September 3, 2019 be confirmed.

(Distributed to all Members of Council on September 13, 2019)

Tabling of Documents

Communications

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

Filed

23-700 Notice of Public Meeting with respect to Minor Variance at 7 The Point Road. The Public Meeting is scheduled for September 16, 2019 at 5:30 p.m. at 1211 John Counter Boulevard

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-D19-000-2019)

23-701 Notice of Public Meeting with respect to Minor Variance at 2698 Princess Street. The Public Meeting is September 16, 2019 at 5:30 p.m. at 1211 John Counter Boulevard

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-D19-000-2019)

23-702 Notice of Public Meeting with respect to Minor Variance at 6 Scott Street. The Public Meeting is September 16, 2019 at 5:30 p.m. at 1211 John Counter Boulevard

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-D19-000-2019)

Referred to All Members of Council

23-703 Correspondence received from Addiction & Mental Health Services KFL&A with respect to Transformation Update #9 – 35 Lyons Street, dated August 30, 2019

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-S08-000-2019)

23-704 Resolution from the Town of Wasaga Beach with respect to resolution from the Township of McKellar regarding Municipal Amalgamation, dated August 28, 2019

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-D00-000-2019)

23-705 Resolution from The Corporation of the Township of Lake of Bays with respect to support for the resolution of the Township of McKellar regarding Municipal Amalgamation, dated August 20, 2019

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-D00-000-2019)

23-706 Correspondence from Frank Dixon regarding concerns, questions and suggestions on Kingston Transit Operations, dated August 28, 2019

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-T03-000-2019)

23-707 Correspondence from Marcus Shaver regarding Climate Change – The Science and Global Impact course, dated August 31, 2019

(Distributed to all members of Council on September 3, 2019)

(File Number CSU-E05-000-2019)

23-709 Resolution from Mississippi Mills in support of Township of Warwick resolution with respect to Enforcement for Safety on Family Farms, dated August 27, 2019

(Distributed to all members of Council on September 5, 2019)

(File Number CSU-P00-000-2019)

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- 23-710 Correspondence from County of Frontenac regarding Proposed Allocation of Supplemental Provincial Funding, dated August 23, 2019
(Distributed to all members of Council on September 5, 2019)
(File Number CSU-F11-000-2019)
- 23-711 Correspondence from Frank Dixon regarding Climate Change Working Group submission dated September 5, 2019
(Distributed to all members of Council on September 6, 2019)
(File Number CSU-E05-000-2019)
- 23-712 Correspondence from AMO Communications regarding Queen's Park Catch-Up: Recent Developments for Municipal Decision Markers, dated September 6, 2019
(Distributed to all members of Council on September 6, 2019)
(File Number CSU-A16-000-2019)
- 23-713 Correspondence from Cataraqui Region Conservation Authority with respect to CRCA Declare Level I Low Water Condition, dated September 6, 2019
(Distributed to all members of Council on September 6, 2019)
(File Number CSU-E05-000-2019)
- 23-714 Correspondence received from Cataraqui Region Conservation Authority with respect to Flood Watch Downgraded to Watershed Conditions Statement – Water Safety for Lake Ontario & St. Lawrence River, dated September 5, 2019
(Distributed to all members of Council on September 6, 2019)
(File Number CSU-E05-000-2019)
- 23-715 Resolution received from the City of Kitchener with respect to producer requirements for packaging in Ontario, dated September 6, 2019
(Distributed to all members of Council on September 6, 2019)
(File Number CSU-E07-000-2019)
- 23-716 Correspondence from Addiction & Mental Health Services KFL&A with respect to Expanding Access to Specialized Rehabilitation Care for Clients, dated September 6, 2019
(Distributed to all members of Council on September 9, 2019)
(File Number CSU-S08-000-2019)

Other Business

By-Laws

- a) **That** By-Laws (1) through (3) and (5) be given their first and second reading.
- b) **That** By-Laws (1) through (5) be given their third reading.

- (1) A By-Law to Amend By-Law Number 96-259, "Downtown and Harbour Zoning By-Law of The Corporation of the City of Kingston" (Zone Change from Special Central Business System 'C1-1' Zone to Holding Special Central Business System '(H)-C1-49' Zone, 235 Brock Street

Three Readings

Proposed Number 2019-138

(Clause 1, Report Number 74)

- (2) A By-Law to Exempt Certain Lands on Registered Plan 13M-107 from the Provisions of Section 50(5) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (Block 89, Registered Plan 13M-107)

Three Readings

Proposed Number 2019-139

(Delegated Authority)

(See Schedule Page 515)

- (3) A By-Law to Exempt Certain Lands on Registered Plan 13M-123 from the Provisions of Section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended (Lots 40, 41, 42 & 43 for the purpose of correcting a surveying oversight with respect to lot lines and easement boundaries)

Three Readings

Proposed Number 2019-141

(Delegated Authority)

(See Schedule Page 516)

- (4) A By-Law to Permanently Close a Portion of the Highway described as Part of the Original Road Allowance between Mile Square Lot Concession 2 and Lot 2 Concession 3 (Western Addition), designated as Part 1 on Reference Plan 13R-4969, City of Kingston

Third Reading

Proposed Number 2019-128

(Clause 2, Report Number 65, September 3, 2019)

- (5) A By-Law to confirm the proceedings of Council at its meeting held on Tuesday September 17, 2019

Three Readings

Proposed Number 2019-140

(City Council Meeting Number 2019-23)

Adjournment