



City Council Meeting 29-2023

Tuesday, November 7, 2023 at 5:30 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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City Council Meeting 29-2023

Agenda

Tuesday, November 7, 2023

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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. A proposed or pending acquisition or disposition of land by the municipality or local board – Proposed Property Acquisition;
 - b. A proposed or pending acquisition or disposition of land by the municipality or local board – Proposed Disposition of Land – Clogg’s Road Business Park;
 - c. 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 – Update on Legal Proceedings; and
 - d. A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board – Naming Rights for the Large Venue Entertainment Centre.

Approval of Addeds

Disclosure of Potential Pecuniary Interest

Presentations

1. Mayor Paterson will present the Mayor’s Arts Awards.

Delegations

1. Victoria Robinson will appear before Council to speak to Clause 1 of Report Number 86: Received from the Chief Administrative Officer (Consider) with respect to Sleeping Cabins Update.

2. Jennifer Ingham will appear before Council to speak to Clause 1 of Report Number 86: Received from the Chief Administrative Officer (Consider) with respect to Sleeping Cabins Update.
3. Nicole Richardson will appear before Council to speak to Clause 1 of Report Number 86: Received from the Chief Administrative Officer (Consider) with respect to Sleeping Cabins Update.

Briefings

Petitions

1. A petition bearing approximately 79 signatures expressing concern over the potential relocation of sleeping cabins to Rodden Park was delivered to the Clerk's Department on October 6, 2023.
2. A petition bearing approximately 98 signatures opposing the potential closure of Ontario and Market Streets was delivered to the Clerk's Department on October 20, 2023.

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.

1. Moved by Mayor Paterson

Seconded by Councillor Oosterhof

That the sincere condolences of Kingston City Council be extended to the family and friends of Arthur Britton Smith who passed away on October 28. Living a full life over the span of 104 years, Brit had an indescribable impact on the Kingston community through his generosity and philanthropic endeavours. Awarded multiple medals for his service during World War II, including a Military Cross, Brit was a respected lawyer for over 50 years, founded Homestead Land Holdings Limited, served as a member to several local organizations and was active in many charities. His humility and giving nature led to countless affordable housing and health care projects that helped individuals and families in the community. Our thoughts are with Brit's entire family, especially his daughter Sheila, his son Alexander, and his many grandchildren and great grandchildren.

Deferred Motions

Reports

Report Number 84: Received from the Chief Administrative Officer (Consent)

Report Number 84

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. **Encroachment Agreement – 317 Montreal Street**

That By-Law Number 2004-107, being “A By-Law to Protect the City’s Highways from Unauthorized Encroachments”, be amended as per Exhibit B to Report Number 23-255 to authorize the staircase at 317 Montreal Street; and

That the Mayor and City Clerk be authorized to execute an encroachment agreement with the owner of 317 Montreal Street, in a form satisfactory to the Director of Legal Services, for the staircase within the City right-of-way.

(See By-Law Number (1), 2023-202 attached to the agenda as schedule pages 7-8)

(The Report of the Commissioner, Infrastructure, Transportation & Emergency Services (23-255) is attached to the agenda as schedule pages 1-8)

2. **Kingston Youth Shelter – Renovation Funding**

That Council approve the allocation of capital funding available under the Ontario Priorities Housing Initiative to The Kingston Youth Shelter Project Inc. in the amount of \$150,000 to support the renovation of the shelter facility at 365 Nelson Street; and

That Council authorize the Commissioner of Community Services or their delegate to review and approve all documents and agreements related to the funding allocation outlined in Report Number 23-260; and

That Council authorize the Mayor and Clerk to execute all documents and agreements related to the funding allocation outlined in Report Number 23-260, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner, Community Services (23-260) is attached to the agenda as schedule pages 9-14)

3. Municipal Accommodation Tax – Additional Investment in Destination Marketing

That Council approve “A By Law to Amend By-Law Number 2018-95 “A By-Law of the City of Kingston to establish a Municipal Accommodation Tax””, as per Exhibit A to Report Number 23-258, in order to increase the Municipal Accommodation Tax rate from 4% to 5% effective January 1, 2024; and

That Council authorize the Mayor and Clerk to enter into necessary agreements with Kingston Accommodation Partners and Tourism Kingston, in a form satisfactory to the Director of Legal Services, to implement the renewal of the Municipal Accommodation Tax agreement 2024 – 2026.

(See By-Law Number (2), 2023-203 attached to the agenda as schedule pages 23-24)

(The Report of the Chief Administrative Officer and Chief Financial Officer & City Treasurer (23-258) is attached to the agenda as schedule pages 15-26)

Report Number 85: Received from the Chief Administrative Officer (Recommend)

Report Number 85

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1. Committee Mandate Review, Francophone Committee Engagement and Honorarium Pilot Update

That the By-Law attached as Exhibit A to Report Number 23-233, “Committee By-Law”, be approved; and

That staff be directed to undertake a review of procedures for the Appeals Committee, including By-Law Number 2015-159, the Appeals Committee Procedural By-Law, and provide recommendations to Council by the end of Q4 2024; and

That staff be directed to examine a potential merger of the Arts Advisory Committee and Kingston Heritage Programs Committee and provide recommendations to Council when appropriate; and

That Council approve, in principle, the creation of a Francophone working group and direct staff to continue engagement with the Francophone community regarding the creation of a mandate / terms of reference and working group composition and report back to Council by the end of Q2 2024; and

That Council approve the extension and expansion of the committee member honorarium pilot as described in Exhibit B, Amendments to the Public Appointment Policy, attached to Report Number 23-233, with staff to provide an evaluation on the expanded pilot to Council by the end of Q4 2024.

(See By-Law Number (3), 2023-204 attached to the agenda as schedule pages 42-100)

(The Report of the Director, Legal Services & City Solicitor (23-233) is attached to the agenda as schedule pages 27-102)

2. Weather-Based Parking Ban – Pilot Project Update

That Council continue the pilot program which allows for a weather-based winter parking ban for the months of December 2023 and March 2024, while maintaining the current full parking ban during specified nighttime hours during January and February of 2024, upon the terms and conditions outlined in Report Number 23-256; and

That the By-Law attached to Report Number 23-256 as Exhibit A, being “A By-Law to Amend By-Law Number 2010-128, A By-Law to Regulate Parking, as Amended” be presented to Council for all three readings; and

That staff report back to Council prior to December 2024 with an assessment of the pilot program and a recommendation as to the future status of the overnight weather-based parking for the shoulder season months.

(See By-Law Number (4), 2023-205 attached to the agenda as schedule pages 109-110)

(The Report of the Commissioner, Infrastructure, Transportation & Emergency Services (23-256) is attached to the agenda as schedule pages 103-110)

Report Number 86: Received from the Chief Administrative Officer (Consider)

Report Number 86

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1. Sleeping Cabins Update and Next Steps

That Council consider the following options in relation to the Sleeping Cabin program and direct staff to proceed with implementation of one of the following:

Option 1:

That staff be directed to continue to rotate the Sleeping Cabin program between Portsmouth Olympic Harbour and Centre 70, including a financial contribution of \$90,000 annually for costs to move the cabins twice per year, an additional \$36,000 annually to service the City facilities and an estimated annual cost to a service provider of \$336,000, with these costs to be included in the preparation of the 2024 operating budget; and

That staff be directed to issue a Request for Proposal to seek a permanent operator of the program with the proponents being required to include in their submissions a site and community safety plan, a detailed set of program goals and associated performance indicators, and an evaluation and reporting back schedule such that Council is kept updated on the success of the program; and

That Council authorize the Commissioner of Community Services or their delegate to review and approve all documents and agreements related to the operation of the Sleeping Cabin program at both Portsmouth Olympic Harbour and Centre 70; and

That Council authorize the Mayor and Clerk to execute all documents and agreements related to the operation of the Sleeping Cabin program at Portsmouth Olympic Harbour and Centre 70, in a form satisfactory to the Director of Legal Services; **or**

Option 2:

That Council direct staff to move forward with Rodden Park as the long-term location for the Sleeping Cabin program with a financial contribution of \$790,000 from the Municipal Capital Reserve Fund to support the capital costs to fit up the site and move the cabins; and

That staff be directed to include an additional \$30,000 to annually service the Modular Mobile Common building and the estimated annual cost to a service provider of \$336,000 in the preparation of the 2024 operating budget; and

That staff be directed to commence work on preparing the site; and

That staff be directed to issue a Request for Proposal to seek a permanent operator of the program with the proponents being required to include in their submissions a site and community safety plan, a detailed set of program goals and associated performance indicators, and an evaluation and reporting back schedule such that Council is kept updated on the success of the program; and

That Council authorize the Commissioner of Community Services or their delegate to review and approve all documents and agreements related to the operation of the Sleeping Cabin program at Rodden Park; and

That Council authorize the Mayor and Clerk to execute all documents and agreements related to the operation of the Sleeping Cabin program at Rodden Park, in a form satisfactory to the Director of Legal Services; **or**

Option 3:

That Council direct staff to move forward with Rideau Marina as the three-year term location for the Sleeping Cabin program with a financial contribution of \$185,000 from the Working Fund Reserve to support capital costs to fit up the site and move the cabins; and

That staff be directed to include an additional \$44,000 to annually service the Modular Mobile Common building and the estimated annual cost to a service provider of \$336,000 in the preparation of the 2024 operating budget; and

That staff be directed to work on preparing the site; and

That staff be directed to issue a Request for Proposal to seek a permanent operator of the program with the proponents being required to include in their

submissions a site and community safety plan, a detailed set of program goals and associated performance indicators, and an evaluation and reporting back schedule such that Council is kept updated on the success of the program; and

That Council authorize the Commissioner of Community Services or their delegate to review and approve all documents and agreements related to the operation of the Sleeping Cabin program at Rideau Marina; and

That Council authorize the Mayor and Clerk to execute all documents and agreements related to the operation of the Sleeping Cabin program at Rideau Marina, in a form satisfactory to the Director of Legal Services; **or**

Option 4:

That staff be directed to work with Our Livable Solutions as the operators of the site on a wind down of the current Sleeping Cabin pilot program; and

That staff be directed to work with existing supportive and transitional housing providers in the Kingston area to prepare a plan for the residents who currently participate in the Sleeping Cabin program to transition to alternate housing solutions that meet their individual needs; and

That staff return to Council by end of March 2024, with the details of this transition plan, including required financial supports for service providers, associated transition timelines and potential alternative uses for the existing cabins.

(The Report of the Commissioner, Community Services (23-226) is attached to the agenda as schedule pages 111-239)

Report Number 87: Received from the Planning Committee

Report Number 87

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. Zoning By-Law Amendment – 1300 Bath Road

That the application for a zoning By-Law amendment (File Number D35-013-2021) submitted by Patry Inc. Developments, on behalf of Frontenac Shopping Centre, for the property municipally known as 1300 Bath Road, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-23-040; 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 (5), 2023-206 attached to the agenda as schedule pages 240-248)

(Exhibit A to Report Number PC-23-040 is attached to the agenda as schedule pages 240-248)

2. Zoning By-Law Amendment – 170-174 Earl Street

That the application for a zoning By-Law amendment (File Number D14-001-2023) submitted by The Boulevard Group, on behalf of Rosemary Hobbs, for the property municipally known as 170-174 Earl Street, be approved; and

That By-Law Number 2022-62 as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-23-030; 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 (6), 2023-207 attached to the agenda as schedule pages 249-252)

(Exhibit A to Report Number PC-23-030 is attached to the agenda as schedule pages 249-252)

Report Number 88: Received from Kingston Heritage Properties Committee

Report Number 88

To the Mayor and Members of Council:

Kingston Heritage Properties 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. Applications Supported for Approval by Kingston Heritage Properties Committee (Non-Statutory Consultation)

i. Application for Ontario Heritage Act Approval – 216 Ontario Street

That alterations to the property at 216 Ontario Street, be approved in accordance with details as described in the application File Number P18-065-2023), which was deemed completed on September 18, 2023 with said alterations to include:

1. The installation of an interchangeable blue and grey accessible sign approximately 1.2 metres wide by 0.75 metres tall atop a pedestal near the southern, northern and eastern entrances;
2. The installation of an angled stainless-steel pedestal with a matte finish that is approximately 1 metre tall with a face plate that is approximately 1.1 metres wide and 0.6 metres tall, and a base plate approximately 0.6 metres wide by 0.25 metres deep; and

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

1. That Heritage Planning staff review and approve the finalized location of the pedestal and signage prior to installation;
2. Utility locates shall be obtained as required;
3. Obtain a temporary access and encroachment permit, as necessary;
4. That the installation occurs outside any softscape area to avoid root systems or as determined by Forestry Services;

5. That a minimum 1.5 metre width pedestrian aisle be maintained on all sidewalks; and
6. Any minor deviations from the submitted plans, which meet the intent of this approval and does not further impact the heritage attributes of the property, shall be delegated to the Director of Heritage Services for review and approval.

(Report Number HP-23-034 is attached to the agenda as schedule pages 253-291)

2. Notice of Intention to Designate under the Ontario Heritage Act

That Council direct staff to serve a Notice of Intention to Designate the property located at 13 Aragon Road, known as the Hogan House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 13 Aragon Road, attached as Exhibit B to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 1311 Turnbull Way, known as the Rankin House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 1311 Turnbull Way, attached as Exhibit C to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 131 Princess Street, known as the City Hotel building, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 131 Princess Street, attached as Exhibit D to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 133-137 Princess Street, known as the City Hotel building, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 133-137 Princess Street, attached as Exhibit D to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 1360 Sydenham Road, known as the Harpell Farmstead, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 1360 Sydenham Road, attached as Exhibit E to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 1397 Sydenham Road, known as Powley Farmhouse, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 1397 Sydenham Road, attached as Exhibit F to Report Number HP-23-032, be presented to Council for all

three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 203 Sydenham Street, known as the Matthews House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 203 Sydenham Street, attached as Exhibit G to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 205 Sydenham Street, known as the Matthews House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 205 Sydenham Street, attached as Exhibit G to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 207-209 Queen Street, known as the Cohen House and the McKenzie House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 207-209 Queen Street attached as Exhibit H to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 211 Queen Street, known as the McKenzie House, as a property of

cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 211 Queen Street, attached as Exhibit H to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 61 Alwington Avenue, known as the Graham House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 61 Alwington Avenue, attached as Exhibit I to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act; and

That Council direct staff to serve a Notice of Intention to Designate the property located at 71 Montgomery Boulevard, known as the Wellborn House, as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act, attached as Exhibit A to Report Number HP-23-032; and

That should no Notice of Objection be received by the Clerk of The Corporation of the City of Kingston within thirty (30) days of the publication of the Notice of Intention to Designate, the Designation By-Law for 71 Montgomery Boulevard, attached as Exhibit J to Report Number HP-23-032, be presented to Council for all three readings, and that staff be directed to carry out the requirements as prescribed under Section 29(8) of the Act.

(Exhibits A – J to Report Number HP-23-032 are attached to the agenda as schedule pages 292-338)

Report Number 89: Received from Kingston Environmental Advisory Forum

Report Number 89

To the Mayor and Members of Council:

Kingston Environmental Advisory Forum 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. Kingston Community Climate Action Fund Project Selections

That the Kingston Community Climate Action Fund application, attached to Report Number KEAF-23-002 as Exhibit A, meets the objectives and eligibility criteria, and be approved for public donation.

(Exhibit A to Report Number KEAF 23-002 is attached to the agenda as schedule pages 339-345)

Report Number 90: Received from the Planning Committee

Report Number 90

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. Zoning By-Law Amendment – 490 & 496 Discovery Avenue and 96, 100, 673, 677, 683, 689, 695 & 795 Innovation Drive

That the application for a zoning By-Law amendment (File Number D14-005-2023) submitted by Arcadis Professional Services (Canada) Inc., on behalf of New Empire Square Developments, for the property municipally known as 490 & 496 Discovery Avenue and 96, 100, 673, 677, 683, 689, 695 & 795 Innovation Drive, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-23-043; 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 (7), 2023-208 attached to the agenda as schedule pages 346-350)

(Exhibit A to Report Number PC-23-043 is attached to the agenda as schedule pages 346-350)

Committee of the Whole

Information Reports

1. Operating Budget Status Update – Third Quarter 2023

The purpose of this report is to provide a financial status update of the general operating budget as at September 30, 2023.

(The Report of the Chief Financial Officer & City Treasurer (23-242) is attached to the agenda as schedule pages 351-364)

2. Quarterly Report: Tourism Kingston – Q3 2023

The purpose of this report is to provide a detailed reporting on Q3 2023 for Tourism Kingston.

(The Report of the Chief Administrative Officer (23-275) is attached to the agenda as schedule pages 365-448)

3. Quarterly Report - Kingston Economic Development Corporation Q3 2023

The purpose of this report is to provide a detailed reporting on Q3 2023 for the Economic Development Organization.

(The Report of the Chief Administrative Officer (23-276) is attached to the agenda as schedule pages 449-508)

Information Reports from Members of Council

Miscellaneous Business

Miscellaneous Business Items are voted on as one motion.

New Motions

1. Moved by Mayor Paterson

Seconded by Councillor Ridge

Whereas instances of reported thefts of copper wire, including telecommunication wires, has increased dramatically over the last nine months resulting in over 60 reported thefts; and

Whereas these thefts are perpetrated for the high sale value of copper in salvage yards for cash; and

Whereas the rate of recidivism is high given that offenders are not often incarcerated for these crimes; and

Whereas the loss of services when offenders cut and remove wires creates a safety concern for residents who cannot contact emergency services or safeguard their properties with active alarm systems; and

Whereas there is a significant cost to the municipality, property owners and business owners to replace wire and repair damaged poles as well as a burden on police resources taking officers away from focusing on other investigations; and

Whereas the Ontario Court of Justice continues to experience an unprecedented backlog of cases as a result of the COVID-19 pandemic, resulting in the withdrawal or judicial staying of charges due to persons not being tried within a reasonable time; and

Whereas there are several provinces that have enacted legislation to regulate the operation of salvage yards including the requirement to record information of individuals selling materials, reporting suspected stolen materials to police, and limiting cash transactions;

Therefore Be It Resolved That as part of the ongoing staff review of City of Kingston By-Law Number 2006-213, "A By-Law To License, Regulate And Govern Certain Businesses", Council direct staff to provide a system of licences with respect to salvage yard businesses; and

That Council direct Mayor Paterson to approach the Regional Mayors Council to discuss options to regulate salvage yard businesses throughout the region in an effort to diminish the profitability of the sale of stolen metals; and

That Kingston City Council further call on the Ontario Government to enact legislation that will regulate salvage yards to limit cash transactions and require strict record keeping to assist police in locating and prosecuting offenders; and

That Kingston City Council expresses its concern that the nature of copper wire theft is not treated more seriously by the Courts, which routinely grant bail to repeat offenders, given the serious implications these acts have on the safety of community members; and

That Kingston City Council call on the Ontario Government to invest more resources into the Ontario Court of Justice to prioritize public safety and to ensure that offenders are held accountable for the offences they commit; and

That a copy of this motion be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Doug Downey, Attorney General of Ontario, and The Honourable Paul Calandra, Minister of Municipal Affairs and Housing.

Notices of Motion

Minutes

That the Minutes of City Council Meeting Number 27-2023, held Tuesday, October 17, 2023 and Special City Council Meeting Number 28-2023, held Tuesday, October 24, 2023 be confirmed.

(Distributed to all Members of Council on November 3, 2023)

Tabling of Documents

2023-53 Kingston Police Services Board Meeting Number 23-12 Agenda. The meeting is scheduled for Thursday, October 19, 2023 at 12:00 pm at the Kingston Police Headquarters.

(Distributed to all members of Council on October 12, 2023)

2023-54 Kingston Police Services Board Meeting Minutes. The meeting was held Thursday, September 21, 2023 at 12:00 pm at Kingston Police Headquarters.

(Distributed to all members of Council on October 12, 2023)

2023-55 Cataraqui Conservation Full Authority Board Meeting Agenda. The meeting is scheduled for Wednesday, October 25, 2023 at 6:45 pm in the Cataraqui Conservation Administration Office Boardroom.

(Distributed to all members of Council on October 20, 2023)

2023-56 Cataraqui Source Protection Authority Agenda. The meeting is scheduled for Wednesday, October 25, 2023 at 6:45 pm in the Cataraqui Conservation Administration Office Boardroom.

(Distributed to all members of Council on October 20, 2023)

2023-57 Kingston & Frontenac Housing Corporation Agenda 06-2023. The meeting is scheduled for October 30, 2023 at 12:30 pm in the Kingston & Frontenac Housing Corporation Boardroom.

(Distributed to all members of Council on October 26, 2023)

Communications

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

Filed

29-942 Notice of Technical Consent with respect to Consent to Sever New Lot and Easement at 236-234 Brock Street. Written comments must be received by 4:30 pm on Friday, October 27, 2023.

(Distributed to all members of Council on October 16, 2023)

29-943 Notice of Technical Consent with respect to Lot Addition at 3187 Creekford Road. Written comments must be received by 4:30 pm on Friday, October 27, 2023.

(Distributed to all members of Council on October 16, 2023)

29-946 Public Notice of a Complete Application with respect to Zoning By-Law Amendment at 1329, 1343, 1347, 1375 and 1393 Gardiners Road and 561 Macrow Street.

(Distributed to all members of Council on October 19, 2023)

29-953 Notice of Technical Consent to Create an Easement at 1030 Old Mill Road. Written comments must be received by 4:30 pm on Wednesday, November 1, 2023.

(Distributed to all members of Council on October 20, 2023)

29-954 Notice of Technical Consent to Create an Easement at 1060 Old Mill Road. Written comments are due by 4:30 pm on Friday, November 3, 2023.

(Distributed to all members of Council on October 20, 2023)

29-976 Notice of a Public Meeting with respect to Minor Variance and Permission at 874 Stephentown Lane. The meeting is scheduled for November 13, 2023 at 5:30 pm in a hybrid format.

(Distributed to all members of Council on October 31, 2023)

29-977 Notice of a Public Meeting with respect to Minor Variance at 250 Glengarry Road. The meeting is scheduled for November 13, 2023 at 5:30 pm in a hybrid format.

(Distributed to all members of Council on October 31, 2023)

29-978 Notice of a Public Meeting with respect to Consent and Minor Variance at 600 Bagot Street. The meeting is scheduled for November 13, 2023 at 5:30 pm in a hybrid format.

(Distributed to all members of Council on October 31, 2023)

29-983 Community Meeting Notice with respect to 835-859 Princess Street and 290 Concession Street. The meeting is scheduled for November 16, 2023 at 6:00 pm in a hybrid format.

(Distributed to all members of Council on October 31, 2023)

29-984 Notice of a Public Meeting with respect to Proposed Zoning By-Law Amendment at 214 Concession Street. The meeting is scheduled for November 16, 2023 at 6:00 pm in a hybrid format.

(Distributed to all members of Council on October 31, 2023)

Referred to All Members of Council

29-939 Correspondence received from Federation of Canadian Municipalities with respect to FCM Voice: Municipal Mental Health Roadmap, PCP Annual Insights Report, Inclusive municipal service delivery, and more, dated October 10, 2023.

(Distributed to all members of Council on October 11, 2023)

29-940 Correspondence received from Karen O’Hanley with respect to Sleeping Cabin Project Rideau Marina meeting (26 Sept 2023), dated September 29, 2023.

(Distributed to all members of Council on October 11, 2023)

29-941 Resolution received from the City of Burlington with respect to Changes to the Oath of Office Acknowledging Treaty Rights, dated September 28, 2023.

(Distributed to all members of Council on October 12, 2023)

29-944 Correspondence received from Jessi Cooper with respect to “No Sleeping Cabins at the former Rideau Marina site in Kingston East Community”, dated October 16, 2023.

(Distributed to all members of Council on October 16, 2023)

29-947 Correspondence received from Association of Municipalities Ontario with respect to AMO Policy Update – Social and Economic Prosperity Review, dated October 18, 2023.

(Distributed to all members of Council on October 19, 2023)

29-948 Correspondence received from Rural Ontario Municipal Association with respect to ROMA 2024: Closer to Home – ROMA 2024 Annual Conference, dated October 18, 2023.

(Distributed to all members of Council on October 19, 2023)

29-949 Correspondence received from Association of Municipalities Ontario with respect to AMO WatchFile, dated October 19, 2023.

(Distributed to all members of Council on October 19, 2023)

29-950 Correspondence received from Victoria Robinson, Dr. Nicole R. Richardson, and Robert Knox with respect to City of Kingston Sleeping Cabin Pilot Project Research Report, dated October 18, 2023.

(Distributed to all members of Council on October 19, 2023)

29-951 Correspondence received from Janet Van Vlymen with respect to Strong Support for a Permanent Location for the Sleeping Cabin Program, dated October 19, 2023.

(Distributed to all members of Council on October 20, 2023)

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- 29-952 Correspondence received from Josephine Matyas with respect to Sleeping Cabins Proposal for permanent location, dated October 20, 2023.
(Distributed to all members of Council on October 20, 2023)
- 29-955 Resolution received from Clearview Township with respect to Municipal Codes of Conduct, dated October 18, 2023.
(Distributed to all members of Council on October 20, 2023)
- 29-956 Correspondence received from Cassie Norman with respect to support for Our Livable Solutions, dated October 23, 2023.
(Distributed to all members of Council on October 23, 2023)
- 29-957 Correspondence received from Erin Clarke with respect to homelessness, dated October 22, 2023.
(Distributed to all members of Council on October 23, 2023)
- 29-958 Correspondence received from Kelsey Guerette, Coordinator, Source Protection, Cataraqui Conservation, with respect to “Best Practices for Source Water Protection – Municipal Working Group – Meeting #1”, dated October 23, 2023.
(Distributed to all members of Council on October 23, 2023)
- 29-959 Correspondence received from Rhonda Lee Brady with respect to Letter of Support – Our Livable Solutions, dated October 24, 2023.
(Distributed to all members of Council on October 24, 2023)
- 29-960 Correspondence received from Catherine Gorman with respect to Our Livable Solutions/Cabin Community, dated October 24, 2023.
(Distributed to all members of Council on October 24, 2023)
- 29-961 Correspondence received from Mark Gerretsen, M.P., Kingston and the Islands, with respect to National School Food Sharing Program, dated October 23, 2023.
(Distributed to all members of Council on October 24, 2023)

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29-962 Resolution received from the Town of Rainy River with respect to expanding water treatment training opportunities within Ontario, dated October 10, 2023.

(Distributed to all members of Council on October 24, 2023)

29-963 Correspondence received from Watson & Associates Economists Ltd. with respect to Assessment of Bill 34, Affordable Homes and Good Jobs Act, 2023, dated October 23, 2023.

(Distributed to all members of Council on October 25, 2023)

29-964 Correspondence received from Association of Municipalities Ontario with respect to AMO Policy Update – Official Plans, Income Security and the Provincial Climate Change Impact Assessment, dated October 23, 2023.

(Distributed to all members of Council on October 25, 2023)

29-965 Correspondence received from Jordyn with respect to Sleeping Cabins, dated October 25, 2023.

(Distributed to all members of Council on October 25, 2023)

29-966 Correspondence received from Enbridge Gas Inc. with respect to Ontario Energy Board (OEB) File Number EB-2023-0196 – 2024 Federal Carbon Pricing Program Application – Application and Evidence, dated September 28, 2023.

(Distributed to all members of Council on October 26, 2023)

29-967 Correspondence received from Doug Parr with respect to Portsmouth Harbour Little Houses, dated October 25, 2023.

(Distributed to all members of Council on October 26, 2023)

29-968 Resolution received from the Municipality of North Perth with respect to Social and Economic Prosperity Review, dated October 26, 2023.

(Distributed to all members of Council on October 26, 2023)

29-969 Resolution received from the Municipality of North Perth with respect to Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), dated October 26, 2023.

(Distributed to all members of Council on October 26, 2023)

29-970 Correspondence received from Association of Municipalities Ontario with respect to AMO WatchFile, dated October 26, 2023.

(Distributed to all members of Council on October 26, 2023)

29-971 Resolution received from the City of Cambridge with respect to Bill 21, Fixing Long-Term Care Amendment act, dated October 27, 2023.

(Distributed to all members of Council on October 30, 2023)

29-972 Correspondence received from Michael Sayer with respect to Permanent Location for Sleeping Cabins, dated October 29, 2023.

(Distributed to all members of Council on October 30, 2023)

29-973 Correspondence received from Shane Watson, Board Chair Green Wood Coalition, with respect to Sleeping Cabins, dated October 29, 2023.

(Distributed to all members of Council on October 30, 2023)

29-974 Proclamation Request Application received from Leigh Martins, Kingston Interval House, requesting November 25, 2023 be proclaimed "International Day for the Elimination of Violence Against Women", dated October 30, 2023.

(Distributed to all members of Council on October 30, 2023)

29-975 Proclamation Request Application received from Leigh Martins, Kingston Interval House, requesting December 6, 2023 be proclaimed "National Day of Remembrance and Action on Violence Against Women", dated October 30, 2023.

(Distributed to all members of Council on October 30, 2023)

29-979 Correspondence received from Annie Palone with respect to Sleeping Cabins, dated October 30, 2023.

(Distributed to all members of Council on October 31, 2023)

29-980 Correspondence received from Marguerite Van Die with respect to Sleeping Cabins, dated October 30, 2023.

(Distributed to all members of Council on October 31, 2023)

29-981 Resolution received from the Town of Aurora with respect to Cannabis Retail Application for the Town of Aurora, dated October 30, 2023.

(Distributed to all members of Council on October 31, 2023)

29-982 Correspondence received from Federation of Canadian Municipalities with respect to FCM Voice: FCM's Big City Mayor's Caucus meeting, Nominate a Municipal Trailblazer, Cyber security webinar, and more, dated October 30, 2023.

(Distributed to all members of Council on October 31, 2023)

29-985 Correspondence received from Ministry of Municipal Affairs and Housing, Municipal Programs Branch, with respect to 2024 Rural Ontario Municipal Association (ROMA) Delegation Form, dated October 26, 2023.

(Distributed to all members of Council on October 31, 2023)

29-986 Correspondence received from Donna Hamilton with respect to Sleeping Cabins, dated October 27, 2023.

(Distributed to all members of Council on November 1, 2023)

29-987 Correspondence received from Kurtis Dekker with respect to Sleeping Cabins Project feedback, dated November 1, 2023.

(Distributed to all members of Council on November 1, 2023)

Other Business

By-Laws

- a) **That** By-Laws (1) through (7), and (11) through (14) be given their first and second reading.
- b) **That** By-Laws (4) through (14) be given their third reading.

- 1) A By-Law to Amend By-Law Number 2004-107 “A By-Law to Protect the City’s Highways from Unauthorized Encroachments”

First and Second Reading
(Clause 1, Report Number 84)

Proposed Number 2023-202

- 2) A By-Law to Amend City of Kingston By-Law Number 2018-95, “A By-Law of the City of Kingston to Establish the Municipal Accommodation Tax”

First and Second Reading
(Clause 3, Report Number 84)

Proposed Number 2023-203

- 3) Committee By-Law

First and Second Reading
(Clause 1, Report Number 85)

Proposed Number 2023-204

- 4) A By-Law to Amend By-Law Number 2010-128, “A By-Law to Regulate Parking”

Three Readings
(Clause 2, Report Number 85)

Proposed Number 2023-205

- 5) A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Transfer of Lands into Kingston Zoning By-Law and Introduction of Exception Number E132, and Introduction of Hold Number H226 (1300 Bath Road))

Three Readings
(Clause 1, Report Number 87)

Proposed Number 2023-206

- 6) A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Introduction of Exception Numbers E134 and E135 (170-174 Earl Street))

Three Readings
(Clause 2 Report Number 87)

Proposed Number 2023-207

- 7) A By-Law to Amend By-Law Number 2022-62, 'Kingston Zoning By-Law Number 2022-62" (Zone Change from 'M1' to 'M4' Zone, Introduction of Exception Number E136 and Introduction of Holding Overlay H228 (490 and 496 Discovery Avenue, 96, 100, 673, 677, 683, 689, 695 and 795 Innovation Drive)

Three Readings

Proposed Number 2023-208

(Clause 1, Report Number 90)

- 8) A By-Law to Amend City of Kingston By-Law Number 2020-69, "A By-Law to Establish a Process for Administrative Penalties"

Third Reading

Proposed Number 2023-195

(Clause 2, Report Number 83, October 17)

- 9) A By-Law to Amend City of Kingston By-Law Number 2021-10, "A By-Law to License and Regulate Short-term Rentals in the City of Kingston"

Third Reading

Proposed Number 2023-196

(Clause 2, Report Number 83, October 17)

- 10) A By-Law to Amend City of Kingston By-Law Number 2005-100, "A By-Law for the Maintenance and Occupancy of Property within The City of Kingston"

Third Reading

Proposed Number 2023-198

(Clause 2, Report Number 83, October 17)

- 11) A By-Law to Exempt Certain Lands on Registered Plans 13M-110 and 13M-127 from the Provisions of Subsection 50(5) of the Planning Act, R.S.O. 1990, c. P. 13, as amended (Block 172 on Registered Plan 13M-127 and Block 66 on Registered Plan 13M-110, municipally known as 343-347 Buckthorn Drive)

Three Readings

Proposed Number 2023-209

(Delegated Authority)

(See schedule pages 509-510)

12)A By-Law to Exempt Certain Lands on Registered Plans 13M-110 and 13M-127 from the Provisions of Subsection 50(5) of the Planning Act. R.S.O. 1990, c. P.13, as amended (Block 173 on Registered Plan 13M-127 and Block 67 on Registered Plan 13M-110, municipally known as 337-341 Buckthorn Drive)

Three Readings

Proposed Number 2023-210

(Delegated Authority)

(See schedule pages 511-512)

13)A By-Law to Exempt Certain Lands on Registered Plans 13M-110 and 13M-127 from the Provisions of Subsection 50(5) of the Planning Act, R.S.O. 1990, c. P.13, as amended (Block 174 on Registered Plan 13M-127 and Block 68 on Registered Plan 13M-110, municipally known as 331-335 Buckthorn Drive)

Three Readings

Proposed Number 2023-211

(Delegated Authority)

(See schedule pages 513-514)

14)A By-Law to confirm the proceedings of Council at its meeting held on Tuesday, November 7, 2023

Three Readings

Proposed Number 2023-212

(City Council Meeting Number 29-2023)

Adjournment