



**CITY OF KINGSTON  
ENVIRONMENT, INFRASTRUCTURE & TRANSPORTATION  
POLICIES COMMITTEE  
SPECIAL MEETING NO. 2008-01  
MINUTES  
Thursday 06<sup>th</sup> December 2007  
4:30 - 6:15 p.m.  
Memorial Hall at City Hall**

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**MEMBERS PRESENT**

Councillor Leonore Foster, Chair  
Councillor Mark Gerretsen (arrived 5:05 p.m.)  
Councillor Rob Hutchison  
Councillor Rob Matheson  
Councillor Vicki Schmolka  
Councillor Ed Smith

**STAFF PRESENT**

Mr. Tony Fleming, Senior Legal Counsel  
Ms. Kim Jamieson, Project Office Assistant  
Mr. Paul MacLatchy, Director, Strategy, Sustainability & Communications  
Ms. Susan Powley, Council Committee Supervisor

**OTHERS PRESENT**

Councillor Dorothy Hector  
Councillor Lisa Osanic (arrived 6:00 p.m.)  
Approximately 7 members of the public

THIS IS NOT A VERBATIM REPORT

**MEETING TO ORDER**

Councillor Leonore Foster, Chair, called the meeting to order.

**ELECTION OF OFFICERS**

**Chair**

*Moved by Councillor Matheson  
Seconded by Councillor Schmolka*

*That Councillor Leonore Foster be nominated Chair.*

**CARRIED**

Councillor Foster accepted the nomination.

*Moved by Councillor Smith  
Seconded by Councillor Matheson*

*That nominations close and Councillor Leonore Foster be declared Chair of the Environment, Infrastructure and Transportation Policies Committee.*

**CARRIED**

Councillor Foster assumed the Chair and asked for nominations for Vice-Chair.

**Vice-Chair**

*Moved by Councillor Matheson  
Seconded by Councillor Schmolka*

*That Councillor Rob Hutchison be nominated Vice-Chair.*

**CARRIED**

Councillor Hutchison accepted the nomination.

*Moved by Councillor Smith  
Seconded by Councillor Schmolka*

*That nominations close and Councillor Rob Hutchison be declared Vice-Chair of the Environment, Infrastructure and Transportation Policies Committee.*

**CARRIED**

Councillor Foster introduced members of the Committee and staff who were present. She explained the rules of engagement for the meeting.

**APPROVAL OF AGENDA**

*Moved by Councillor Schmolka  
Seconded by Councillor Smith*

*That the agenda be confirmed.*

**CARRIED**

**DISCLOSURE OF PECUNIARY INTEREST**

None was declared.

**BUSINESS/REPORTS**

Councillor Foster advised that Mr. MacLatchy would provide an overview of the report.

**a) Results of the Public Meeting to Receive Comment on the Draft Pesticide Reduction By-law**

[Information Report No. EITP-08-004 of the Commissioner, Sustainability & Growth was attached as Schedule Pages 01-07]

Mr. MacLatchy noted that a public meeting was held on 17<sup>th</sup> October to provide an opportunity for public comment and that comments were received up until 31<sup>st</sup> October. Mr. MacLatchy corrected the last sentence on page 3 to note that the second most common request among all comments received was to not exclude of paved surfaces was.

It was agreed that the committee would hear public comments first and then work on the details of the by-law.

Councillor Foster invited comments from the public.

Cheryl Bird

Ms. Bird, Manager Canadian Cancer Society, said they still agree with the by-law and noted they had asked for the Gold Standard.

Jeff Lowes

Mr. Lowes requested that 'infestation' be added to allow treatment of infested lawns with required products. He asked who provided the exempted products on the list. He said that some on the list are not licensed products and expressed concern regarding a violation of the PRA and MOE. He questioned what boracic acid would be used for. He said home concoctions cannot be used and only commercially regulated products and those certified by PRA can be used.

Mr. MacLatchy explained that the list was taken from the Toronto by-law.

Matt Turcotte

Mr. Turcotte said they can't advertise anything that isn't regulated such as garlic for mosquito control, or they would face severe penalties. He said that products on the exemption list can be sold by organic lawn care agencies. Postings are done by the Federal government. Those who are using the products and not posting are in violation.

Councillor Foster noted the Toronto by-law which has been in place for approximately two years, and could not recall any difficulty regarding exemptions.

Mr. Lowes said nematodes can create problems as they are a foreign species introduced to look after another foreign species of white grubs.

To a question by Councillor Matheson, Mr. MacLatchy said that nothing came up through discussions with Toronto regarding any differences with a list of exempted products. He said it was not intended to say that these products should be used. He said Toronto had a public awareness campaign for turf care products.

To a question by Councillor Smith, Mr. MacLatchy said other communities have done a variety of education. Toronto and Ottawa had demo gardens and spoke to gardeners regarding alternate methods. Toronto partnered with Home Depot who erected information booths in the store and volunteers delivered information.

To a question by Councillor Smith, Mr. MacLatchy said some cities didn't initiate a by-law and went with education, while others used both a by-law and educational means.

Councillor Hutchison noted the Nutrilawn website which shows organic products.

Further to a discussion, Councillor Foster invited comments from other members of the public.

Kevin Cross

Mr. Cross said the products being used should be in the by-law.

Councillor Smith noted his concern in regard to the effective date of the by-law. He said that the by-law would be really new to the public in May. Sending an enforcement officer right away could be upsetting to the public. He suggested passing an effective date of 02<sup>nd</sup> January but that an

education plan should also be developed for the first growing season, and suggested a hands off policy regarding enforcement. He noted there could be some risk to citizens by pesticides purchased legally and being applied by the public. He suggested assistance could be requested from Pesticide Kingston in order to assist in conveying the message.

To a question by Councillor Hutchison, Mr. MacLatchy advised the phase in period would be approximately 1-3 years. It was noted that staff such as the Director of Licensing and Strategy could come back with a public education campaign and warning system and webonair could be utilized as well.

Councillor Schmolka noted health and safety reasons for the by-law, and that the public already has an awareness of the issue.

*Moved by Councillor Smith  
Seconded by Councillor Gerretsen*

*That a Pesticide By-law be effective 02<sup>nd</sup> January 2008 with a one year period where an education program is implemented by the City in cooperation with community partners with enforcement beginning 02<sup>nd</sup> January 2009.*

**LOST**

*Moved by Councillor Schmolka  
Seconded by Councillor Gerretsen*

*That Section 5a) page 3) be amended to read 'which is harmful to public health as determined by the Medical Officer of Health'.*

**CARRIED**

The issue regarding the exclusion of shrubs on the same lawn that is allowed to be sprayed was discussed. Councillor Foster noted that directing the by-law toward lawns was a committee decision, and shrubs were brought in during public consultation. Mr. Fleming confirmed that the wording is appropriate.

Councillor Foster asked Councillor Hutchison to assume the Chair. She stated a preference to leave the by-law as it is and review it at a future time noting the amount of public input.

Councillor Foster resumed the chair.

*Moved by Councillor Hutchison  
Seconded by Councillor Schmolka*

*That Section 1c) page 2 be amended to delete 'but excludes'.*

**CARRIED**

Mr. Fleming confirmed that the exemption of federal and public lands could be removed and dealt with on a case by case basis. He noted that federal lands are exempt whether or not they are noted within the by-law. Mr. MacLatchy noted that Hydro 1 occasionally use pesticides.

*Moved by Councillor Schmolka  
Seconded by Councillor Hutchison*

*That Section 5d) page 3) be amended to remove the portion that reads: 'federal or provincial transportation ministries or railway corridors'*

**CARRIED**

To a question regarding paved areas, Mr. Fleming confirmed this a section could be added.

*Moved by Councillor Schmolka  
Seconded by Councillor Gerretsen*

*That staff be directed to include prohibition of application of pesticides to control unwanted vegetation on roads, in between paving stones, sidewalks, etc.*

**CARRIED**

To a question regarding the amount of a fine, Mr. Fleming explained that the maximum is \$100,000 and Council can establish an amount, as can the Justice of the Peace when someone is found guilty. He said the maximum amount is provided for in the Municipal Act.

*Moved by Councillor Smith  
Seconded by Councillor Hutchison*

*That the maximum fine be reduced from \$100,000 to \$10,000.*

**LOST**

A request for a one year time frame for IPM accreditation was brought forward.

*Moved by Councillor Gerretsen  
Seconded by Councillor Smith*

*That Legal staff address the issue of one year for IPM accreditation.*

**CARRIED**

#### Jeff Lowes

Mr. Lowes read a document regarding the risk of lawn care operations.

#### Mrs. Turcotte

Mrs. Turcotte asked why 1165 responses were considered to be scientific.

Councillor Foster clarified that the survey was not described as being scientifically based.

Councillor Foster noted draft 'whereas clauses' which had been distributed for consideration.

Councillor Foster summarized that the completed by-law would be provided at the regular meeting of the Committee on 13<sup>th</sup> December. The recommendation would then be considered and brought forward to Council for consideration on 18<sup>th</sup> December.

#### **DATE OF NEXT MEETING**

The next regular meeting of the Environment, Infrastructure & Transportation Policies Committee is scheduled for Thursday 13<sup>th</sup> December 2007 at 5:00 p.m.

#### **ADJOURNMENT**

The meeting adjourned at 6:25 p.m.

