



## CITY COUNCIL MEETING NO. 2013-07

The Regular Meeting of Kingston City Council was held on Tuesday, March 5, 2013, and was called to order at 7:32 pm in the Council Chamber, City Hall. Regular business commenced at 7:32 pm. His Worship Mayor Mark Gerretsen presided.

### **(Council Chamber)**

#### **ROLL CALL**

Present: Mayor Gerretsen, Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

Absent: Deputy Mayor Hector (1)

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### **(Council Chamber)**

#### **Administrative Staff Present:**

Mr. K. Arjoon, Deputy City Clerk  
Mr. G. Bain, Director, Planning and Development  
Ms. C. Beach, Commissioner of Sustainability and Growth  
Mr. J. Bolognone, City Clerk  
Mr. J. Giles, Manager, Solid Waste  
Mr. J. Hale, Driver/Labourer  
Ms. L. Hurdle, Commissioner of Community Services  
Ms. D. Kennedy, Director, Financial Services  
Ms. A. LaFrance, Director, Community & Family Services  
Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services  
Mr. S. Laidman, Director, Housing  
Ms. K. Leonard, Manager, Licensing & Environment  
Mr. H. Linscott, Director, Legal Services  
Mr. P. MacLatchy, Director, Environment and Sustainable Initiatives  
Ms. S. Nicholson, Director, Corporate Affairs  
Mr. W. Rice, Manager, Distributed Computing  
Ms. A. Thompson, Information Systems & Technology  
Ms. C. Thomson, Assistant to the Mayor  
Ms. H. Wilson, Manager, Intergovernmental Relations

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**APPROVAL OF ADDEDS**

Moved by Councillor Reitzel  
Seconded by Councillor Neill

**THAT** the addeds be approved.

**CARRIED**  
**(A 2/3 Vote of Council was Received)**

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**DISCLOSURE OF PECUNIARY INTEREST**

- (1) Councillor Schell declared a possible pecuniary interest in the matter of New Motion No. (2), regarding a referendum on a casino as her son works for Ontario Lottery and Gaming (O.L.G.).

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**PRESENTATIONS**

- (1) Mayor Gerretsen presented a token of appreciation to Ken Thompson, Host Committee Chair for the Scotties Tournament of Hearts Kingston 2013.

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**DELEGATIONS**

- (2) Mr. Frank Dixon, Mr. Jacques Menard, Mr. John McLean, Mr. Davin Johnson, Mr. Kevin Cross, and Mr. John Colwell of Friends of Belle Park registered to speak to Council regarding Information Report No. 3, received from Commissioner of Community Services regarding Update on Belle Park Analysis Process. Mr. Jacques Menard was the speaker.

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**BRIEFINGS**

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**PETITIONS**

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**MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY,  
CONDOLENCES AND SPEEDY RECOVERY**

Council consented to the **addition** of Motion of Congratulations No. (3) and (4), and Motion of Condolences No. (1).

- (1) Moved by Councillor Glover  
Seconded by Councillor Berg

**THAT** the congratulations of Kingston City Council be extended to Ken Thompson, his organizing committee and the 402 volunteers that made the Tournament of Hearts "Scotties" a tremendous success.

- (2) Moved by Councillor Glover  
Seconded by Councillor Berg

**THAT** the congratulations of Kingston City Council be extended to City staff, and particularly, Kingston Transit staff that were instrumental in making the Tournament of Hearts "Scotties" event a success.

- (3) Moved by Councillor Neill  
Seconded by Mayor Gerretsen

**THAT** the congratulations of Kingston City Council be extended to the KCVI Robotics Team, K-Botics, for their Chairman's Award, received at an international competition. K-Botics have qualified for the world championships to be held in St, Louis in April. The teacher supervisors, Rachel Bearse and Kevin Wood, as well as all team members are to be commended on a job well done! They are the second Canadian team to ever qualify for the world championships.

- (4) Moved by Councillor Berg  
Seconded by Councillor Paterson

**THAT** the congratulations of Kingston City Council be extended to Tourism Kingston who played an invaluable role in preparing our community to host the very successful, Tournament of Hearts event.

**Motion of Condolence**

- (1) Moved by Mayor Gerretsen  
Seconded by Councillor George

**THAT** the condolences of Kingston City Council be extended to Cindy Tindal, Human Resources and Organization Development, and Kate Tindal, Utilities Kingston, on the passing of their loving grandfather, George W. Tindal who was in his 95<sup>th</sup> year. George will be greatly missed by his family and friends.

**CARRIED**

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**DEFERRED MOTIONS**

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## REPORTS

### Report No. 44: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Berg  
Seconded by Councillor George

**THAT** Report No. 44: Received from the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the **separation** of Clause (h) and the **addition** of Clause (i).

### Report No. 44

To the Mayor and Members of Council:  
The Chief Administrative Officer reports and recommends as follows:

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

#### (a) Award of Contract - Two (2) Dual-Stream, Rear-loading Refuse Packers

**THAT** RFP F31-TPES-TS-FL-2013-03, for the purchase of two dual-stream, rear-loading refuse packers, to be awarded to Francis Canada Truck Centre Inc. for the total purchase price of \$417,271 plus applicable taxes.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-103) was attached to the Council Agenda.)  
(File No. CSU-V00-000-2013)

#### (b) New Sub Lease Agreement – 282 Ontario Street

**THAT** Council authorize the Mayor and Clerk to execute a new sublease agreement between the City and North Blocks Inc. in a form satisfactory to the Director of Legal Services, for a term of three (3) years commencing on March 21, 2013 and expiring on March 20, 2016, at the annual rate of Forty-Five Thousand Dollars (\$45,000.00) plus HST per annum, on identical terms, but for the price.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-111) was attached to the Council Agenda.)  
(File No. CSU-L15-000-2013)

#### (c) Award of Contract - One (1) Walk-In Van

**THAT** RFP F31-TPES-TS-FL-2012-31 for the purchase of one twelve foot walk-in van to be awarded to Edwards Ford Sales (Kingston) Ltd. for the total purchase price of \$46,190 plus applicable taxes.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-095) was attached to the Council Agenda.)  
(File No. CSU-V00-000-2013)

**(d) Award of Contract - Marina Upgrades at Confederation Basin Marina and Portsmouth Olympic Harbour Marina**

**THAT** RFP No. F31-CSG-RLS-2013-01 for the construction of marina upgrades at Confederation Basin Marina and Portsmouth Olympic Harbour Marina be awarded to Kehoe Marine Construction for a total price of \$271,150.00 plus applicable taxes; and

**THAT** the Mayor and City Clerk be authorized to enter into an agreement with Kehoe Marine Construction in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Community Services (13-107) was attached to the Council Agenda.)  
(File No. CSU-F31-000-2013)

**(e) Repeal of By-law No. 2002-187 (Civic Address Anomalies)**

**WHEREAS** By-law No. 2002-187 was passed to identify and correct civic address anomalies in preparation for the establishment of the City of Kingston's 911 PERS (Public Emergency Reporting Service); and

**WHEREAS** By-law No. 2005-98 establishes procedures and processes to assign civic addresses to buildings and properties, and assign road names in an orderly manner; and

**WHEREAS** most of the civic address anomalies identified in By-law No. 2002-187 have been corrected and some remaining anomalies have been identified by staff for correction;

**THEREFORE BE IT RESOLVED THAT** a by-law be presented to repeal By-law No. 2002-187 in its entirety.

(The Report of the Commissioner of Sustainability and Growth (13-109) was attached to the Council Agenda.)  
(File No. CSU-D20-000-2013)

**(f) Award of Contract - Supply of Operations Services for the City of Kingston Municipal Hazardous or Special Waste Facility**

**THAT** Drain-All Ltd. be awarded the contract in response to RFP F31-PWS-SW-2013-01 for the Supply of Operations Services for the City of Kingston Municipal Hazardous or Special Waste Facility for one (1) year with two (2) additional, optional one (1) year extensions to be exercised at the sole discretion of the City of Kingston; and

**THAT** an agreement be prepared in a form satisfactory to the Legal Services Division; and

**THAT** the Mayor and City Clerk be authorized to sign the agreement.

(The Report of the President and CEO of Utilities Kingston (13-116) was attached to the Council Agenda.)  
(File No. CSU-F31-000-2013)

**(g) Enbridge Line 9B Pipeline Project Update on Approvals Process**

**THAT** staff be instructed to make comment to the National Energy Board and Enbridge on the List of Issues within Hearing Order OH-002-2013 as described within Report No. 13-119; and

**THAT** staff be instructed to indicate to the National Energy Board the City of Kingston's request to be made a participant to the Hearing for the purpose of being able to submit a Letter of Comment; and

**THAT** in anticipation of submission of a Letter of Comment to the NEB Hearing, staff continue to work with the Kingston Environmental Advisory Forum and the Rural Affairs Advisory Committee to identify and evaluate potential environmental risks associated with the proposed pipeline reversal project.

(The Report of the Commissioner of Sustainability and Growth (13-119) was attached to the Council Agenda.)  
(File No. CSU-E06-000-2013)

Moved by Councillor Berg  
Seconded by Councillor Paterson

**THAT** Council recess for 5 minutes.

**CARRIED**

**(h) Planning and Development Department Work Plan**

**THAT** Council endorse Planning & Development Department 2013 – 2015 Work Plan and completion times attached to Report 13-120.

(The Report of the Commissioner of Sustainability and Growth (13-120) was attached to Council Agenda.)  
(File No. CSU-C08-000-2013)

**CARRIED**

**(i) Award of Contract To Provide Services for the Supply of Labour Materials and Equipment at the Tett Centre for Creativity and Learning**

**THAT** the RFP F31-TPES-RCS-2013-05 to Provide Services for the Supply of Labour Materials and Equipment at the Tett Centre for Creativity and Learning be awarded to Solotech, for the total purchase price of \$180,985.61 plus applicable taxes; and

**THAT** Council direct the Mayor and Clerk enter into an agreement and any other documents required to the satisfaction of Legal Services.

(The Report of the Chief Administrative Officer (13-129) was attached to the Addeds.)

**CARRIED**  
**(Clauses (a) through (g), and (i))**

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**Report No. 45: Received from the Chief Administrative Officer (Recommend)**

Moved by Councillor Schell  
Seconded by Councillor Scott

**THAT** Report No. 45: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**Report No. 45**

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

**(1) New Ontario Childcare Funding Formula and Framework**

**THAT** Council authorize the Mayor and Clerk to execute the 2013 provincial childcare service contract with the Ministry of Education as well as the Letter of Understanding related to the one time mitigation funding subject to the satisfaction of the Legal Services; and

**THAT** Council approve the use of up to \$300K of provincial one time mitigation funding for fee subsidies in 2013 to mitigate the immediate provincial funding reduction; and

**THAT** Council approve the reinvestment of the \$51K of the City of Kingston's municipal cost share savings realized from the provincial reduction of the cost shared envelope for 2013 and 2014 for fee subsidy purposes; and

**THAT** Council recognize 2013 & 2014 as transitional years and direct staff to undertake revisions to local Childcare Service Management Strategies, in consultation with service providers and community stakeholders and present the revised strategies to the Arts, Recreation & Community Policies Committee for recommended implementation in 2015

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including a new funding model and distribution policy for “general operating expense” funding.

(The Report of the Commissioner of Community Services (13-064) was attached to the Council Agenda.)

(File No. CSU-S01-000-2013)

**CARRIED**

**(2) Use of Provincial One-Time Grant Funding to Support the Transition to the Community Homelessness Prevention Initiative**

**THAT** Council direct the Commissioner, Community Services to submit to the Ministry of Community and Social Services “Exhibit B Outline for Use of Transition to the Community Homelessness Prevention Initiative (CHPI) Funding” to Report 13-121 as the City of Kingston’s required plan; and

**THAT** Council further direct staff to amend the Community and Family Services Department and Housing Department’s 2013 Operating budgets as detailed in Exhibit A of Report 13-121; and

**THAT** Council approve the deferral of 25% of the \$1,113,869 of the Community Homelessness Prevention Initiative one-time funding to the 2014 Housing Department and Community and Family Services Department Operating budgets. The funds should be allocated to each Department as detailed in Exhibit A of report 13-121; and

**THAT** a Homelessness Plan Implementation Reserve be established with funding from the Housing Department and Community and Family Services Department Operating budgets as detailed in Exhibit A of Report 13-121.

(The Report of the Commissioner of Community Services (13-121) was attached to the Council Agenda.)

(File No. CSU-S16-000-2013)

**CARRIED**

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**Report No. 46: Received from the Planning Committee**

Moved by Councillor Paterson

Seconded by Councillor George

**THAT** Report No. 46: Received from the Planning Committee be received and adopted.

Council consented to the **separation** of Clause (2)

**Report No. 46**

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:



**1) Amendment to the City of Kingston's Community Improvement Plan for Brownfields Project Areas 1A & 1B**

**THAT** the amendment to the Community Improvement Plan (CIP) for Brownfields Project Areas 1A & 1B (Our File No. PLA-E05-001-2012), **BE APPROVED**; and

**THAT** By-Law No. 2005-40 "A By-Law to Designate Brownfields Project Areas 1A & 1B as Community Improvement Project Areas" be amended as follows:

1. That Schedule 'A' to By-Law No. 2005-40 of The Corporation of the City of Kingston, being a By-Law to Designate Brownfields Project Areas 1A & 1B as Community Improvement Project Areas, be amended by adding the additional four areas to Project Area 1A as shown on Schedule 'A' attached hereto.
2. That Schedule 'A' to By-Law No. 2005-40 of The Corporation of the City of Kingston, being a By-Law to Designate Brownfields Project Areas 1A & 1B as Community Improvement Project Areas, be amended by adding the new Project Area 1C as shown on Schedule 'A' attached hereto.
3. That By-Law No. 2005-40 of The Corporation of the City of Kingston be re-named as "A By-Law to Designate Brownfields Project Areas 1A, 1B & 1C as Community Improvement Project Areas"; and

**THAT** By-Law No. 2005-41 "A By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas 1A & 1B" be amended as follows:

1. That Schedule 'A' to By-Law No. 2005-41 of The Corporation of the City of Kingston, being a By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas 1A & 1B, be amended by the following modifications:
  - (1) Section 1.3, third paragraph – Insert the following new sentence at the end of the paragraph: "Brownfield sites are now defined in the City's Official Plan, and that definition has been incorporated into this CIP (refer to Section 4.2)."
  - (2) Section 1.3, last paragraph – Insert the following new sentence at the end of the first sentence: "Intensification and the rehabilitation and redevelopment of brownfield sites are components of the City's Urban Growth Strategy and are reflected in the Official Plan."
  - (3) Section 1.3, last paragraph – In the last sentence, insert a comma and the words "contributing to sustainability," following the words "improving the community".
  - (4) Section 1.4, Goals of the Program – Insert the following new text as the fourth bullet point: "The implementation of the City's Urban Growth Strategy".

- (5) Section 1.4, Goals of the Program – Insert the following new text as the eighth bullet point: “The revitalization of the Williamsville Main Street area;”.
- (6) Section 2.0 Planning Policy and Section 3.0 Community Improvement Project Area (Areas 1A & 1B) – Delete Sections 2.0 and 3.0 in their entirety, including the five maps, and replace them with the text and six maps shown in Schedule ‘A’ attached hereto.
- (7) Section 4.1, second paragraph, first sentence – Delete the word “either” and replace it with the word “any”.
- (8) Section 4.1, seventh paragraph – Delete the seventh paragraph in its entirety and replace with the following six new paragraphs:  
Section 2 of the Official Plan of the City of Kingston sets out the Strategic Policy Direction for the City. These policies, which are not expected to change over the life of the Plan, provide fundamental objectives respecting the City’s development, redevelopment and intensification. Section 2.1 contains strategies to attain the sustainability of development, including the rehabilitation of brownfield sites for re-use, maximizing existing infrastructure, and promotion of the City’s Brownfields Program. Section 2.2 indicates that the Princess Street Corridor (which includes Williamsville) will develop as a mixed-use development area that will be a focus of intensification initiatives. Section 2.3 indicates the City’s intent to increase residential densities through appropriate redevelopment of under-utilized and brownfield sites. Section 2.4 sets out the City’s Growth Strategy, a key component of which is residential intensification through the redevelopment of vacant, underutilized, or brownfield sites. Section 2.7 establishes Land Use Compatibility Principles intended to ensure that new development meets the long-term needs of the intended users or occupants while respecting the quality of existing development.

Section 5 of the Official Plan, Protection of Health and Safety, establishes policies respecting contaminated sites. These policies provide for: the submission of Environmental Site Assessments (Sections 5.10 and 5.11); mandatory filing of Records of Site Condition (Section 5.12); submission of Off-Site Management Plans and Remedial Action Plans (Section 5.13); and submission of Records of Site Condition for development applications on former gas station sites (Section 5.14).

Section 7 of the Official Plan, Cultural Heritage Resources, establishes policies on a range of cultural heritage resources. This includes properties designated under the *Ontario Heritage Act*, protected and identified buildings, identified monuments, structures, and installations, geographic heritage districts, areas and corridors, and such landscape features as scenic vistas, viewplanes, streetscapes, gardens, battlefields and cemeteries. It also includes archaeologically significant areas and sites.

Section 8 of the Official Plan, Urban Design, provides a framework for the provision and maintenance of a safe, efficient and harmonious environment and establishes guidelines for reviewing land use proposals. This includes the siting, scale and design of new development, protection of natural features, protection of significant views, addressing multiple building or phased developments, and implementation strategies, including community improvement plans and programs.

Section 9 of the Official Plan provides for the City's Administration & Implementation policies. This Section of the Plan indicates an intent to be consistent with the *Provincial Policy Statement*, deals with the planning application types, the consultation and application information requirements and the planning tools available for reviewing development proposals, and outlines the City's Community Improvement policies.

While all policies of the Official Plan must be considered and conformed to, the policies contained in the above noted Sections of the Official Plan are well suited to considering the environmental implications of a Brownfields Program application in conjunction with a planning application, and an appropriate Remedial Work Plan.

- (9) Section 4.2(1), Definition of "Brownfield" – Delete the definition of "Brownfield" and replace with the following: "Brownfield Sites: Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant."
- (10) Section 4.2, Definition of "Community Improvement Plan" – Insert the following new definition as subsection (3): "Community Improvement Plan: Refers to a tool under the *Planning Act* that allows a municipality to direct funds and implement policy initiatives towards a specifically defined community improvement project area." Re-number the rest of Section 4.2 accordingly.
- (11) Section 4.2, Definition of "Community Improvement Project Area" – Insert the following new definition as subsection (4): "Community Improvement Project Area: Means a municipality, or an area within a municipality, where in the opinion of Council, community improvement is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings, or for any other environmental, social or community economic development reason." Re-number the rest of Section 4.2 accordingly.
- (12) Section 4.2, Definition of "Eligible Property" – Insert the following new definition as subsection (6) and then re-number the rest of Section 4.2 accordingly:

Eligible Property: Means property for which a phase two environmental site assessment has been conducted,

(a) that is included under Section 28 of the *Planning Act* in a Community Improvement Project Area for which a Community Improvement Plan is in effect containing provisions in respect of Tax Assistance; and,

(b) that, as of the date the phase two environmental site assessment was completed, did not meet the standards that must be met under Subparagraph 4 i of Subsection 168.4 (1) of the *Environmental Protection Act* to permit a record of site condition to be filed under that Subsection in the Environmental Site Registry; and,

(c) that meets the Eligibility Criteria & Requirements as set out in Section 5.3 of this Plan.

- (13) Section 4.2, Definition of “Tax Assistance” – Insert the following new definition as subsection (14): “Tax Assistance: Means, with respect to an Eligible Property, the cancellation or deferral of taxes pursuant to a by-law passed by Council.” Re-number the rest of Section 4.2 accordingly.
- (14) Section 4.3, Subsection (1), first paragraph – Insert the following new sentence after the second sentence in the paragraph: “Pre-consultation with the municipality is mandatory for most *Planning Act* applications.”
- (15) Section 4.3, Subsection (4), second paragraph, sixth sentence – Delete the word “waived” and replace it with the word “exemption”.
- (16) Section 5.1.1, first paragraph – Insert the following new sentences at the end of the first paragraph: “For the purposes of this CIP, the grants operate similar to a rebate. All fees and annual property taxes must be paid in full, and then the grant(s) will be paid back to the property owner, in accordance with the details of the Brownfields Program outlined in this CIP.”
- (17) Section 5.1.1, second paragraph, first sentence – Delete the words “for a total of ten (10) years, to December 31, 2015” and replace them with the words “until December 31, 2025”.
- (18) Section 5.1.1, second paragraph, second sentence – Delete the year “2025” and replace it with the year “2035”.
- (19) Section 5.1.1, second paragraph, third sentence – Delete the words “to be”; delete the words “will be” and replace them with the word “was”; and, insert the word “of” after the word “maximum”.
- (20) Section 5.1.1, second paragraph, fourth sentence – Delete the words “will receive” and replace them with the word “received”.
- (21) Section 5.1.1, third paragraph, first sentence – Delete the word “total” and replace it with the word “maximum”.

- (22) Section 5.1.1, third paragraph, second sentence – Delete the second sentence and replace it with the following:

As indicated in subsection 28(7.3) of the *Planning Act*, “The total of the grants and loans made in respect of particular lands and buildings under subsection (7) and (7.2) and the tax assistance as defined in section 365.1 of the *Municipal Act, 2001*...that is provided in respect of the lands and buildings shall not exceed the eligible cost of the community improvement plan with respect to those lands and buildings.”

- (23) Section 5.1.2, first paragraph, third sentence – Delete the third sentence and replace it with the following: “As a result, the CIP was approved by the Ministry of Municipal Affairs & Housing (MMAH) and came into force on April 7, 2005. Amendment No. 1 to the CIP was approved by the MMAH and came into force on August 16, 2006.”
- (24) Section 5.1.2, second paragraph, second sentence – Delete the word “twelve (12)” and replace it with the word “eleven (11)”.
- (25) Section 5.1.2(6) – Insert the following new sentence at the end of the section: “Note: The eligible costs for on-site servicing shall only include those costs incurred over and above normal work, due to the presence of soil or groundwater contamination, or due to accommodations for engineering controls specifically required by a risk management plan.”
- (26) Section 5.1.2(11) – Delete Section 5.1.2(11) in its entirety and re-number the remainder of the section accordingly.
- (27) Section 5.1.2(11) [formerly Section 5.1.2(12)] – Delete the three bullet points and replace with the following two bullet points:
- Fees paid to the Canada Green Building Council (CaGBC) for registration of the project within any of the LEED rating systems supported by the CaGBC; and,
  - Fees paid to the Canada Green Building Council (CaGBC) for certification of the project within any of the LEED rating systems supported by the CaGBC.
- (28) Section 5.1.2, last paragraph, last sentence – Delete the word “twelve (12)” and replace it with the word “eleven (11)”.
- (29) Figure 2, Row No. 1, third column, second bullet point – Delete the amount of “\$10,000” and replace it with the amount of “\$20,000”.
- (30) Figure 2, Row No. 1, fourth column, first bullet point – Delete the number “10” and replace it with the number “20”.

- (31) Figure 2, Row No. 1, fourth column, first bullet point – Delete the year “2015” and replace it with the year “2025”.
- (32) Figure 2, Row No. 1, fourth column, second bullet point – Delete the number “5” and replace it with the number “3”.
- (33) Figure 2, Row No. 4, fourth column, second bullet point – Delete the number “10” and replace it with the number “20”; and, delete the year “2015” and replace it with the year “2025”.
- (34) Figure 2, Row No. 4, fourth column, third bullet point – Delete the year “2025” and replace it with the year “2035”.
- (35) Figure 2, Row No. 5, fourth column, second bullet point – Delete the number “10” and replace it with the number “20”; and, delete the year “2015” and replace it with the year “2025”.
- (36) Figure 2, Row No. 5, fourth column, third bullet point – Delete the year “2025” and replace it with the year “2035”.
- (37) Section 5.2.1, second paragraph, first sentence – Delete the amount of “\$10,000” and replace it with the amount of “\$20,000”.
- (38) Section 5.2.1, second paragraph, third sentence – Delete the amount of “\$10,000” and replace it with the amount of “\$20,000”.
- (39) Section 5.2.1, third paragraph, first sentence – Delete the words “A \$50,000” and replace them with the words “An annual \$60,000”; and, delete the words “in the first year”.
- (40) Section 5.2.1, third paragraph, second sentence – Delete the word “five (5)” and replace it with the word “three (3)”.
- (41) Section 5.2.1, third paragraph, third sentence – Delete the word “five” and replace it with the word “three”.
- (42) Section 5.2.1, sixth paragraph, first sentence – Delete the word “ten (10)” and replace it with the word “twenty (20)”.
- (43) Section 5.2.1, sixth paragraph, second sentence – Delete the year “2015” and replace it with the year “2025”.
- (44) Section 5.2.2, fourth paragraph, third bullet point, first sub-bullet point – Following the words “the accumulated eligible rehabilitation costs;” insert the word “or” followed by a comma.

- (45) Section 5.2.3(b), third paragraph, second sentence – Following the words “property taxes”, insert the words “each year”.
- (46) Section 5.2.3(b), last paragraph, first sentence – Delete the word “ten (10)” and replace it with the word “twenty (20)”.
- (47) Section 5.2.3(b), last paragraph, second sentence – Delete the year “2015” and replace it with the year “2025”.
- (48) Section 5.2.3(b), last paragraph, third sentence – Delete the year “2015” in the fourth line of the paragraph and replace it with the year “2025”; and, delete the year “2025” in the fifth line of the paragraph and replace it with the year “2035”.
- (49) Section 5.2.3(c), first paragraph – Insert the following new sentence at the end of the first paragraph: “The MBRF may be included as a component of the City’s Environmental Reserve Fund.”
- (50) Section 5.2.3(c), third paragraph, first sentence – Delete the year “2025” and replace it with the year “2035”.
- (51) Section 5.2.3(c), fourth paragraph, first sentence – Delete the words “Growth & Sustainability Group and the Finance and Corporate Performance Group” and replace them with the words “Sustainability & Growth Group and the Corporate Administration Group”.
- (52) Section 5.2.4, second paragraph – Insert the following at the end of the second paragraph: “However, older urban areas do often have concerns with respect to upgrading and/or replacing existing infrastructure, especially in order to accommodate increased densities. Therefore, relief from development charges and impost fees, either in whole or in part, will be at the sole discretion of Council.”
- (53) Section 5.2.4, third paragraph, first sentence – Delete the year “2004” and replace it with the year “2009”; delete By-Law No. “2004-256” and replace it with By-Law No. “2009-136”; and, delete By-Law No. “2004-257” and replace it with By-Law No. “2009-138”.
- (54) Section 5.2.4, fourth paragraph, first sentence – Delete By-Law No. “2004-256” and replace it with By-Law No. “2009-136”; and, delete By-Law No. “2004-257” and replace it with By-Law No. “2009-138”.
- (55) Section 5.2.4, fourth paragraph, second sentence – Following the word “However”, insert the words “as noted above,”.
- (56) Section 5.2.4, fifth paragraph, first sentence – Following the words “impost fees”, insert the words “may, in some instances,”

- (57) Section 5.2.4, last paragraph, last sentence – Delete the word “ten (10)” and replace it with the word “twenty (20)”.
- (58) Section 5.3, first paragraph, last sentence – Delete the words “the Technical Advisory Committee” and replace them with the words “staff, as”.
- (59) Section 5.3.1(a), first sentence – At the end of the first sentence, insert a comma and the words “or prior to the approval of an amendment to this CIP.”
- (60) Section 5.3.1(a), second sentence – Following the word “CIP”, insert a comma and the words “or after the effective date of any approved amendments to this CIP (including amendments to the Community Improvement Project Areas),”.
- (61) Section 5.3.1(b) – Delete the word “either”; and, delete the words “1A or 1B” and replace them with the words “1A, 1B or 1C”.
- (62) Section 5.3.1(c), first sentence – Delete the words “and, as a result of this site assessment, the property requires environmental rehabilitation to permit a Record of Site Condition (RSC) to be filed” and replace them with the following: “that indicates environmental rehabilitation of lands or buildings is required to obtain a Record of Site Condition (RSC) to allow a change to a more sensitive land use, or to enable the proposed redevelopment where a RSC is not required by provincial law.”
- (63) Section 5.3.1(e) – Delete the words “Public Works & Emergency Services, Growth & Sustainability, Community Development Services, Finance and Corporate Performance, Corporate Services, or any other municipal group” and replace them with the words “the City of Kingston or Utilities Kingston”.
- (64) Section 5.3.1(g) – Insert the words “or Part V” following the words “Part IV”; and, at the end of the sentence, insert a comma and the following words: “or is adjacent to a property that is designated under the *Ontario Heritage Act*”.
- (65) Section 5.3.1(i) – Insert the following as a second sentence: “For properties located within Project Area 1C, the development proposal and concept plan must conform to the design guidelines set out in the Williamsville Main Street Study.”
- (66) Section 5.3.1(m) – Insert a new subsection (m) to Section 5.3.1 that reads as follows: “Properties with proposed redevelopment that will result in uses that are completely or partially exempt from payment of municipal property taxes are not eligible for participation in the Brownfields Program.”
- (67) Section 5.3.2(c) – Delete the words “ten (10) years” and replace them with the following: “twenty (20) years from the date of approval of the CIP”.



- (68) Section 5.3.2(d) – Delete the year “2015” and replace it with the year “2025”.
- (69) Section 5.3.2(g) – Delete the amount of “\$10,000” and replace it with the amount of “\$20,000”; and, delete the word “GST” and replace it with the word “HST”.
- (70) Section 5.3.2(h) – Delete the amount of “\$10,000” and replace it with the amount of “\$20,000”.
- (71) Section 5.3.4(c) – Following the words “Community Improvement Plan,” add the following: “or after the effective date of any approved amendments to this CIP (including amendments to Community Improvement Project Areas),”.
- (72) Section 5.3.4(d) – Following the words “regardless of”, delete the words “who the proponent is”.
- (73) Section 5.3.5(b)(vi) – At the end of this section include the following in brackets: “(the eligible costs for on-site servicing shall only include those costs incurred over and above normal work, due to the presence of soil or groundwater contamination, or due to accommodations for engineering controls specifically required by a risk management plan)”.
- (74) Section 5.3.5(b)(xi) – Delete Section 5.3.5(b)(xi) in its entirety and re-number the remainder of the section accordingly.
- (75) Section 5.3.5(b)(xi) [formerly Section 5.3.5(b)(xii)] – Delete the three numbered points and replace with the following two points:
1. Fees paid to the Canada Green Building Council (CaGBC) for registration of the project within any of the LEED rating systems supported by the CaGBC; and,
  2. Fees paid to the Canada Green Building Council (CaGBC) for certification of the project within any of the LEED rating systems supported by the CaGBC.
- (76) Section 5.3.5(c) – Delete the words “Planning & Development Services” and replace them with the words “the Director of Environment and Sustainable Initiatives, or Designate, and the Application must be approved,”.
- (77) Section 5.3.5(j) – Insert the following new words in brackets at the end of the section: “(For the purposes of this CIP, the grants operate similar to a rebate. All fees and annual property taxes must be paid in full, and then the grant(s) will be paid back to the property owner, in accordance with the details of the Brownfields Program outlined in this CIP).”

- (78) Section 5.4(e), first sentence – Delete the year “2025” and replace it with the year “2035”.
- (79) Section 5.4(f), first sentence – Delete the words “Growth & Sustainability Group” and replace them with the words “Sustainability & Growth Group”.
- (80) Section 5.4(g) – Delete the words “Subsection 28(4)” and replace them with the words “Section 28(5)”.
- (81) Section 5.4(h) – Delete the words “1A & 1B” and replace them with the words “1A, 1B & 1C”; and, delete the words “Section 28(4)” and replace them with the words “Section 28(5)”.
- (82) Section 5.5, first paragraph, third sentence – Delete the words “Federation of Canadian Municipalities (FCM) Green Municipal Funds” and replace them with the words “energy and water conservation programs of Utilities Kingston and Kingston Hydro”.
- (83) Section 5.5.1 – Delete the content of Section 5.5.1 in its entirety and replace it with the following:

Leadership in Energy & Environmental Design (LEED) is an environmentally and economically responsible approach to high performance building design. LEED is divided into the following six categories. Each category has a series of design attributes for which points are awarded:

- Energy and atmosphere;
- Indoor environmental quality;
- Water efficiency;
- Materials and resources;
- Sustainable sites; and,
- Innovation and design.

Depending on the number of points awarded, a LEED designation is acquired:

- LEED Certified (40-49 points);
- LEED Silver (50-59 points);
- LEED Gold (60-79 points); or,
- LEED Platinum (80 points and above).

Portions of the LEED Program cost have been incorporated as part of the eligible rehabilitation costs established in this CIP. The incremental construction costs between the base building and the high performance LEED building are not included as part of the Rehabilitation Grant. These costs will be recouped by the owner in the long run in terms of energy and environmental cost savings.

- (84) Section 5.5.2 – Delete the heading and the content of Section 5.5.2 in its entirety and replace it with the following new Section 5.5.2:

#### 5.5.2 Utilities Kingston & Kingston Hydro

Most properties within the Community Improvement Project Areas will receive electricity distribution services from Kingston Hydro, and water, wastewater, natural gas, and potentially high capacity fibre optic system connections from Utilities Kingston. Kingston Hydro and Utilities Kingston participate in City of Kingston pre-development consultation processes. For information about utility servicing, please contact Utilities Kingston or Kingston Hydro by calling 613-546-0000 or visiting their websites: [utilitieskingston.com](http://utilitieskingston.com) or [kingstonhydro.com](http://kingstonhydro.com).

For developers seeking to renovate properties or construct new buildings within the Community Improvement Project Areas, there may be opportunities to receive incentives and/or assistance from Utilities Kingston and Kingston Hydro for measures that reduce or minimize energy and water use. As energy and water conservation programs change from time to time, it is recommended that property owners contact Utilities Kingston's conservation department at 613-546-0000 to learn about available programs before designing or beginning work on development proposals.

- (85) Section 6.1 – Delete the content of Section 6.1 in its entirety and replace it with the following:

The fiscal health of the City of Kingston is a priority of Council, embedded in its Strategic Plan and Official Plan. Strategies have been introduced over the past several years to improve the City's financial situation, including the use of a ten (10) year capital expenditure forecast and a multi-year approach to managing operating budgets and expenditures. The City continues to build capital reserve funds in support of funding capital replacement and renewal investments using a "pay as you go" approach and to execute strategies that will limit future reliance on debt. Kingston's 2012 operating budget was approved at \$301 million dollars. The 2012 capital budget was approved at \$87 million dollars, including both the annual capital budget approval of \$47 million dollars, as well as an additional \$40 million dollars approved in 2011 as part of multi-year capital budget approvals for engineering and other strategic initiatives. At December 31, 2011, the City had \$193 million dollars in reserves and reserve funds, a net book value of capital assets of \$1.2 billion dollars, and long-term debt of \$208 million dollars.

The CIP, as written, shows the Brownfields Program is fully funded and, based on the City's current financial situation, it is projected that a program extension until December 31, 2025 would not have a negative impact on the City's cash flow, its ability to stay within debt limit thresholds, or its ability to

finance any of the capital works as forecasted in the ten (10) year capital plan.

- (86) Section 6.2.1, first bullet point, first sentence – Delete the words “approximately fifty percent (50%)” and replace them with the word “100%”.
- (87) Section 6.2.1, first bullet point, second sentence – Delete the words “Technical Advisory Committee,” and replace them with the words “role of various staff members in the review of applications, as”; and, delete the words “Section 7.3” and replace them with the words “Section 7.4”.
- (88) Section 6.2.1, third bullet point, first sentence – Delete the amount of “\$10,000” and replace it with the amount of “\$20,000”.
- (89) Section 6.2.1, third bullet point, second sentence – Delete the amount of “\$50,000” and replace it with the amount of “\$60,000”.
- (90) Section 6.4, second paragraph, first bullet point – Delete the word “twelve” and replace it with the word “twenty-four”.
- (91) Section 6.4, third paragraph – Delete the words “one-year” and replace them with the words “two-year”.
- (92) Section 7.2, third paragraph, last sentence – Following the word “Record”, insert the word “of”.
- (93) Section 7.2, last paragraph – Delete the words “the Technical Advisory Committee” and replace them with the words “City staff”.
- (94) Section 7.3, second paragraph, first sentence – Following the words “but also in reviewing”, insert the words “amendments to the CIP,”.
- (95) Section 7.4, first paragraph, second sentence – Delete the words “a specific Brownfields Project Coordinator within the Growth and Sustainability Group” and replace them with the following: “the Director of Environment and Sustainable Initiatives, or Designate, within the Sustainability and Growth Group”.
- (96) Section 7.4, first paragraph, third sentence – Delete the words “Technical Advisory Committee” and replace them with the following: “staff committee for the review of applications, on an as-needed basis”.
- (97) Section 7.4, second paragraph – Insert the following new sentence at the beginning of the paragraph: “A committee of staff members will be assembled on an as-needed basis to review applications.”

- (98) Section 7.4, second paragraph, second sentence (formerly first sentence) – Delete the words “the Technical Advisory Committee” and replace them with the words “this committee”; and, delete the words “Brownfields Project Coordinator” and replace them with the words “Director of Environment and Sustainable Initiatives, or Designate,”.
- (99) Section 7.4, second paragraph, first bullet point – Insert the words “and *Ontario Heritage Act*” following the words “*Planning Act*”.
- (100) Section 7.4, second paragraph, second bullet point – Delete the words “Strategy, Sustainability & Communications Department” and replace them with the words “Environment and Sustainable Initiatives Department”.
- (101) Section 7.4, last paragraph – Delete the last paragraph in its entirety and replace it with the following:
- The Director of Environment and Sustainable Initiatives, or Designate, will report to the Commissioner of Sustainability and Growth for the purposes of the Brownfields Program. The Director of Environment and Sustainable Initiatives or Designate, along with the Commissioner of Sustainability and Growth, will represent the Brownfields Program at the corporate management level in concert with the Chief Administrative Officer.
- (102) Section 7.5, third paragraph, first sentence – Delete the first sentence and replace it with the following: “Applications will be examined by staff, under the direction of the Director of Environment and Sustainable Initiatives, or Designate.”
- (103) Section 7.5.1, first paragraph, first sentence – Delete the amount of “\$10,000” and replace it with the amount of “\$20,000”.
- (104) Section 7.5.1, second paragraph, “Phase II ESA Initial Study Grant”, third bullet point – Delete the word “G.S.T.” and replace it with the word “HST”.
- (105) Section 7.5.1, second paragraph, “Phase III ESA Initial Study Grant”, third bullet point – Delete the word “G.S.T.” and replace it with the word “HST”.
- (106) Section 7.5.1, second paragraph, “Site-Specific Risk Assessment (SSRA) Initial Study Grant”, third bullet point – Delete the word “G.S.T.” and replace it with the word “HST”.
- (107) Section 7.6.1, last paragraph, first sentence – At the end of the first sentence, insert a comma and the following wording: “or after the effective date of any approved amendments to this CIP (including amendments to Community Improvement Project Areas)”.

- (108) Section 7.6.3, first sentence – Delete the words “the City may contact the Municipal Property Assessment Corporation (MPAC) and request the preparation of” and replace them with the words “the City’s Tax Department will prepare”.
- (109) Section 7.6.3, second sentence – Delete the word “MPAC” and replace it with the words “The Tax Department”.
- (110) Section 7.6.3, last sentence – Delete the last sentence in Section 7.6.3.
- (111) Section 7.6.4, second paragraph, first sentence – Delete the words “Technical Advisory Committee” and replace them with the word “City”.
- (112) Section 7.8, first paragraph, second sentence – Following the words “*Planning Act*”, insert the words “the *Ontario Heritage Act*”,
- (113) Section 7.8, first paragraph, second bullet point – Insert the following as a new second bullet point to the list: “Approvals may be required under the *Ontario Heritage Act* for matters related to designated properties, heritage conservation districts, and archaeology.”
- (114) Section 7.9, first paragraph, second sentence – Delete the words “Brownfields Project Co-ordinator and the Technical Advisory Committee” and replace them with the words “Director of Environment and Sustainable Initiatives, or Designate, and other City staff”.
- (115) Section 7.10, first paragraph, first sentence – Delete the words “Brownfields Project Coordinator’s” and replace them with the words “Director of Environment and Sustainable Initiatives’, or Designates,”.
- (116) Section 7.11, fourth paragraph, first sentence – Delete the words “Project Coordinator” and replace them with the words “Director of Environment and Sustainable Initiatives, or Designate,”; and, delete the words “Community Development Services GIS Specialist” and replace them with the words “Planning and Development Department’s Data Management Coordinator”.
2. That By-Law No. 2005-41 of The Corporation of the City of Kingston be re-named as “A By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas 1A, 1B & 1C”; and

**THAT** the Amending By-Laws be presented to City Council for all three readings.

(Note: A copy of the draft by-laws were attached to the Council Agenda)

**(See By-Law No. (3), 2013-63)**

**(See By-Law No. (4), 2013-64)**

**2) Application for Zoning By-Law Amendment for 653-663 Princess Street and 582-604 Victoria Street**

**THAT** the Application for Zoning By-Law Amendment (Our File No. D14-263-2012) submitted by IBI Group, on behalf of 2246955 Ontario Inc., for the property municipally known as 653-663 Princess Street and 582-604 Victoria Street, **BE APPROVED**; and

**THAT** the former City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. By-Law No. 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
  - 1.1. Map 19 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site Commercial ‘C’ Zone to Holding Special Commercial ‘C.421-H’ Zone, Special Commercial ‘C.266’ Zone to Holding Special Commercial ‘C.421-H’ Zone and Multiple Family Dwelling ‘B3’ Zone to Holding Special Commercial ‘C.421-H’ Zone, as shown on Schedule “A” attached to and forming part of By-Law No. 2013-65.
  - 1.2. By **Adding** a new subsection 421 thereto as follows:

**“(421) Special Commercial C.421 Zone, 653-663 Princess Street and 582-604 Victoria Street**

Notwithstanding the provisions of Section 4, 5 and 20 hereof to the contrary, the lands designated ‘C.421’ on Schedule ‘A’ hereto, the following regulations shall apply:

- A) Front Yard Setback:
  - i) That the minimum setback from the centre of the Princess Street right-of way shall be 11.0 metres; and
  - ii) That the minimum setback to a bedroom window on the first storey and facing the street shall be 1.2 metres; and
  - iii) That along Victoria Street decorative fencing or planting is required to be provided between the sidewalk and any bedroom window to restrict access to the area within the required setback; and
  - iv) That the minimum setback from Victoria Street and Bartlett Street South, excluding an exterior wall containing a bedroom window on the first storey and facing the street, shall be 0.0 metres;
- B) Interior Side Yard Setback Minimum: 1.9 metres;
- C) Maximum Building Height shall be 20.6 metres;

- D) Bay windows and vertical projections above the first storey may extend or project into the required front yard on Princess Street not more than 0.8 metres;
- E) "Amenity Area, means the area situated within the boundaries of any residential development site intended for recreation purposes, and may include landscaped open space, patios, private amenity areas, balconies, communal lounges, swimming pools, 'Children's Play Areas', and similar uses, but does not include any area occupied at grade by a building's service areas, parking areas, parking aisles or driveways."
- F) The minimum amenity area shall be not less than 6214 square metres;
- G) The Minimum Aggregate Commercial Area shall be 525 square metres;
- H) Minimum Children's Play Area: 0.0 square metres;
- I) Balconies, excluding Juliet style window openings, below the third storey facing Princess Street are prohibited;
- J) That the maximum number of bedrooms for a dwelling unit shall be 5;
- K) That the maximum number of dwelling units consisting of 5 bedrooms shall be 25;
- L) That the average number of bedrooms per dwelling unit shall be 3.5 bedrooms/unit;
- M) BEDROOM: shall mean any room within a residential unit that is suitable to be used as a sleeping room under the Ontario Building Code, and which for greater certainty does not include:
- (i) Common areas open to all occupants of the unit;
  - (ii) Areas used for sanitary (such as a washroom) or cooking purposes (such as a kitchen); and
  - (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
- N) Maximum Density: The maximum permitted density may be increased to 235 units per hectare for a contribution towards the upgrading and improvement of Victoria Park in an amount equivalent to the required cash-in-lieu of parkland dedication contribution calculated for the approved development. The bonus is subject to the property owner entering into a development agreement with the City, which will establish a high quality of architectural design and human scale development consistent with the City's long term vision for the Williamsville Main Street Study area. The specific amount will be contained in the bonusing clause of the development agreement ;



- O) No loading spaces are required in this zone;
- P) Minimum Number of Commercial Parking Spaces: 10;
- Q) Minimum Number of Residential Parking Spaces shall be 0.75 spaces per dwelling unit;
- R) Minimum Bicycle Parking Dimensions shall be 1.8 metres x 0.3 metres and a minimum overhead clearance of 2.1 metres;
- S) The Minimum overhead clearance for an accessible parking space shall be 2.1 metres;
- T) Minimum standard parking dimensions, excluding accessible parking dimensions shall be 2.6 metres x 5.2 metres with a minimum aisle width of 6.0 metres; and
- U) That the properties subject to this zone be treated as a single parcel for the purpose of zoning interpretation”; and

**THAT** the Zoning By-Law Amendment be presented to City Council for all three readings.

(Note: A copy of the draft by-law was attached to the Council Agenda.)

**(See By-Law No. (5), 2013-65)**

**CARRIED AS AMENDED**  
**(See Motion To Amend Which Was CARRIED)**  
**(See Motion To Amend Which Was LOST)**

Moved by Councillor Glover  
Seconded by Councillor Neill

**THAT** Section L) of Clause (2) of Report No. 46 received from the Planning Committee be amended by deleting “That the average number of bedrooms per dwelling unit shall be 3.5 bedrooms/unit;” and replacing it with “That the total number of units will not exceed 140, and the total number of bedrooms will not exceed 485.”

**CARRIED (9:3)**  
**(With Agreed To Amendments)**  
**(See Recorded Vote)**

A Recorded Vote was requested by Councillor Neill

YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hutchison, Councillor Osanic, Councillor Paterson, Acting Deputy Mayor Reitzel, Councillor Schell, Councillor Scott (9)

NAYS: Councillor Downes, Councillor Glover, Councillor Neill, (3)

ABSENT: Deputy Mayor Hector, (1)

Moved by Councillor Glover  
Seconded by Councillor Neill

**THAT** Section Q) of Clause (2) of Report No. 46 received from the Planning Committee by amended by deleting “0.75 spaces per dwelling unit;” and replacing it with “25% of the number of bedrooms;”

**LOST**

**3) Approval of the Application for an Initial Study Grant under the Community Improvement Plan – Brownfields Project Area 1A for 176 Railway Street**

**THAT** Council approve the application to deem 176 Railway Street as eligible to receive an Initial Study Grant under the Community Improvement Plan – Brownfields Project Area 1A; and

**THAT** the Treasurer be authorized to issue the grant payment subject to review of required documentation by the Director of Environment & Sustainable Initiatives.

**CARRIED  
(Clauses (1) and (3))**

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**Report No. 47: Received from the Administrative Policies Committee**

Moved by Councillor Paterson  
Seconded by Councillor Scott

**THAT** Report No. 47: Received from the Administrative Policies Committee be received and adopted.

Council agreed to **separate** Clause (2) and (3).

**Report No. 47**

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

**(1) Kingston Immigration Partnership Welcome Gift - Update**

**THAT** Council approve the following changes to the city’s contribution to the Kingston Immigration Partnership (KIP) welcome gift:

- a. Expand the criteria for the KIP welcome gift for Kingston’s permanent residents and refugees from those who have settled in Kingston within their first year in Canada to those who have settled in Canada within 5 years and have been in Kingston 1 year or less, including permanent and temporary residents, and refugees.

- b. Approve the following items as the City's contribution to the KIP welcome gift:
  - i 10 - ride transit pass
  - ii 1 - month Fit Pass
  - iii 1 voucher for 2 complimentary passes to select shows at the Grand Theatre
  - iv 1 family admission day pass to either the MacLachlan Woodworking Museum or 1 family admission day pass to the Pump House Steam Museum

**CARRIED**

**(2) Amendments to By-law 2005-100, A By-law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston**

**THAT** Council approve By-law 2013-XX, being a by-law to amend By-law 2005-100 "A By-law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston" commonly known as the Property Standards By-law, attached as Exhibit "A", to Report No. 13-006. By amending paragraph (1) to read as follows:

1.7 Section 4.18, of By-law 2005-100 is repealed and the following substituted:

4.18 A guard shall be installed and maintained in good repair on the open side of any stairwell or ramp containing more than three (3) risers including the landing or a height of more than 600 mm (2 feet) between adjacent levels. A handrail shall be installed and maintained in good repair on all stairs where there are more than 3 risers or a drop of more than 600mm (2 feet) from the tread.

1.18 Section 5.56 of By-law 2005-100 is repealed and the following substituted:

5.56 No room shall be used for sleeping purposes unless it has a minimum area of at least 7 square meters (75 square feet) where built in cabinets/closets are not provided, and no less than 6 square meters (65 square feet) where built in cabinets/closets are provided and no less than that required by the Ontario Building Code as amended.

1.21 Schedule "A" of By-law 2005-100 be and is hereby repealed"; and

**THAT** Clause 1.19 of which reads "Section 5.80 of By-law 2005-100 is repealed and the following substituted:

5.80 All bathroom walls and floors surrounding bathtubs and showers shall be impervious to water" be deferred to the Administrative Policies Committee to seek clarification regarding the term "impervious"

**CARRIED AS AMENDED  
(See Motions To Amend Which Were CARRIED)**

Moved by Councillor Paterson  
Seconded by Councillor Scott

**THAT** Clause (2) of Report No. 47, received from the Administrative Policies Committee be revised by amending paragraph (1) to read as follows:

**THAT** Council approve By-law 2013-XX, being a by-law to amend By-law 2005-100 “A By-law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston” commonly known as the Property Standards By-law, attached as Exhibit “A”, to Report No. 13-006. By amending paragraph (1) to read as follows:

1.7 Section 4.18, of By-law 2005-100 is repealed and the following substituted:

4.18 A guard shall be installed and maintained in good repair on the open side of any stairwell or ramp containing more than three (3) risers including the landing or a height of more than 600 mm (2 feet) between adjacent levels. A handrail shall be installed and maintained in good repair on all stairs where there are more than 3 risers or a drop of more than 600mm (2 feet) from the tread.

1.18 Section 5.56 of By-law 2005-100 is repealed and the following substituted:

5.56 No room shall be used for sleeping purposes unless it has a minimum area of at least 7 square meters (75 square feet) where built in cabinets/closets are not provided, and no less than 6 square meters (65 square feet) where built in cabinets/closets are provided and no less than that required by the Ontario Building Code as amended.

1.21 Schedule “A” of By-law 2005-100 be and is hereby repealed”; and

**CARRIED**

Moved by Councillor Hutchison  
Seconded by Councillor Downes

**THAT** Clause (2) of Report No. 47, received from Administrative Policies Committee be amended by adding the following thereto:

**THAT** Clause 1.19 of which reads “Section 5.80 of By-law 2005-100 is repealed and the following substituted:

5.80 All bathroom walls and floors surrounding bathtubs and showers shall be impervious to water” be deferred to the Administrative Policies Committee to seek clarification regarding the term “impervious”

**CARRIED**

**(3) Power Play Sports – Pilot Noise Exemption**

**THAT** an advertisement be placed in the local newspaper advising residents of Power Play Sports' request for a permanent noise exemption, to invite comment and to provide notice that the issue will be considered during the regular meeting of the Administrative Policies Committee that commences at 5:30 p.m. on Thursday, May 9, 2013; and

**THAT** staff review the impacts on local residents if a permanent exemption to Section 7, Schedule "A" of By-Law No. 2004-52 being, "A By-Law to Regulate Noise" was to be granted; and

**THAT** staff report back to the Administrative Policies Committee with a summary of the public feedback and recommendations regarding the request for permanent exemption to the Noise Control By-Law to the Administrative Policies Committee at its regular meeting to be held on May 9, 2013.

**CARRIED**

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**INFORMATION REPORTS**

Council consented to the **addition** of Information Report No. (4).

**(1) Sydenham Ontario Works Office Rental**

This report is to provide Council with information on the move of the Sydenham Ontario Works office.

(The Report of the Commissioner of Community Services (13-099) was attached to the Council Agenda.)  
(File No. CSU-S04-000-2013)

**(2) Artillery Park Project Monthly Status Report**

This report is to provide Council with the Artillery Park Project Monthly Status Report.

(The Report of the Commissioner of Community Services (13-115) was attached to the Council Agenda.)  
(File No. CSU-R05-000-2013)

**(3) Update on Belle Park Analysis Process**

This report is to provide Council with an update on Belle Park Analysis Process.

(The Report of the Commissioner of Community Services (13-122) was attached to the Council Agenda.)  
(File No. CSU-R04-000-2013)

**(4) Amendments to By-Law 2005-100, A By-law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston – Housekeeping Matters**

This report is to inform Council of further amendments to the proposed by-law 2013-62.

(The Report of the Commissioner of Sustainability and Growth (13-131) was attached to the Addeds.)

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**MISCELLANEOUS BUSINESS**

- (1)** Moved by Councillor Neill  
Seconded by Councillor Osanic

**THAT**, as requested by Ontario Autism-Kingston Chapter, Council approve the raising of the flag April 2, 2013.

**(See Communication No. 07-101)**

**CARRIED**

- (2)** Moved by Councillor Acting Deputy Mayor Reitzel  
Seconded by Councillor Berg

**WHEREAS** Section 9.1 of By-Law No. 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 Council Strategic Planning Session at a more suitable and functional off-site location;

**THEREFORE BE IT RESOLVED THAT** Council waive By-Law No. 2010-1, as amended, in order to hold a Council Strategic Planning Session, on Monday, April 29<sup>th</sup>, and Tuesday, April 30<sup>th</sup>, 2013, commencing at 6:00 p.m., in the Empire Room, St. Lawrence College, 100 Portsmouth Avenue, Kingston.

**CARRIED**

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**NEW MOTIONS**

- (1)** Moved by Councillor Neill  
Seconded by Councillor Schell

**WHEREAS** the proposed development at the former Toyota Lot at the corner of Princess and Victoria (File#D14-263-2012), if approved, will be the first application to come forward since the Williamsville Main Street Study development was adopted by Council, and therefore may set future precedents; and

**WHEREAS**, it's important that the public be given an opportunity to witness this crucial decision being fully debated and considered by staff and our Planning Committee to ensure that all community concerns are thoroughly considered and addressed; and

**THEREFORE BE IT RESOLVED THAT** the Site Plan for (File # D14-263-2012) be bumped up to the Planning Committee.

**CARRIED  
(With Agreed To Amendments)**

Councillor Schell withdrew from the meeting.

- (2) Moved by Councillor Hutchison  
Seconded by Councillor Neill

**WHEREAS** the decision on whether Kingston should build a casino is an issue that included a Public Meeting and a City Survey that showed a majority of citizens opposed; and

**WHEREAS** a more recent poll of Kingston citizens showed 60% opposed to a casino, and 78% in favor of a public referendum; and

**WHEREAS** the City of Kingston has passed a motion on October 2, 2013 that states, in part, "the City of Kingston advise the OLG that it is interested, in principle, in being a host municipality for a new gaming facility";

**THEREFORE BE IT RESOLVED THAT** Kingston City Council hold a public referendum on any OLG (Ontario Lottery and Gaming) proposal for a casino in the City of Kingston, and that, if necessary in order to facilitate the holding of such a referendum, the Ontario Government be requested to allow such a referendum; and

**THAT** the Premier and OLG be informed of this motion, and that copies of this motion be shared with Kingston and the Islands MPP John Gerretsen, Leader of the Opposition Tim Hudak, and ONDP Leader Andrea Horwath.

**LOST (5:6)  
(With Agreed To Amendments)  
(See Recorded Vote)**

A Recorded Vote was requested by Councillor Neill

YEAS: Councillor Downes, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, (5)

NAYS: Councillor Berg, Councillor George, Councillor Osanic, Councillor Paterson, Acting Deputy Mayor Reitzel, Councillor Scott (6)

ABSENT: Deputy Mayor Hector, Councillor Schell (2)

Councillor Schell returned to the meeting.

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**NOTICES OF MOTION**

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**MINUTES**

Moved by Councillor Scott  
Seconded by Councillor Schell

**THAT** the Minutes of City Council Meeting No. 2013-06, held Tuesday, February 19, 2013 be confirmed.

**(Distributed to all Members of Council on March 01, 2013)**

**CARRIED**

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**TABLING OF DOCUMENTS**

2013-20      KFL&A Public Health Board  
                 Agenda – February 27, 2013  
                 (File No. CSU-S08-001-2013)

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**COMMUNICATIONS**

Council consented to the **addition** of Communications (07-108) through (07-123).

**Filed**

07-103      From the Committee of Adjustment, a Notice of Decision for the following applications:

MINOR VARIANCE - In respect of an application for permission under Section 45(2)(a)(i) of the Planning Act for the property at 111 Montreal Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 18, 2013

CONSENT – In respect of an application for consent to sever the property at 1136 Lisa Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is March 19, 2013.

07-105      From John Gerretsen, MPP for Kingston and the Islands, acknowledging receipt of Kingston City Council’s resolution regarding the Ministry of Transportation being requested to change their tree maintenance policy to include the pruning of dead trees limbs and the removal of dead trees for aesthetic reasons.  
(File No. CSU-E04-000-2013)



**Referred to All Members of Council**

- 07-092 From Association of Municipal Ontario (AMO), informing Council of a Transit discussion taking place at 2013 AMO Urban Symposium, April 18 & 19, 2013.  
(File No. CSU-A04-000-2013)  
**(Distributed to all Members of Council on February 22, 2013)**
- 07-093 From Association of Municipal Ontario (AMO), encouraging Council to raise the importance of investments in municipal infrastructure with their federal and provincial representatives.  
(File No. CSU-F05-000-2013)  
**(Distributed to all Members of Council on February 22, 2013)**
- 07-094 From Ontario Good Roads Association (OGRA), providing Council with a map and directions, and road closure updates for their ROMA/OGRA Conference.  
(File No. CSU-A04-000-2013)  
**(Distributed to all Members of Council on February 22, 2013)**
- 07-095 From Association of Municipal Ontario (AMO), providing Council with the February 2013 LAS 'NewsfLASH' Service newsletter.  
(File No. CSU-A01-004-2013)  
**(Distributed to all Members of Council on February 22, 2013)**
- 07-096 From Cruickshank Construction Ltd, advising Council of the lane closures that will be incurring between Monday, February 25 and Friday, March 1, 2013.  
(File No. CSU-T08-000-2013)  
**(Distributed to all Members of Council on February 22, 2013)**
- 07-097 From Association of Municipal Ontario (AMO), providing Council with items of interest from Premier Kathleen Wynne's government's first Throne Speech.  
(File No. CSU-A16-000-2013)  
**(Distributed to all Members of Council on February 22, 2013)**
- 07-098 Councillor Brian Reitzel, providing Council with highlights from Economic Developers Council of Ontario's (EDCO) Conference.  
(File No. CSU-A04-000-2013)  
**(Distributed to all Members of Council on February 19, 2013)**
- 07-099 From Shirley Gibson-Langille, requesting Council review the painting and story of the history of Dawn House before a decision is made about closing Dawn House.  
(File No. CSU-S16-000-2013)  
**(Distributed to all Members of Council on February 22, 2013)**
- 07-100 From Howard Stone, requesting Council save Providence Mental Health Facility.  
(File No. CSU-S08-000-2013)  
**(Distributed to all Members of Council on February 22, 2013)**

- 07-101 From Autism Ontario-Kingston Chapter, asking that Council approve the flying of the Autism Ontario Flag on April 2, 2013 as part of a plan to have every municipality in Ontario raise the flag at noon that day.  
(File No. CSU-M10-000-2013)  
**(See Miscellaneous Business Item No. (1))**  
**(Distributed to all Members of Council on February 26, 2013)**
- 07-102 From Township of Wainfleet, providing Council with information from a strategic conference about the future of wind development.  
(File No. CSU-E05-000-2013)  
**(Distributed to all Members of Council on February 26, 2013)**
- 07-104 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between March 4 and March 8, 2013.  
(File No. CSU-T08-000-2013)  
**(Distributed to all Members of Council on February 27, 2013)**
- 07-106 From Association of Municipalities Ontario (AMO), updating Council with additional locations for their course regarding Personal Responsibilities as a Councillor.  
(File No. CSU-C00-000-2013)  
**(Distributed to all Members of Council on February 27, 2013)**
- 07-107 From Mr. Frank Dixon, Friends of Belle Park, providing Council with some material on Belle Park.  
(File No. CSU-C00-000-2013)  
**(Distributed to all Members of Council on February 27, 2013)**
- 07-108 From Ken Cuthbertson and Marianne Hunter, strongly urging Council to reject the proposed development and to direct the developer to amend his building plans.  
(File No. CSU-D22-000-2013)  
(Distributed to all Members of Council on March 04, 2013)
- 07-109 From Linda Jeffrey, Minister of Responsible for Seniors, inviting Council to participate in the 2013 Senior of the Year Award.  
(File No. CSU-M11-000-2013)  
(Distributed to all Members of Council on March 04, 2013)
- 07-110 From Mr. Frank Fang, informing Council that the City of Yiwu, Zhejiang, in China is interested in developing a friendship and business partnership with a city in Canada, and that they are very interested in developing this relationship with the City of Kingston.  
(File No. CSU-D06-000-2013)  
(Distributed to all Members of Council on March 04, 2013)
- 07-111 From Kim Emons, Project Manager, TransCanada, informing Council that the National Energy Board (NEB) has approved the TransCanada PipeLines Limited

application to upgrade its existing sales meter station located on Westbrook Road in Kingston, Ontario.

(File No. CSU-E06-000-2013)

(Distributed to all Members of Council on March 04, 2013)

- 07-112 From Brent Bolger, President of Brendar Environmental Inc., asking Council to consider the distributed clarification with regard to the AODA evaluation requirements and the implied impact on this evaluation and the purchasing process.  
(File No. CSU-F31-000-2013)  
(Distributed to all Members of Council on March 04, 2013)
- 07-113 From Joe Hawkins, Former Councillor, Frontenac Ward, providing Council with his continued support for the concept of hosting a casino.  
(File No. CSU-P09-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-114 From Pat Hodge, Co-Chair, Williamsville Community Association for Businesses/Agencies and Residents, writing to Council in support of the motion that the Site Plan for the development of the former Toyota lot at the corner of Princess and Victoria (File #D14-263-2012) be bumped up to Planning Committee.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-115 From John Grenville, writing to Council with concerns about the zoning by-law amendment relating to the property at the corner of Victoria and Princess Street, requesting that Council support the motion to refer the site plan to the Planning Committee.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-116 From Julie Blunden, requesting Council vote no to the development as it stands, of the Toyota dealership site.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-117 From Joan Bowie, urging Council to vote against the recommendation of the Planning Committee.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-118 From Sue Bazely, Co-Chair, Williamsville Community Association, expressing concern regarding the zoning by-law amendment, at the corner of Victoria and Princess Streets.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)

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- 07-119 From Joan Bowie, expressing to Council concerns about the application for zoning by-law amendment – 653-663 Princess Street & 582-604 Victoria Street.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-120 From Peter and Deborah Herczegh, expressing to Council concerns with respect to future development at Princess/Victoria St.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-121 From Henk Kuchlein, expressing concern about the zoning by-law amendment relating to the property at the corner of Victoria and Princess Street.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-122 From James & Amanda Ward, in regards to the new development proposed for 653-663 Princess Street.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)
- 07-123 From Joseph Dahaby, expressing to Council concerns in regards to the proposed development for 663 Princess Street.  
(File No. CSU-D18-000-2013)  
(Distributed to all Members of Council on March 05, 2013)

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## OTHER BUSINESS

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## BY-LAWS

Council consented to the withdrawal of By-Law (1).

- (A) Moved by Councillor Glover  
Seconded by Councillor Hutchison

**THAT** By-Laws (2) through (8) and (12) and (13) be given their first and second reading.

**CARRIED**

- (B) Moved by Councillor Neill  
Seconded by Councillor Downes

**THAT** By-Laws (3) through (13) be given their third reading.

**CARRIED**

- (1) A By-Law To Amend By-Law NO. 2005-100 “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston”.

FIRST AND SECOND READINGS

PROPOSED NO. 2013-62

**(See Clause (2), Report No. 47)**

**WITHDRAWN**

- (2) A By-Law To Correct Civic Addressing Anomalies In Preparation For The City Of Kingston's Application To Bell Canada For The 911 PERS (Public Emergency Reporting Service)  
FIRST AND SECOND READINGS PROPOSED NO. 2013-70  
**(See Clause (e), Report No. 44)**
- (3) A By-Law To Amend By-Law NO. 2005-40 "A By-Law To Designate Brownsfields Project Areas 1A & 1B As Community Improvement Project Areas".  
THREE READINGS PROPOSED NO. 2013-63  
**(See Clause (1), Report No. 46)**
- (4) A By-Law To Amend By-Law No. 2005-41 "A By-Law To Adopt The Community Improvement Plan For Brownsfields Project Areas 1A & 1B"  
THREE READINGS PROPOSED NO. 2013-64  
**(See Clause (1), Report No. 46)**
- (5) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change from Commercial 'C' Zone to Special Commercial 'C.421-H' Zone, Special Commercial 'C.266' Zone to Special Commercial 'C.421-H' Zone and Multiple Family Dwelling 'B3' Zone to Special Commercial 'C.421-H' Zone, 653 – 663 Princess Street and 582-604 Victoria Street)  
THREE READINGS PROPOSED NO. 2013-65  
**(See Clause (2), Report No. 46)**
- (6) A By-Law To Amend By-Law No. 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" To Remove The 'H' Holding Symbol Related To The Holding Special Residential Type 2 'R2-33-H' Zone, Holding Special Residential Type 2 'R2-32-H' Zone And Holding Special Residential Type 4 'R4-35' Zone (Woodhaven (Carfa) Subdivision)  
THREE READINGS PROPOSED NO. 2013-66  
**(Delegated Authority)**
- (7) A By-Law To Provide For The Assumption Of The Public Highways In Lyndenwood Subdivision Phase 2 Stage 1, Registered Plan 13M-50, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; And To Provide For The Acceptance By The City Of Kingston, Of The Associated Public Works Within.  
THREE READINGS PROPOSED NO. 2013-67  
**(Delegated Authority)**

- (8) A By-Law To Establish Blocks 9 And 10 On Plan 13M-72 As Part Of The Public Highways Known As Centennial Drive And Cataraqui Woods Drive In The City Of Kingston In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001, As Amended.  
THREE READINGS PROPOSED NO. 2013-68  
**(Delegated Authority)**
- (9) A By-Law To Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board": Add Ian Waldram, Josh Campbell, J.F. Laplante, Garry Gostlin, Jason Corbett and Jeremy Horwood – 1005, 1015, 1019, 1023 Pembridge Crescent – Osgoode Properties Ltd.)  
THIRD READING PROPOSED NO. 2013-52
- (10) A By-Law To Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board": Add Neil Hyderman, Chris Bonutti and Patricia Fleury; remove Jason Corbett – 19 Brock Street, Gilad Parking.  
THIRD READING PROPOSED NO. 2013-53
- (11) A By-Law To Amend By-Law No. 8913 To Reflect The Cultural Heritage Value And Interest Of 610 Montreal Street, Also Known As The Depot School, Pursuant To The Provisions Of The Ontario Heritage Act (R.S.O. 1990, Chapter O.18)  
THIRD READING PROPOSED NO. 2013-54
- (12) A By-Law To Amend By-Law NO. 2005-40 "A By-Law To Designate Brownsfields Project Areas 1A & 1B As Community Improvement Project Areas".  
THREE READINGS PROPOSED NO. 2013-63  
**(See Clause (1), Report No. 46)**
- (13) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, March 5, 2013  
THREE READINGS PROPOSED NO. 2013-69  
**(City Council Meeting No. 2013-07)**

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## ADJOURNMENT

Moved by Councillor Glover  
Seconded by Councillor Hutchison

**THAT** Council do now adjourn.

**CARRIED**

City Council Meeting No. 2013-07  
Minutes  
Tuesday, March 05, 2013

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Council adjourned at 10:44 pm.

(Signed)

John Bolognone  
City Clerk

Mark Gerretsen  
Mayor