



City Council Meeting 2016-25
Tuesday October 4, 2016 at 6:30 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 7:30 pm.

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(Council Chamber)

Call Meeting to Order

Roll Call

The Committee Of The Whole “Closed Meeting”

1. **That** Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following item:
 - a) A proposed or pending acquisition or disposition of land by the municipality or local board - Employment Lands.

Approval of Addeds

Disclosure of Potential Pecuniary Interest

Presentations

Delegations

Briefings

Petitions

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

Deferred Motions

Reports

Report Number 95: Received from the Chief Administrative Officer (Consent)

Report Number 95

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:

a) Enactment of a By-Law to Consolidate the Delegation of Powers and Duties

That a By-law be presented to Council for enactment in order to consolidate the current delegation of powers and duties by Council, as set out in Exhibit "A" of Report Number 16-317; and

That this by-law be given all three readings and passed by Council at the same meeting.

(The Report of the Commissioner of Corporate and Emergency Services (16-317) is attached as schedule pages 1-21)

(File Number CSU-C01-000-2016)

(See By-Law Number (2), 2016-189)

b) Approval of an Application for a Heritage Permit – 66 Earl Street

That alterations to the property at 66 Earl Street, be approved in accordance with details described in the application (File Number P18-052-2016), which was deemed completed on September 9, 2016 with said alterations to include:

1. The replacement of two, three-paned, swing-in awning basement windows on the front façade, and one utility window on the east façade with black, single-light, swing-in casement windows; and
2. The replacement of one twelve-paned, swing-in casement that is currently below the grade of the driveway on the east façade with a four-paned, casement window and fill and damp proof the below grade portion of the window, raising the sill above the level of the driveway; and

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

1. All replacement windows are to be wood, metal clad, swing-in French casement windows, to meet the City's Policy on Window Renovations in Heritage Buildings;
2. The two windows on the front façade and the existing utility window on the east façade be replaced with swing-in casements with single lights in each leaf;
3. The remaining original window shall be conserved intact and stored for potential future reuse elsewhere in the building;
4. The twelve-paned original window shall be replaced with a four-light, swing in casement, and the sill shall be raised so that the new window will be above the grade of the driveway and be damp proofed; and
5. Any necessary minor masonry repairs to meet the City's Policy on Masonry Restoration in Heritage Buildings.

(The Report of the Commissioner of Community Services (16-312) is attached as schedule pages 22-44)

(File Number CSU-P18-000-2016)

c) Social Housing Portfolio – Building Condition Assessments

That Council authorize staff to release up to \$200,000 in funds from the Social Housing Capital Reserve Fund to conduct Social Housing Portfolio Building Condition Assessments.

(The Report of the Commissioner of Community Services (16-313) is attached as schedule pages 45-48)

(File Number CSU-S18-000-2016)

d) Award of Contract for Repairs to Cataraqi Community Centre

That Council authorize the Mayor and Clerk to enter into a contract (RFP F18-CSG-RLS-2016-143) in a form satisfactory to the Director of Legal Services with KB Homes Limited for the 'Repairs to the Cataraqi/Kinsmen Arena' project for the total price of \$77,800 plus applicable taxes.

(The Report of the Commissioner of Community Services (16-324) is attached as schedule pages 49-52)

(File Number CSU-R05-000-2016)

e) Memorial Centre Market Mini Oktoberfest

That Council designates the “Memorial Centre Market Mini Oktoberfest”, being held October 23, 2016, on the grounds of the Kingston Memorial Centre, as an event of municipal significance, to which Special Occasion Permits may be issued by the Alcohol and Gaming Commission of Ontario.

(The Report of the Commissioner of Community Services (16-334) is attached as schedule pages 53-57)

(File Number CSU-M02-000-2016 & CSU-P09-000-2016)

f) Parking License Agreement - VRTUCAR - Car-Share Program

That Council authorize the Mayor and Clerk to execute a license agreement, in a form satisfactory to the Director of Legal Services, to provide VRTUCAR with one parking space in the Springer lot for the purpose of operating a car-share program in Kingston, for a term of three years, with a two-year renewal option at the City’s sole discretion, commencing on October 15, 2016, for an amount equivalent to the monthly parking permit rates for this lot, as outlined in the Fees and Charges By-law 2005-10 as amended.

(The Report of the President and CEO of Utilities Kingston (16-323) is attached as schedule pages 58-61)

(File Number CSU-L15-000-2016)

g) Award of Contract - Winter Maintenance for Bus Stops and Shelters

That Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with 8113238 Canada Inc (o/a Pleasant View) for the Winter Maintenance for Bus Stops and Shelters (F31-PWS-PW-2016-08) at a per winter control event cost.

(The Report of the President and CEO of Utilities Kingston (16-326) is attached as schedule pages 62-65)

(File Number CSU-F31-000-2016)

h) Award of Contract - Sidewalk Winter Maintenance – East

That Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Zomer Corporation for the Sidewalk Winter Maintenance – East (F31-PWS-PW-2016-07) at a per winter control event cost.

(The Report of the President and CEO of Utilities Kingston (16-327) is attached as schedule pages 66-69)

(File Number CSU-T06-000-2016)

i) Implementation of KEDCO Review Report – Service Level Agreements/Role of Council/Staff in Corporations

That the Draft Service Level Agreements for the separate arm's length economic development and tourism corporations, attached to Council Report 16-325 as Exhibits B and C, be approved and that the Agreements be executed on or before December 31, 2016 in order to achieve an effective date of January 1, 2017.

That subject to the Service Level Agreements being finalized to the satisfaction of the City Solicitor, the Mayor and Clerk be authorized to execute the Agreements.

That in the interim, the Kingston Economic Development Corporation continue to deliver economic development and tourism services in accordance with the existing Letters Patent and By-law No. 1 and administer the Service Level Agreements until such time as the restructuring for the separate tourism and economic development corporations occurs, and the transition is finalized, and then the Agreements shall be amended accordingly.

That in the interim, the Kingston Economic Development Corporation present separate operating plans and budget requirements for the provision of economic development and tourism services for the 2017 municipal budget process that reflect the provisions of the Service Level Agreements for each of the corporations.

That the existing Kingston Economic Development Corporation be retained with appropriate amendments to the existing Kingston Economic Development Corporation Letters Patent and the Procedural By-law No. 1, as required, and that the corporate structure remain as is with the Board of Directors constituting the membership of the Corporation.

That the new Tourism Kingston Corporation be structured so that the Board of Directors shall constitute the members of the Corporation and that the City and KEDCO be authorized to initiate the application for the Letters Patent for the new tourism corporation.

That the senior City staff appointments to the Board of Directors for each Corporation (CAO to the Economic Development Corporation and the Commissioner of Community Services/Deputy CAO to Tourism Kingston) be in the capacity of ex-officio, non-voting members.

That Council as a body not be included as members of the economic development and tourism corporations so that the membership of each corporation shall be comprised of the directors, including those individual members of Council as are appointed by due process.

(The Report of the Chief Administrative Officer (16-325) is attached as Schedule Pages 70-105)

(File Number CSU-A01-003-2016)

Report Number 96: Received from the Chief Administrative Officer (Recommend)

Report Number 96

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

- 1a. Briefing:** Gerard Hunt, Chief Administrative Officer will provide introductory remarks. Susan Creasy, University Hospitals Kingston Foundation (UHKF) Campaign Chair and Peng-Sang Cau, Kingston General Hospital Board of Liaison to UHKF will provide a briefing with respect to University Hospitals Kingston Foundation "Together We Can" Fundraising Campaign
- 1b. University Hospitals Kingston Foundation "Together We Can" Fundraising Campaign**

That Council commit a sum of \$6.5M to the University Hospitals Kingston Foundation fundraising program as part of the community's share of capital funding requirements, equipment and related expenditures for new and renovated facilities planned for Kingston General Hospital, Hotel Dieu Hospital and the soon-to-be-opened clinical units at Providence Continuing Care, with said payment to be in the form of annual contributions of \$1.3M beginning in 2017 for a period of 5 years.

(The Report of the Chief Administrative Officer (16-120) is attached as Schedule Pages 106-126)

(File Number CSU-F25-000-2016)

Report Number 97: Received from the Planning Committee

Report Number 97

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

1) Approval of an Application for Zoning By-Law Amendment - 85 King Street East and 46 Simcoe Street (Stephen Sorensen)

That the application for a zoning by-law amendment (File Number D14-021-2016) submitted by IBI Group, on behalf of Stephen Sorensen, for the property municipally known as 85 King Street East, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to amend Zoning By-Law Number 8499) to Report Number PC-16-080; and

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 for all three readings.

(By-Law Number (3), 2016-190 is attached as schedule pages 127-129)

2) Approval of an Application for Zoning By-Law Amendment - 1200 Highway 15 (FOTENN Consultants)

That the application for a zoning by-law amendment (File Number D14-033-2016) submitted by FOTENN Consultants, on behalf of Tamarack (Rideau) Corporation, for the property municipally known as 1200 Highway 15, be approved; and

That By-Law Number 32-74, entitled "Township of Pittsburgh Zoning By-Law", as amended, be further amended, as per Exhibit A (Draft By-Law to amend Zoning By-Law Number 32-74) to Report Number PC-16-092; and

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 for all three readings.

(By-Law Number (4), 2016-191 is attached as schedule pages 130-132)

3) Approval of an Application for Zoning By-Law Amendment - Markland Street (Lawrence vanWyngaarden)

That the application for a zoning by-law amendment (File Number D14-014-2013) submitted by Lawrence vanWyngaarden, for the property municipally known as 15 Markland Street, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to amend Zoning By-Law Number 8499) to Report Number PC-16-087; and

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 for all three readings.

(By-Law Number (5), 2016-192 is attached as schedule pages 133-135)

Report Number 98: Received from the Arts, Recreation & Community Policies Committee

Report Number 98

To the Mayor and Members of Council:

The Arts, Recreation & Community Policies 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. Appointment to the Mayor's Arts Award Working Group

That in accordance with the terms of reference of the Mayor's Arts Award Working Group Ms. Lynne Kenny and Mr. Brett Christopher (member of the public) be appointed to the Mayor's Arts Award Working Group.

2. Appointment to the Public Art Working Group

That in accordance with the terms of reference of the Public Art Working Group Mr. Stefan Duerst (member of the public) be appointed to the Public Art Working Group.

Committee of the Whole

Information Reports

Information Reports from Members of Council

Miscellaneous Business

Motions of Council are required:

1. **That** as requested by Amanda Todd Legacy Society Light Up Purple Organization, Council proclaim October 10, 2016 as “Light Up Purple 2016 – World Mental Health Day” in the City of Kingston.
(See Communication Number 25-721)
2. **That** the resignation of Joan Scaglione from the Public Art Working Group be received with regret.
(See Communication Number 25-728)
3. **That** the resignation of Stefan Duerst from the Public Art Working Group be received with regret.
(See Communication Number 25-729)

New Motions

1. Moved by Councillor Allen
Seconded by Deputy Mayor Stroud
Whereas Kingston’s downtown is a year-round destination for both residents and tourists alike, and downtown businesses require every possible opportunity to see success in every season; and
Whereas climate patterns have shifted winter temperatures and precipitation levels in Kingston, resulting in milder November weather; and
Whereas the current By-Law Number 87-136 limits the patio operating season to 7 months, requiring operators to close at the end of October; and
Whereas other municipalities offer additional flexibility regarding patio operation throughout the calendar year;
Therefore Be It Resolved That staff be directed to review the bylaws and policies for the patio operating season, and report back to the Administrative Policies Committee with options for the 2017 patio season.

2. Moved by Mayor Paterson
Seconded by Councillor Candon

Whereas City Council's recent vote to approve the Capitol condominium project at 223 Princess Street was an important decision for the future of downtown development and the city; and

Whereas it is important that any questions or concerns related to the vote be settled; and

Whereas one of City Council's priorities in the 2015-2018 strategic plan is fostering open government, a commitment to full openness, transparency and accountability with respect to all of its decisions; and

Whereas Councillor Candon has welcomed the opportunity to review his participation in the debate and vote on the 223 Princess Street application;

Therefore Be It Resolved That the City Solicitor be directed to engage the services of an Integrity Commissioner who will conduct an investigation pursuant to the Municipal Act as to whether Councillor Adam Candon contravened the City of Kingston Code of Conduct for members of Council and Committees, with respect to a development application for 223 Princess Street, Kingston; and

That should members of Council wish clarification and advice as to the code of conduct, that the Integrity Commissioner be available to provide this service.

Notices of Motion

Minutes

That the Minutes of City Council Meeting Number 2016-23, held Tuesday, September 20, 2016 be confirmed.

(Distributed to all Members of Council on Friday September 16, 2016)

Tabling of Documents

- | | |
|---------|---|
| 2016-68 | Downtown Kingston! BIA
Board Minutes - June 8, 2016
(File Number CSU-A01-001-2016) |
| 2016-69 | Kingston Frontenac, Lennox & Addington Public Health Board
Agenda - September 28, 2016
(File Number CSU-S08-001-2016) |
| 2016-70 | Kingston & Frontenac Housing Corporation
Agenda - September 26, 2016
Minutes - June 8, 2016
(File Number CSU-S13-000-2016) |

Communications

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

Filed

- 25-737 From Cherie Mills, Manager of Planning Services, Leeds and Grenville, no appeals received on Amendment Number 9 to the Official Plan for the township of Leeds and the Thousand Islands.
(File Number CSU-D09-000-2016)
- 25-738 Notice of a Public Meeting - Proposed Official Plan Amendment & Zoning By-Law Amendment - 575-611 Princess Street, 505-513 Albert Street, 510 Frontenac Street, 576-600 Princess Street & 465 Albert Street (Podium Developments).
(File Number CSU-D14-000-2016)
- 25-739 Notice of a Public Meeting - Proposed Zoning By-Law Amendment - 256 Elmwood Street (Jason Eade).
(File Number CSU-D14-000-2016)
- 25-740 Notice of a Public Meeting - Proposed Zoning By-Law Amendment - 1024 Cataraqi Woods Drive (Braebury Development).
(File Number CSU-D14-000-2016)
- 25-741 Notice of a Public Meeting - Proposed Zoning By-Law Amendment - 99 Chatham Street (Mason Laframboise).
(File Number CSU-D14-000-2016)
- 25-742 Public Notice of a Complete Application - Zoning By-Law Amendment - 27 Pine Street (Cameron MacDougall).
(File Number CSU-D14-000-2016)
- 25-743 From the Township of Leeds and the Thousand Islands - Notice of Passing - Zoning By-Law Amendment (Section 34 of the Planning Act).
(File Number CSU-D14-000-2016)
- 25-744 Notice of a Complete Planning Application and Public Meeting - Proposed Official Plan Amendment & Zoning By-Law Amendment - 1645 Sydenham Road & 1456 Aley Street (IBI Group Incorporated)
(File Number CSU-D14-000-2016)

Referred to All Members of Council

- 25-721 From Amanda Todd Legacy Society Light Up Purple Organization, Council proclaim October 10, 2016 as Light Up Purple 2016 – World Mental Health Day in the City of Kingston.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-M10-000-2016)
(See Miscellaneous Business Item Number 1)

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- 25-722 From Donna Campbell, Administrative Assistant, Cataraqui Conservation Authority (CRCA) - CRCA News Release - Steve Knechtel, GM Retiring. (Distributed to all members of Council on September 28, 2016) (File Number CSU-D03-000-2016)
- 25-723 From Kelly Pilon, Decision Unit Administrative Staff, Environment and Land Tribunals Ontario (ELTO), Jay Patry Enterprise - 630 Princess Street. (Distributed to all members of Council on September 28, 2016) (File Number CSU-D14-000-2016)
- 25-724 From Greg McLean, Policy & Program Coordinator, Licensing & Enforcement, Communication to Council and By-Law Amendment - Kingston Hospitals. (Distributed to all members of Council on September 28, 2016) (File Number CSU-P01-002-2016) (See By-Law (1), 2016-188)
- 25-725 From Linda Bottos, Council-Committee Secretary, Town of Aurora providing notice of Council Resolution of Sep 13, 2016 - OMB Reform update. (Distributed to all members of Council on September 28, 2016) (File Number CSU-L01-001-2016)
- 25-726 From Association of Municipalities of Ontario (AMO) - AMO Communications -Invitation reminder to all AMO members - What's Next Ontario. (Distributed to all members of Council on September 28, 2016) (File Number CSU-A01-004-2016)
- 25-727 From Frank Dixon, resident, letter to Council regarding the Kingston Official Plan Update. (Distributed to all members of Council on September 28, 2016) (File Number CSU-D08-000-2016)
- 25-728 From Joan Scaglione, providing resignation from the Public Art Working Group. (Distributed to all members of Council on September 28, 2016) (File Number CSU-C12-000-2016)
- 25-729 From Stefan Duerst, providing resignation from the Public Art Working Group. (Distributed to all members of Council on September 28, 2016) (File Number CSU-C12-000-2016)
- 25-730 From Association of Municipalities of Ontario (AMO) - AMO Communications -AMO Members Update - Construction Lien Act Review. (Distributed to all members of Council on September 28, 2016) (File Number CSU-L11-000-2016)

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- 25-731 From Water Resource Section - Ministry of Natural Resources & Forestry - Conservation Authorities Act Review Facilitators Report.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-L11-000-2016)
- 25-732 From Independent Electricity System Operator (IESO) - Large Renewable Procurement (LRP) & Energy From Waste (EFW) - LRP II RFQ procurement cancelled.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-E11-000-2016)
- 25-733 From Pierre Tasse, resident, letter to Council regarding the proposed Third Crossing.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-T04-000-2016)
- 25-734 From Michael J Mallen, resident, letter to Council regarding the proposed Capitol Theatre development.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-D22-000-2016)
- 25-736 From Bill Lowry, Mayor, Loyalist Township, letter to CAO & Council extending gratitude and thanks for the condolences sent for Fire Fighter Patrick Pidgeon.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-M11-000-2016)
- 25-745 From Darren Pascoe, Consultant Project Manager - MMM Group Limited - Notice of Submission - Design and Construction Report - Highway 401 Widening & Cat River Bridge Replacement.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-T04-000-2016)
- 25-746 From Derek Complin & Gerry Locklin, co-founders of Nothirdcrossing Group - Letter to Council regarding the proposed Third Crossing.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-T04-000-2016)
- 25-747 From Suzanne Savard, resident, letter to Council regarding the proposed Third Crossing.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-T04-000-2016)

Referred to City Clerk

- 25-735 From Kingston-Partners for a Safe Community, asking Council to proclaim October 5, 2016 as Safe Communities Day in the City of Kingston.
(Distributed to all members of Council on September 28, 2016)
(File Number CSU-M10-000-2016)

Other Business

By-Laws

- a) **That** By-Laws (1) through (7) be given their first and second reading.
 - b) **That** Clause 11.34 of By-Law Number 2010-1 be suspended for the purpose of giving By-Law (2) three readings.
 - c) **That** By-Laws (2) through (7) be given their third reading.
- (1) 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: Brianna Raison, Mackenzie Rose, Nick Pakis, James Brown, Casuarina Wilson, Mallory Sagriff; Remove: Brad Walcott, Caleb Button, Dennis Mercer, Jeremy Jackson, Josh Turner, Matt Morgan- Community Support Services, Providence Care, Mental Health Services - 525 Montreal Street, Hotel Dieu Hospital; Kingston General Hospital; Kingston Mental Health Services – 752 King Street West; Providence Manor – 275 Sydenham Street; and St. Mary's of the Lake Hospital.
- First and Second Reading Proposed Number 2016-188
(See Communication Number 25-724)
- (2) A By-Law to Consolidate the Delegation of Powers and Duties.
- Three Readings Proposed Number 2016-189
(See Clause a) Report Number 95)
- (3) A By-Law to Amend By-Law Number 8499, "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston" (Zone Change from 'A' Zone to 'A.508' Zone, 85 King Street East and 46 Simcoe Street)
- Three Readings Proposed Number 2016-190
(See Clause 1) Report Number 97)
- (4) A By-Law to Amend By-Law Number 32-74, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh" (Amendment to C-8 Zone, 1200 Highway 15)
- Three Readings Proposed Number 2016-191
(See Clause 2) Report Number 97)

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- (5) A By-Law to Amend By-Law Number 8499, "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston" (Zone Change from One-Family Dwelling and Two-Family Dwelling Zone 'A' to Special One-Family Dwelling and Two-Family Dwelling Zones 'A.506', Markland Street)
- Three Readings Proposed Number 2016-192
(See Clause 3) Report Number 97)
- (6) A By-Law to establish part 4 on reference plan 13R-17848 as part of the Public Highway known as Sunnyside Road 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 Number 2016-193
(Delegated Authority)
- (7) A By-Law to Confirm the Proceedings of Council at its Meeting Held on Tuesday October 4, 2016
- Three Readings Proposed Number 2016-194
(City Council Meeting Number 2016-25)

Adjournment