



City of
KINGSTON

Ordinary Meeting of Council Minutes

Monday, 16th December 2013

**City of Kingston
Ordinary Meeting of Council**

Minutes

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The meeting commenced at 7.00pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Paul Peulich (Mayor)
Cr Tamara Barth
Cr Tamsin Bearsley
Cr Ron Brownlees OAM
Cr Geoff Gledhill
Cr John Ronke
Cr Rosemary West OAM

In Attendance: Paul Franklin – Acting Chief Executive Officer
Mauro Bolin – General Manager Community Sustainability
Rachel Hornsby – General Manager Environmental Sustainability
Julian Harvey – Acting General Manager Corporate Services
Phil DeLosa – Program Leader Governance
Stephanie O’Gorman – Governance Officer
Sarah Bishop – Manager Communications & Public Affairs

1. Apologies

Apologies from Cr Staikos and Cr Eden were submitted to the meeting.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the apologies from Cr Staikos and Cr Eden be received.

CARRIED

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Ronke

Seconded: Cr Gledhill

That the Minutes of the Ordinary Meeting of Council held on 25 November 2013 and the Special Meeting of Council held on 2 December 2013 be confirmed.

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

Paul Franklin, Acting Chief Executive Officer declared a conflict of interest in Item 11.1- Extension to Acting Chief Executive Officer Arrangements.

Cr West declared a conflict of interest in Item 9.7 – Coastal Management Plan Review.

4. **Petitions**

Flooding in Valetta Street, Carrum

Moved: Cr Bearsley

Seconded: Cr Barth

That the petition be referred to the Acting CEO for response.

CARRIED

5. **Presentation of Awards**

There were no award presented.

6. **Reports from Village Committees**

6.1 Recommendations and Highlights from Village Committees

Clarinda/Clayton South/Oakleigh South Village Committee Motion

When odours occur in the Clarinda area residents phone the Environment Protection Authority (EPA) and are unable to get a response. The Village Committee requests that Council act as an advocate for residents to ensure that telephone communication with the EPA is open and available to members of the public regarding odours from the tips and dust from the concrete crushers.

Moved: Cr Brownlees

Seconded: Cr Barth

That the Village Committee be thanked for its request and be provided with the officer comments.

CARRIED

Dingley/Heatherton Village Committee Motion

The committee would like to see the minutes provided to members sooner. It was mentioned by the committee that the minutes are received a week before the next meeting.

Moved: Cr Barth

Seconded: Cr Bearsley

That the Village Committee be thanked for their request and be advised that their request will be considered as part of the Village Committees Review that is currently being undertaken.

CARRIED

Mordialloc Village Committee Motion

Mordialloc Village Committee request Council lobby government to restore funding for the Mordialloc Creek Wetlands to prevent silting of Mordialloc Creek and recurrent costs.

Moved: Cr West

Seconded: Cr Bearsley

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That Council write to Melbourne Water and the State Government to advocate for this project.

CARRIED

Mordialloc Village Committee Motion

Mordialloc Village Committee request Council to reconsider the planting of non-indigenous trees, such as Cannery Island Palms, in Hazel Pierce Reserve. In line with DSE policy and Council's Coastal Management Plan. The current Mordialloc Creek Master Plan includes the planting of 12 palms at considerable cost which seems to be a waste of money.

Moved: Cr West

Seconded: Cr Brownlees

That the Village Committee be provided with a copy of the Council report and minutes of the Council decision on the Mordialloc Creek Master Plan.

CARRIED

Mordialloc Village Committee Motion

Mordialloc Village Committee recommends Council release two Back of Curb options for the Bay Trail from Charman Road Mentone to Mentone Life Saving Club for public consultation:

- *Option one: Narrow lanes off Beach Road to Vic Roads standards and remove one third less vegetation*
- *Option two: maintain current width of lanes and subsequently remove one third more vegetation.*

Moved: Cr West

Seconded: Cr Gledhill

That the Village Committee be advised of Council's resolution in relation to Item 9.3 of the agenda entitled 'Bay Trail (Charman Road to Mentone Lifesaving Club Car Park) – Public Consultation'.

Procedural Motion

Moved: Cr Brownlees

Seconded: Cr Gledhill

That the motion be put.

CARRIED

The Substantive Motion was put and **CARRIED**

7. Reports from Delegates Appointed by Council to Various Organisations

There were no reports from delegates.

8. Question Time

Question Time was held at 8.20pm, refer to page 11 of the minutes.

Procedural Motion

Block Resolution

Moved: Cr Gledhill

Seconded: Cr Bearsley

That the recommendations for Items 9.1, 10.1, 10.2, 10.3, 11.2, 11.5, 11.6, 12.1 and 12.2 be adopted.

CARRIED

9. Environmental Sustainability Reports

9.1 Town Planning Application Decisions - November 2013

RECOMMENDATION

That the report be noted.

Note: Refer to page 6 of the minutes where this item was block resolved.

9.2 KP114/13 - 985 Nepean Highway Moorabbin

Moved: Cr Brownlees

Seconded: Cr Barth

That Council determine to support the proposal and issue a Planning Permit to use the land for the sale and consumption of liquor in association with a place of assembly at No. 985 Nepean Highway, Moorabbin (Lot 4 on PS531995K), subject to the following conditions:

1. Before the use commences amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 5th March, 2013, but modified to show:
 - a. The provision of an improved Standard Operation Procedures Plan (SOPP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The improved SOPP must include (where appropriate), but is not limited to, the following:
 - i) documentation provided to event holders regarding the effective management of the events;
 - ii) any signage to be used to encourage responsible off-site patron behaviour;

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- iii) the training of staff in the management of patron behaviour;
 - iv) the training of staff (except kitchen staff) in Responsible Serving of Alcohol and First Aid Level 2;
 - v) details of any management measures required to control noise emissions from the premises (e.g. operation of an access to the sound limiter);
 - vi) the nomination of the person responsible for the implementation of this management plan;
 - vii) the management of any queuing of patrons outside the premises;
 - viii) management of patrons leaving the venue after the conclusion of an event;
 - ix) processes for monitoring patron numbers within the premises, including on each level;
 - x) a formal complaint procedure with contact person and contact number nominated.
- b. the provision of a Management Plan to address and mitigate the risks related to the supply and consumption of liquor within the road reserve (including examples of physical barriers to separate patrons from the carriageway of the service lane), demonstrating measure to be put into place to ensure ongoing compliance with conditions required by Vic Roads at Condition 4 to 6 of this permit.
2. The sale and consumption of liquor must only occur within the hours of:
12:00pm to 1:00am the following day - Seven (7) days a week
Unless with the prior written consent of the Responsible Authority.
3. Not more than 1200 patrons are to be permitted on the land at any one time.

Conditions required by Vic Roads

- 4. The supply and consumption of liquor within the road reserve, including any primary or associated activities, must be managed at all times such that no vehicles are caused to queue within the service road.
- 5. The supply and consumption of liquor within the road reserve must be managed at all times such that no patrons are within the service road or Nepean Highway carriageway.
- 6. Prior to the commencement of the permitted use, three (3) copies of an amended plan to the satisfaction of Vic Roads, drawn to scale and generally in accordance with Plan 1: Ground Floor and Outdoor Area (Site Plan, Sheet Number 3 of 3, March 2013) be submitted showing:
 - a. the extent of the liquor licence boundary including the dimensions in metres;
 - b. demarcation of the property boundary and the road reserve;
 - c. demarcation of the service land carriageway, parking bays, kerb and channel and footpath; and
 - d. deleting the label 'Point Nepean Highway' and replacing it with the words

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‘Nepean Highway Service Lane’.

7. The layout of the use and licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority
8. Noise emissions must comply with the State Environment Policy or any other standard recommended by the Environmental Protection Authority to the satisfaction of the Responsible Authority.
9. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land (For the purposes of this permit, this person is known as "The Manager"), to the satisfaction of the Responsible Authority.
10. All staff on the premises (except kitchen staff) are to be appropriately trained in the responsible serving of alcohol, to the satisfaction of the Responsible Authority.
11. The Manager (as referred to at Condition 5 of this permit) must be qualified in operating in accordance with the policies and guidelines prescribed by the Victorian Commission for Gambling and Liquor Regulation, to the satisfaction of the Responsible Authority.
12. In accordance with Section 68 of the *Planning and Environment Act 1987 (The Act)*, this permit will expire if one of the following circumstances applies:
 - The use is not started within two (2) years from the date of permit issue.
 - The use ceases for a period of two (2) years.

In accordance with Section 69 of The Act, the responsible authority may extend the periods referred to if a request is made in writing:

- before the permit expires.

CARRIED

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9.3 Bay Trail (Charman Road to Mentone Lifesaving Club Car Park) - Public Consultation

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Undertake public consultation on the proposed design for the section of Bay Trail outlined in Option 1 of this report, and
2. Provide Councillors with feedback from that consultation process in February 2014 and that following consultation officers begin construction of Option 1.

Amendment

Moved: Cr West

Seconded: Cr Barth

1. That Council undertake public consultation on the proposed design for the section of Bay Trail outlined in Options 1 and 2 of this report, and
2. That the consultation is supported by an officer report and map that describes both options, canvasses the pros and cons of each, including the points in the preamble to the Notice of Motion (Item 13.2), and that includes the letters from Minister Mulder and former Minister Pallas, the 2010 letter from DSE and the latest report on the implications for vegetation removal by Dr Jeff Yugovic, and
3. That the consultation be undertaken outside the holiday period, and
4. That in March 2014, feedback is provided to Councillors from that consultation process.

LOST

A Division was Called:

DIVISION:

FOR: Crs West and Barth (2)

AGAINST: Crs Ronke, Brownlees, Peulich, Bearsley, Gledhill (5)

LOST

The Substantive Motion was put and **CARRIED**

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Peulich, West, Bearsley, Gledhill and Barth (7)

AGAINST: Nil (0)

CARRIED

9.4 Amendment C128 - Mentone Junction

Moved: Cr West

Seconded: Cr Barth

That Council:

1. Consider the Panel Report of Ms Jenny Moles, December 2012 in relation to Planning Scheme Amendment C128 provided as Appendix 1 to this report.
2. Adopt Planning Scheme Amendment C128 in accordance with the Schedule 22 to the Design and Development Overlay as provided in Appendix 2 to this report amended so as to make the building height limits in precincts C4, C5 and C6 mandatory by removing the footnote in the proposed Schedule 22 to the Design and Development Overlay and that the Amendment be submitted to the Minister for Planning for Approval.
3. Notify all submitters to the Amendment in writing of the resolutions of the Council.

LOST

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Consider the Panel Report of Ms Jenny Moles, December 2012 in relation to Planning Scheme Amendment C128 provided as Appendix 1 to this report.
2. Adopt Planning Scheme Amendment C128 in accordance with the Schedule 22 to the Design and Development Overlay as provided in Appendix 2 to this report and that the Amendment be submitted to the Minister for Planning for Approval.
3. Notify all submitters to the Amendment in writing of the resolutions of the Council.

CARRIED

9.5 Green Wedge - Response to Resolution of 28 October 2013 Ordinary Council Meeting

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council receive the information.

CARRIED

Cr Barth left the meeting at 8:03pm.

9.6 Mordialloc Car Parking Implementation

Moved: Cr Gledhill

Seconded: Cr Brownlees

That Council resolve to:

1. Adopt the Mordialloc Car Parking Management Plan actions for implementation over a 12 month trial period, which will be reviewed and reported back to Councillors upon the completion of the 12 month car parking trial.
2. Demolish the building at 11 Centreway and immediately commence construction of an interim at grade short term car park on the site.

Cr Barth returned to the meeting at 8:06pm.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Peulich, Bearsley, Gledhill and Barth (6)

AGAINST: Cr West (1)

CARRIED

9.7 Coastal Management Plan Review

Procedural Motion

Moved: Cr Bearsley

Seconded: Cr Ronke

That consideration of this item be deferred to the next Ordinary Meeting of Council in February 2014.

CARRIED

8. Question Time

Question Time was held at 8.20pm.

Cr Bearsley left the meeting at 8:21pm.

Question 1.

Andrew Bearsley of Aspendale Gardens asked,

"In Aspendale Gardens, residents are unable to get ADSL internet access because the local infrastructure is full and requires an upgrade.. The infrastructure is MLOFDA118 Telstra Rim. This has been full for over 5 years. Other surrounding RIMs have been upgraded but this was overlooked. What does the City of Kingston recommend as a way forward to liaise with Telstra and resolve this issue?"

(Note: this affect Winners Circle, Judith Court, Sanctuary Place, Alison Place, Clare Court, Leo Place, Sara Place and surrounds)

The Acting CEO provided the following response,

“The City of Kingston has been advocating to Telstra, the Federal & State Government about the existing issues in their areas plus the future need for fast and reliable internet access. The feedback from Telstra is that they have no immediate plans for extra investment in infrastructure in this area. Council will continue to advocate on this issue on behalf of residents.”

Question 2.

Ian Baldock of Parkdale asked,

“There is an excellent cycling & walking path along Centre Dandenong Road to the north of Moorabbin Airport. However, when travelling toward Dingley, there is a serious problem leaving the path to cross Boundary Road (at the McDonald’s intersection). Cars turning left from Boundary Road into Centre Dandenong Road sweep around the corner, with their visibility limited by vegetation on their left. There are no signs warning them of foot or cycle traffic approaching to cross from their left.”

My questions are:

- *Could Council ensure all vegetation on this intersection is trimmed so it does not restrict the views of approaching motorists as well as cyclists & foot traffic?*
- *Can Council approach VicRoads to implement a painted pedestrian crossing at this left turn, as well as adequate signage to warn approaching traffic of the need to give way to potential foot traffic?*

The Acting CEO provided the following response,

“This question is taken on notice and officers will follow up and provide Mr Baldock with a response.”

10. Community Sustainability Reports

10.1 Chelsea Community Renewal Achievements

RECOMMENDATION

That Council acknowledge the extensive range of achievements of the Chelsea Community Renewal Project.

Note: Refer to page 6 of the minutes where this item was block resolved.

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10.2 2013/14 Capital Programme Adjustments to facilitate contracts 13/10, 13/38 and 13/102 relating to Waves Leisure Centre and Kingston City Hall

RECOMMENDATION

That Council:

1. Receive the information.
2. Authorise adjustments to the 2013/14 capital programme as proposed and detailed in the report.

Note: Refer to page 6 of the minutes where this item was block resolved.

10.3 Award of Contract - CON-13/38: Kingston City Hall HVAC Upgrade

RECOMMENDATION

That Council:

1. Receive the information contained within this report and attached confidential assessment matrix for the tender submissions received for Con 13/38
2. Award Contract 13/38 : Kingston City Hall HVAC System Upgrade Project, for the fixed lump sum of \$702,126 (exclusive of GST) or \$772,339 (inclusive of GST) to Conte Mechanical Services Pty Ltd.

Note: Refer to page 6 of the minutes where this item was block resolved.

11. Organisational Development & Governance Reports

11.1 Extension to Acting Chief Executive Officer Arrangements

Paul Franklin, Acting CEO declared a direct conflict of interest as he is the subject of the matter and left the meeting at 8.22pm prior to any discussion on the matter.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That Council:

1. Receive the information
2. Extend the appointment of Mr Paul Franklin to the position of Acting Chief Executive Officer from 4 January 2014 to 28 March 2014 or an earlier date upon the return to work of Mr John Nevins.
3. Set the remuneration for the Acting Chief Executive Officer Mr Paul Franklin, as 100% of the Chief Executive Officer's remuneration.

CARRIED

Paul Franklin, Acting CEO returned to the meeting at 8.23pm.

Cr Bearsley returned to the meeting at 8:23pm.

11.2 Naming Request for the Regents Park Clubrooms at Aspendale

RECOMMENDATION

That Council:

1. Approve the proposal to name the Regents Park Clubrooms the Ken Lyons Pavilion; and
2. Lodge the naming proposal with the Office of Geographic Names for consideration.

Note: Refer to page 6 of the minutes where this item was block resolved.

11.3 Council Office & Nomination for a State or Federal Election Policy

Moved: Cr Gledhill

Seconded: Cr Barth

That Council adopt the Council Office & Nomination for a State or Federal Election Policy.

Cr Brownlees left the meeting at 8:25 PM.

CARRIED

11.4 Appointment of Councillors to Committees and Organisations for 2013/14

Moved: Cr Bearsley

Seconded: Cr Gledhill

1. That Council approve the appointments of Councillors to the various committees and organisations for 2013/14 in accordance with the Table of Appointments in the report (refer to Section 3.3.6) subject to Cr Bearsley being appointed to the Kingston Interfaith Committee.
2. That the Terms of Reference for the Community Safety Reference Group be amended to include one (1) Councillor representative on the Committee.

CARRIED

11.5 Assembly of Councillors Record Report

RECOMMENDATION

That Council:

1. Note the contents of this report for the public record.

Note: Refer to page 6 of the minutes where this item was block resolved.

11.6 Council Ward Grants

RECOMMENDATION

That Council:

1. Approve the recommended Council Ward Grants in accordance with the table of Councillor recommendations in Appendix 1.

Note: Refer to page 6 of the minutes where this item was block resolved.

12. Corporate Services Reports

12.1 Discontinuance of Bowman Street, Aspendale (proposed 'Allnut Reserve')

RECOMMENDATION

That Council:

1. Discontinue the road in accordance with Section 206 and Schedule 10, Clause 3 of the Local Government Act 1989.
2. Authorise the Acting Manager Property Services to complete all tasks required to finalise the naming of the land to 'Allnut Reserve' in accordance with an earlier Council resolution.

Note: Refer to page 6 of the minutes where this item was block resolved.

12.2 Telecommunications Tender

RECOMMENDATION

That Council:

1. Award Contract TC4322-20134 for the Supply of Voice and Mobile phone services, to Telstra for three years commencing December 2013 until December 2016 at an estimated contract sum of \$2,250,000; and
2. Authorise the CEO or delegate to exercise the two, one year extensions for the continuation of the contract subject to satisfactory performance.

Note: Refer to page 6 of the minutes where this item was block resolved.

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13. Notices of Motion

**13.1 Notice of Motion No. 41/2013 - Crs Brownlees, Gledhill & Bearsley -
Planning Scheme Amendment - Green Wedge**

Cr Brownlees returned to the meeting at 8:27 PM.

Moved: Cr Brownlees

Seconded: Cr Gledhill

1. That having regard to recommendations approved at the Council meeting of August 27th 2012 and the adopted Green Wedge Plan, and in response to the Council resolution of 27th May 2013, officers prepare a Planning Scheme Amendment to be brought before the Council seeking authorisation from the Minister for Planning to:
 - a. Rezone the properties from 732 to 928 Springvale Road (even numbers on the Western side) and 327 Governor Road Braeside to an appropriate form of residential zone; and
 - b. Introduce an appropriate form of Schedule to the Design and Development Overlay over these properties.

2. That any other proposed actions or Planning Scheme Amendments resulting from previous Council resolutions pertaining to the above properties be not proceeded with.

CARRIED

A Division was Called:

DIVISION:

FOR: Crs Ronke, Brownlees, Bearsley and Gledhill (4)

AGAINST: Crs West and Barth (2)

ABSTAINED: Cr Peulich (1)

CARRIED

13.2 Notice of Motion No. 42/2013 - Cr West & Staikos - Bay Trail

This Notice of Motion was withdrawn by Cr West.

14. Urgent Business

Local Government Reporting Framework

Moved: Cr Bearsley

Seconded: Cr Ronke

That an item of Urgent Business in relation to Local Government Reporting Framework be considered.

CARRIED

Moved: Cr Bearsley

Seconded: Cr Ronke

That officers prepare an urgent report to be received by the next Council meeting which outlines Council's reporting obligations in relation to proposed state legislation on local government KPI's effective April 2014.

Further, this may include consideration of consultants to undertake an efficiency study in anticipation of proposed changes.

CARRIED

Sportsground Lights

Moved: Cr Gledhill

Seconded: Cr West

That an item of Urgent Business in relation to sportsground lights at the Mentone Recreation Reserve be considered.

CARRIED

Moved: Cr Gledhill

Seconded: Cr West

That Council bring forward \$55,000 from the 2014/2015 capital works program (sportsground lighting) to make up the funding for the installation of sportsground lights at the Mentone Recreation Reserve.

CARRIED

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15. Confidential Items

Cr Ronke left the meeting at 8:52 PM.

Moved: Cr Brownlees

Seconded: Cr Gledhill

That in accordance with the provisions of section 89(2) of the *Local Government Act 1989*, the meeting be closed to members of the public for the consideration of the following confidential items and the meeting subsequently be adjourned for five minutes:

15.1 PO127/90 - 654-728 Clayton Road, Clayton South - VCAT Update - Clayton Regional Landfill - Secondary Consent Amendment Application to Extend the Permit

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to legal advice (s89 2f) and any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

15.2 Nominations for the 2014 Australia Day Awards

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

15.3 Village Committee Appointments for 2014

This agenda item is confidential in accordance with the Local Government Act s89(2) as it relates to any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Confidential Appendices

**10.3 Award of Contract - CON-13/38: Kingston City Hall HVAC Upgrade
Appendix 1, Award of Contract - CON-13/38: Kingston City Hall HVAC Upgrade**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

**12.2 Telecommunications Tender
Appendix 1, Projected Telecommunications Costs**

This appendix is confidential in accordance with the Local Government Act s89(2) as it relates to (s89 2d)

CARRIED

The meeting was closed to members of the public at 8.52pm.

Cr Ronke returned to the meeting at 9.05pm.

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Procedural Motion

Moved: Cr Gledhill

Seconded: Cr Bearsley

That the meeting be opened to members of the public.

CARRIED

The meeting was opened to members of the public at 9.18pm.

The meeting closed at 9.18pm.

Confirmed.....

The Mayor 3 February 2014