



## **Special City Council Meeting Number 08-2021**

The Special Meeting of Kingston City Council was held on Thursday, March 18, 2021, and was called to order at 6:00 pm in a virtual electronic format, hosted at City Hall. Regular business commenced at 6:00 pm. His Worship Mayor Bryan Paterson presided.

### **(City Hall)**

#### **Roll Call**

Present: Councillor Boehme, Councillor Chapelle, Councillor Doherty (arrived at 6:02 pm), Councillor Hill, Councillor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic (arrived at 6:04 pm), Mayor Paterson, Councillor Stroud (arrived 6:02 pm) (12)

Absent: Councillor Kiley (1)

### **(City Hall)**

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

- Mr. J. Bolognone, City Clerk
- Ms. J. Jaynes, Deputy City Clerk
- Mr. B. Joyce, Commissioner, Corporate Services
- Mr. M. Lagace, Technology Associate
- Ms. J. Morley, Associate Legal Counsel
- Mr. I. Sullivan, Information Compliance Analyst

#### **Approval of Addeds**

None

#### **Disclosure of Pecuniary Interest**

None

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**Delegations**

None

**Motion to Resolve into Committee of the Whole**

Moved by Councillor Boehme

Seconded by Councillor Oosterhof

**That** Council resolve itself into Committee of the Whole to consider 'A By-Law to Provide Rules for Governing the order and Procedures of the Council of The Corporation of the City of Kingston, and to Repeal By-Law Number 2010-1, Council Procedural By-Law, as Amended, in its Entirety and Corresponding Amendment to Committee By-Law Number 2010-205'.

**Carried (8:0)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Hill, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Mayor Paterson (8)

NAYS: (0)

ABSENT: Councillor Doherty, Councillor Holland, Councillor Kiley, Councillor Osanic, Councillor Stroud (5)

**COMMITTEE OF THE WHOLE**

1. Moved by Councillor Hill

Seconded by Councillor Osanic

**That** the By-Law attached to [Report Number 20-249](#) as Exhibit A, as Amended (A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston, and to Repeal By-Law Number 2010-1, Council Procedural By-Law, as Amended, in its Entirety) as amended to delete Section 6.19 (Electronic Meetings) and replace with the following:

**“Electronic Meetings during an Emergency**

6.19 For purposes of Sections 6.19 to 6.25 of this By-Law:

- a. **“Electronic Meeting”** means a Meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the internet), and with or without in person attendance;
- b. **“Emergency”** means any period of time during which an emergency has been declared to exist in all or part of the City of Kingston under Sections 4 or 7.0.1 of the Emergency Management Act; and
- c. **“Emergency Management Act”** means the Emergency Management and Civil Protection Act, R.S.O. 1990, Chapter E. 9, as amended or re-enacted from time to time.

6.20 A Regular Meeting or special Meeting, including a Closed Session, may be conducted by Electronic Meeting during an Emergency, in accordance with the following provisions and any Emergency Electronic Meeting Guide prepared by the Clerk.

6.21 Members participating in an Electronic Meeting have the same rights and responsibilities as if the Member was in physical attendance at the Meeting, including the right to vote.

6.22 A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.

6.23 The terms of this By-Law shall continue to apply to an Electronic Meeting, except that Sections 6.19 to 6.25 hereof, any Emergency Electronic Meeting Guide, and any provincial legislation or order shall prevail to the extent of any conflict.

**Electronic Meetings Following an Emergency**

6.24 The provisions of Sections 6.19 to 6.23 of this By-Law shall remain in effect for a period of six (6) months following the later of:

- a. the termination of the Emergency pursuant to Section 4 of the Emergency Management Act; and

- b. the termination of the Emergency pursuant to Section 7.0.1 of the Emergency Management Act.

**Electronic Participation in a Meeting by Staff, the Public**

6.25 Notwithstanding anything to the contrary contained in this By-Law, during an in-person Meeting at which Members are required to be physically present, City staff and members of the public entitled to attend at the Meeting (including, without limitation, Delegations and presenters) shall have the right to participate in the Meeting via electronic means, subject to applicable laws and available technology.";  
and

amended in Section 13.13 (b) by adding thereto "and each member shall be permitted up to one (1) minute to speak to the time, place or purpose of the deferral" so that it reads as follows:

- (b) May only be debated with respect to time, place, or purpose of the deferral, and each Member shall be permitted up to one (1) minute to speak to the time, place or purpose of the deferral.

be presented to Council for all three readings; and

**That** the By-Law attached to Report Number 20-249 as Exhibit B, (A By-Law to amend By-Law Number 2010-205 "A By-Law to Define the Mandate and Meeting Procedures for Committees established by The Corporation of the City of Kingston") as amended to delete section 1.b.(c) in its entirety and the following inserted thereto:

- (c) A Committee may defer consideration of any matter for a period of up to ninety (90) days, in the aggregate, after which time the matter deferred must be reported to Council or to the appropriate Committee to which it reports, as determined by the By-Law, with no recommendation to allow Council the opportunity to discuss and make a decision."

be presented to Council for all three readings.

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**Carried as Amended (11:1)**

**(See Motion to Amend which Lost)**

**(See Motion to Amend which Carried)**

**(See Motion to Amend which Carried)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (11)

NAYS: Councillor Chapelle (1)

ABSENT: Councillor Kiley (1)

Moved by Councillor Chapelle  
Seconded by Councillor Boehme

**That** the By-Law attached as Exhibit A to report Number 20-249 be amended in Section 13.13 (a) by inserting the word “and” after the word “time” and by deleting the words “and a brief statement with respect to the to the purpose of the deferral”; and in Section 13.13 (b) by removing the words “time, place, or purpose” and inserting thereto “time or place” so that the sections read as follows:

13.13 (a) shall include the time and place

13.13 (b) may only be debated with respect to time and place

**Lost (5:7)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Neill, Councillor Osanic, Councillor Stroud (5)

NAYS: Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Oosterhof, Mayor Paterson (7)

ABSENT: Councillor Kiley (1)

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Moved by Councillor Doherty

Seconded by Councillor Hill

**That** the By-Law attached as Exhibit A to report Number 20-249 be amended in Section 13.13 (b) by adding thereto “and each member shall be permitted up to one (1) minute to speak to the time, place or purpose of the deferral” so that it reads as follows:

(b) May only be debated with respect to time, place, or purpose of the deferral, and each Member shall be permitted up to one (1) minute to speak to the time, place or purpose of the deferral.

**Carried (11:1)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (11)

NAYS: Councillor Chapelle (1)

ABSENT: Councillor Kiley (1)

Moved by Councillor Stroud

Seconded by Deputy Mayor Holland

**That** the By-Law attached as Exhibit B to report Number 20-249 be amended by deleting section 1.b.(c) in its entirety and inserting the following thereto:

“(c) A Committee may defer consideration of any matter for a period of up to ninety (90) days, in the aggregate, after which time the matter deferred must be reported to Council or to the appropriate Committee to which it reports, as determined by the By-Law, with no recommendation to allow Council the opportunity to discuss and make a decision.”

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**Carried (9:1)**

**(See Amendment to the Motion to Amend, which Lost)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Osanic, Mayor Paterson (9)

NAYS: Councillor Chapelle (1)

ABSENT: Councillor Oosterhof, Councillor Kiley, Councillor Stroud (3)

Moved by Councillor Chapelle

Seconded by Councillor Doherty

**That** the Motion to Amend, moved by Councillor Stroud and Seconded by Deputy Mayor Holland be amended by deleting “ninety (90)” and inserting thereto “one hundred and twenty (120)”

**Lost on a Tie (6:6)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Stroud (6)

NAYS: Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson (6)

ABSENT: Councillor Kiley (1)

**2.** Moved by Councillor Stroud

Seconded by Councillor Chapelle

**That** Staff be directed to examine what is required to allow Members of Council, Members of Committees, City staff and members of the public entitled to attend a Meeting (including, without limitation, Delegations and presenters) to have the right to participate in a Meeting via electronic means, subject to applicable laws and available technology, and report back within six months of the termination of the Emergency pursuant to Section 4 of the Emergency Management Act.

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**Carried (12:0)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (12)

NAYS: (0)

ABSENT: Councillor Kiley (1)

**Motion to rise from the Committee of the Whole**

Moved by Councillor Oosterhof

Seconded by Deputy Mayor Holland

**That** Council rise from the Committee of the Whole and the City Clerk report.

**Carried (12:0)**

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

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (12)

NAYS: (0)

ABSENT: Councillor Kiley (1)



1. Moved by Councillor M<sup>c</sup>Laren

Seconded by Councillor Neill

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Electronic Meeting Guide, and any provincial legislation or order shall prevail to the extent of any conflict.

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- c. the termination of the Emergency pursuant to Section 7.0.1 of the Emergency Management Act.

**Electronic Participation in a Meeting by Staff, the Public**

6.25 Notwithstanding anything to the contrary contained in this By-Law, during an in-person Meeting at which Members are required to be physically present, City staff and members of the public entitled to attend at the Meeting (including, without limitation, Delegations and presenters) shall have the right to participate in the Meeting via electronic means, subject to applicable laws and available technology.";  
and

amended in Section 13.13 (b) by adding thereto "and each member shall be permitted up to one (1) minute to speak to the time, place or purpose of the deferral" so that it reads as follows:

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be presented to Council for all three readings; and

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reports, as determined by the By-Law, with no recommendation to allow Council the opportunity to discuss and make a decision.”

be presented to Council for all three readings.

**(See By-Law Number (1), 2021-041, as Amended)**

**(See By-Law Number (2), 2021-042, as Amended)**

**Carried (12:0)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (12)

NAYS: (0)

ABSENT: Councillor Kiley (1)

**2.** Moved by Councillor Stroud

Seconded by Councillor Chapelle

**That** Staff be directed to examine what is required to allow Members of Council, Members of Committees, City staff and members of the public entitled to attend a Meeting (including, without limitation, Delegations and presenters) to have the right to participate in a Meeting via electronic means, subject to applicable laws and available technology, and report back within six months of the termination of the Emergency pursuant to Section 4 of the Emergency Management Act.

**Carried (12:0)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (12)

NAYS: (0)

ABSENT: Councillor Kiley (1)

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**By-Laws**

**a)** Moved by Councillor Boehme

Seconded by Councillor Stroud

**That** By-Laws (1) as amended, (2) as amended and (3) be given their first and second reading.

**Carried (11:1)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (11)

NAYS: Councillor Chapelle (1)

ABSENT: Councillor Kiley (1)

**b)** Moved by Councillor Boehme

Seconded by Councillor Stroud

**That** Clause 11.36 of By-Law Number 2010-1, as amended, be suspended for the purpose of giving By-Laws (1) as amended and (2) as amended three readings.

**Carried (12:0)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (12)

NAYS: (0)

ABSENT: Councillor Kiley (1)

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c) Moved by Councillor Boehme

Seconded by Councillor Stroud

**That** By-Laws (1) as amended, (2) as amended and (3) be given their third reading.

**Carried (12:0)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Chapelle, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (12)

NAYS: (0)

ABSENT: Councillor Kiley (1)

- 1) A By-Law to Provide Rules for Governing the Order and Procedures of the Council of The Corporation of the City of Kingston, and to Repeal By-Law Number 2010-1, Council Procedural By-Law, as Amended, in its Entirety

Three Readings

Proposed Number 2021-041

**(Committee of the Whole)**

- 2) A By-Law to Amend By-Law Number 2010-205, "A By-Law to Define the Mandate and Meeting Procedures for Committees Established by The Corporation of the City of Kingston", as Amended

Three Readings

Proposed Number 2021-042

**(Committee of the Whole)**

- 3) A By-Law to confirm the proceedings of Council at its Special meeting held on Thursday, March 18, 2021

Three Readings

Proposed Number 2021-043

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**Adjournment**

Moved by Councillor M<sup>c</sup>Laren

Seconded by Councillor Boehme

**That** Council do now adjourn.

**Carried (11:1)**

**(See Recorded Vote)**

YEAS: Councillor Boehme, Councillor Doherty, Councillor Hill, Deputy Mayor Holland, Councillor Hutchison, Councillor M<sup>c</sup>Laren, Councillor Neill, Councillor Oosterhof, Councillor Osanic, Mayor Paterson, Councillor Stroud (11)

NAYS: Councillor Chapelle (1)

ABSENT: Councillor Kiley (1)

Council adjourned at 9:12 pm.

(Signed)

John Bolognone  
City Clerk

Bryan Paterson  
Mayor