

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 5 MARCH 2009 COMMENCING AT 9.06AM

PRESENT: His Worship the Mayor K Marshall (Chairperson), Councillors I Barker, A Boswijk, G Collingwood, M Cotton, D Henigan, M Holmes, A Miccio, A McAlpine, R Reese (Deputy Mayor), D Shaw and G Thomas

IN ATTENDANCE: Chief Executive (K Marshall) and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillor P Rainey

1.0 OPENING PRAYER

The opening prayer was read by the Chief Executive.

2.0 CONFIRMATION OF MINUTES

18 December 2008

Resolved

THAT the minutes of the meeting of the Nelson City Council, held on Thursday 18 December 2008, be confirmed as a true and correct record.

His Worship the Mayor/McAlpine

Carried

19 February 2009

Resolved

THAT the minutes of an extraordinary meeting of the Nelson City Council, held on Thursday 19 February 2009, be confirmed as a true and correct record.

His Worship the Mayor/Barker

Carried

3.0 STATUS REPORT - March 2009

3.1 Harbour Safety Vessel for the Harbourmaster

It was noted that the vessel had not yet been purchased.

Resolved

THAT the status report - March 2009 be received.

Reese/Miccio

Carried

4.0 MAYORS REPORT

4.1 Opening Prayer

His Worship the Mayor said that he would like to discuss with Council the wording of the current opening prayer for Council Meetings.

4.2 Community Plan 2009/2019

His Worship the Mayor thanked Councillors for the work they had done on the Draft Community Plan. He said that Councillors had conducted themselves in a very good spirit.

4.3 Announcement of job losses at Sealord

His Worship the Mayor said that Council did not get an advanced briefing on the proposed job losses at Sealord. He reminded the meeting that Sealord was a big user of Council facilities and there needed to be a discussion with Sealord and the other “big players” in the City about the effects of these cuts.

Councillor Thomas agreed, saying that regarding Sealord it was absolutely critical that Council has dialogue with the local business community.

Councillor Cotton agreed saying he would like Council to invite the Sealord Chief Executive here to give Council a briefing and then Council could see how it could help.

4.4 Meeting of Unitary Councils

His Worship the Mayor gave a brief report on a meeting he had attended of the Unitary Authorities.

4.5 SOLGM Meeting

The Chief Executive reported on a recent SOLGM Meeting he had attended where Nelson MP, Hon Nick Smith, had given a briefing on the likely direction of the proposed RMA reforms. His Worship the Mayor said that he intended to invite Mr Smith to talk to Council in the near future.

4.6 Local Government Metro Meeting

His Worship the Mayor gave a brief report on the recent Local Government Metro Meeting which had been addressed by the Deputy Prime Minister Mr English who had said Government wish to speed up the local government decision making process and he believed that it over-consulted and takes a long time to make a decision.

4.7 Zone 5

Councillor Miccio reported on a meeting of Zone 5 that he had attended. The President and Vice President had spoken of the urgency of the job summit and the economic state of the country. The level of debt in local government was also discussed and it was advised that this was tripling around the country in an attempt to keep rates within the CPI and to keep on with infrastructure work.

There was, he said, a big push being made for local government to have access to funds at low interest rates. The meeting also had a discussion on the state of affairs in the Country in general and local government in particular.

In answer to a question regarding progress of amalgamation in the Auckland area the Chief Executive reported that the Auckland situation was subject to a Royal

Commission. The report of that Commission was due out at the end of March and the Minister of Local Government had signalled that there will be some changes to the Local Government Act and those changes are likely to be enabling generally not just specifically focused on Auckland.

In answer to a question with regard to the state of the Combined Shareholders Group, His Worship the Mayor said he had had a breakfast meeting with Richard Kempthorne yesterday where he had discussed the relationship with Tasman District Council. The Mayor said it was a work in progress and he will be reporting back to Council in the near future.

4.8 Tribute to the late Councillor Gourdie

Councillor Barker reported that he had attended the funeral on Saturday of the late Councillor Ian Gourdie. Councillor Barker paid tribute to Mr Gourdie's time on Council saying that he had served from 1974 - 1984 during which time he had been Chairman of Councils Works Committee.

Resolved

THAT the Mayor's report for March 2009 be received.

His Worship the Mayor/Cotton

Carried

5.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES AND WORKING PARTIES

5.1 Community Services - 29 January 2009

Resolved

THAT the minutes of the meeting of the Community Services Committee, held on Thursday 29 January 2009, be received and the following Recommendation to Council be adopted.

Trafalgar Centre - Outstanding Works

THAT the Council consider the priority of the Trafalgar Centre north end upgrade against other capital works projects, taking into account both Community and Capital Benefits, and if necessary the project be deferred;

AND THAT the stadium west side seating, changing and toilet facilities, be tendered with the work to be carried out to suit the current bookings schedule, with any additional funding being required being considered as part of the Nelson Community Plan 2009-19 process;

AND THAT if the north end upgrade does not occur in the 2009/10 financial year, significant redevelopment work not be carried out on the existing kitchens;

AND THAT further work be undertaken to determine the feasibility of an alternative kitchen location;

AND THAT urgent renewal items be considered in the Nelson Community Plan 2009-19 process.

Reese/Holmes

Carried

5.2 Infrastructure - 10 February 2009

Resolved

THAT the minutes of the Infrastructure Committee, held on Tuesday 10 February 2009, be received and the following recommendations to Council be adopted.

Value Vehicles Site - Renewal of Lease

THAT the Chief Executive be delegated the authority to negotiate an extension of the lease to Value Vehicles subject to

- i. Retaining the same conditions, including two year rent reviews and the 12 month termination clause;***
- ii. Maximum period of four years;***
- iii. Final expiry date of 30 June 2013.***

Kidson Place - Road Reserve to be dedicated as road

AND THAT Lot 5, DP13133 in CFR 454190, being land vested in Nelson City Council as road reserve, be dedicated as road pursuant to Section 111 of the Reserves Act 1977.

Holmes/Cotton

Carried

5.3 Environment Committee - 12 February 2009

Resolved

THAT the minutes of the meeting of the Environment Committee, held on Thursday 12 February 2009, be received.

Reese/Shaw

Carried

5.4 Governance - 19 February 2009

Resolved

THAT the minutes of the meeting of the Governance Committee, held on Thursday 19 February 2009, be received and the following recommendation to Council approved.

Bylaw 204 - Consolidated Bylaw 1992 - Amendment 1/2002 Numbering of Buildings

THAT the Bylaw (No 219) Numbering of Property and Buildings as attached to Report No 726272 be adopted for public consultation in accordance with Section 86 of the Local Government Act 2002;

AND THAT the Council confirm that it is satisfied that a bylaw is the most appropriate way of addressing the matter;

AND THAT this report be accepted as the statement of proposal required in respect of the special Consultative Procedure.

Thomas/Henigan

Carried

6.0 ELECTED MEMBERS' REMUNERATION

Document No 731346 dated 19 February 2009, agenda pages 38-47 refer. The Chief Executive presented the report.

Resolved

THAT the Council confirm option 3 as set out in Report No 731346 dated 19 February 2009, as being the remuneration system it wishes to apply until 30 June 2010, for the approval of the Remuneration Authority.

Thomas/Shaw

Carried

6.1 Expenses Policy

Resolved

THAT the Council approve the expenses policy attached to Report No 731346 dated 19 February 2009 to go to the Remuneration Authority for its approval;

AND THAT Council delegate His Worship the Mayor and the Chief Executive to make a submission on the proposed change to the mileage payments.

Shaw/Boswijk

Carried

7.0 LATE ITEMS

Remuneration Review Committee

His Worship the Mayor said there were late items in the public session and public excluded session of the meeting concerning the Remuneration Review Committee and in accordance with Section 47(a) of the Local Government Official Information and Meetings Act 1987 the reason why those items were not on the agenda and the reason why a discussion of the items could not be delayed until a subsequent meeting was because the matter had come to hand after the agendas closed and needed to be considered at this meeting. Accordingly he said the following procedural resolution was required before any discussion could take place.

Resolved

THAT the item regarding the minutes of a meeting of the Remuneration Review Committee held on 12 February 2009 in public session and the public excluded minutes of the same meeting be considered at this meeting pursuant to Section 46(A) of the Local Government Official Information and Meetings Act 1987 because of the need for urgency.

His Worship the Mayor/Miccio

Carried

Resolved

THAT the minutes of a meeting of the Remuneration Review Committee held on 12 February 2009 be received.

His Worship the Mayor/Miccio

Carried

8.0 PUBLIC EXCLUDED BUSINESS

8.1 Exclusion of the Public

Resolved

THAT the public be excluded from the following parts of the proceedings of this meeting in accordance with section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 on the grounds that the public conduct of this part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists.

- (i) ***Minutes of part of the meeting of the Nelson City Council, Public Excluded Business - 18 December 2008.***

Reasons:

To protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied the information; or

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

- (ii) ***Council Public Excluded Status Report - March 2009***

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

- (iii) ***Minutes of part of the Community Services Committee, Public Excluded Business - 29 January 2009***

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

- (iv) ***Minutes of part of the Infrastructure Committee, Public Excluded Business - 4 September 2008***

Reasons:

To enable the Council to carry out negotiations without prejudice or disadvantage.

- (v) **Minutes of part of the Infrastructure Committee Public Excluded Business - 10 February 2009**

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

- (vi) **Minutes of part of the Environment Committee - Public Excluded Business - 12 February 2009**

Reason:

To enable the Council to deliberate in private on its recommendation as a right of appeal lies to the Environment Court against the final decision of Council.

- (vii) **Minutes of the Corporate Governance Committee Public Excluded Business - 19 February 2009**

Reasons:

To enable the Council to carry out negotiations or commercial activities without prejudice or disadvantage; or

To protect the privacy of natural persons.

- (viii) **Public Excluded Minutes Remuneration Review Committee - 12 February 2009**

Reason:

To protect the privacy of natural persons.

Boswijk/Holmes

Carried

The meeting went into public excluded session at 12.15pm and resumed in public session at 1.05pm.

8.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

McAlpine/His Worship the Mayor

Carried

There being no further business the meeting concluded at 1.05pm.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

CHAIRPERSON

DATE