

**MINUTES OF THE MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE, TRAFALGAR STREET, NELSON ON THURSDAY 1 OCTOBER 2009 COMMENCING AT 9.05AM**

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

IN ATTENDANCE: Chief Executive (K Marshall) and Administration Adviser (R.N. Palmer)

APOLOGIES: An apology on behalf of Councillor A Miccio was received and accepted

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**OPENING PRAYER**

The opening prayer was given by Councillor G Thomas.

**1.0 PUBLIC FORUM**

**1.1 Youth Resilience**

The Bishop's Chaplain, Mark Chamberlain, and the Manager of The New Hub Ron Kjestrup spoke to the meeting in respect of the community initiatives regarding Youth Resilience.

The speakers explained that they would like the Council to hold a workshop to which experts in the field could be invited, to discuss the community strategy which they envisaged would be a way of resolving some of the issues which youth in Nelson presently faced.

The meeting noted that the organisers proposed to hold a number of events in various locations throughout the City to which parents would be invited to experience what the programme envisaged and to become a part of the process.

**2.0 CONFIRMATION OF MINUTES**

17 September 2009

Resolved

***THAT** the minutes of the ordinary meeting of the Nelson City Council, held on Thursday 17 September 2009, be confirmed as a true and correct record.*

Boswijk/Rainey

Carried

**3.0 MAYORS REPORT**

His Worship the Mayor tabled a copy of the Nelson Eureka Sister City Association newsletter from Colin Aitken which outlined the activities which the Committee was considering as a means of bolstering support for the Association.

The meeting discussed whether or not it would be appropriate to change the status of the Sister City links to “friendly towns”. It was agreed that the question of Sister Cities should be revisited by the Council at a future date.

His Worship the Mayor also expressed his thanks to the Councillors for their commitment to the Community Assistance Meetings and extended his appreciation to staff for the work which they had done in developing a smooth process.

Resolved

***THAT the report from His Worship the Mayor be received.***

His Worship the Mayor/Henigan

Carried

#### **4.0 REPORTS – PERFORMANCE**

Councillor Reese assumed Chairmanship of the meeting.

##### **4.1 Nelson District Licensing Agency Annual Report**

Report No 823624, agenda pages 8-23 refer.

Attendance: Richard Johnson (Divisional Manager Planning and Consents) and Stephen Lawrence (Environmental Inspections Ltd) spoke to the meeting in support of the report.

The Councils attention was drawn to page two of the report and it was explained that a number of words had been omitted from the end of the first paragraph under clause 6; these being “enforcement action was taken in conjunction with the Police on a number of premises that sold liquor in both on and off licensed premises (4 prosecutions, 11 suspensions and 1 referral to Youth Aid).”

It was also noted that reference to report number 690090 within the recommendation should in fact have be referenced to 823624.

His Worship the Mayor outlined the discussion which he had had with Sir Geoffrey Palmer regarding the Law Commissions report “Alcohol in our Lives” which would lead to an amendment to the Sale of Liquor Act.

It was noted that one of the suggested amendments to the Act would be the introduction of local alcohol plans which Councils would be able to develop to regulate certain aspects of the supply and sale of alcohol within their communities.

His Worship also advised that it was his proposal that a working party of Councillors should get together to formulate a submission to the discussion document which needed to be received by Friday 30 October 2009.

The meeting generally agreed that following the introduction of the changes to the Sale of Liquor Act it could well be appropriate for the Council to workshop the issues.

Resolved

***THAT appendix 1 amended as discussed, as attached to report number 823624, be adopted as the Nelson District Licensing Agency Annual Report 2008- 2009;***

***AND THAT it be forwarded to the Liquor Licensing Agency.***

Henigan/Shaw

Carried

#### **4.2 Dog Control Activity Report 2008-2009**

Report No 823827, agenda pages 24-28 refer.

Attendance: Richard Johnson (Divisional Manager Planning and Consents) and Stephen Lawrence (Environmental Inspections Ltd) presented the report.

The meeting discussed various aspects of the report noting that the Dog Control Account was self funding and that approximately 25% of the dogs in Nelson City at one time or another had come to the attention of Environmental Inspections Ltd Dog Control staff.

Resolved

***THAT appendix 1 to report number 823827 be adopted as the Nelson City Council Dog Control Activity Report for the year 2008-2009***

***AND THAT the report be publicly notified by way of newspaper notices, and sent to the Secretary for Local Government as required by the Dog Control Act 1996.***

Holmes/Henigan

Carried

#### **5.0 REPORTS – PRIORITY**

Councillor Mark Holmes assumed Chairmanship of the meeting.

#### **5.1 Transport Community Programmes Budget**

Report No 826721, agenda pages 29-36 refer.

Attendance: Andrew James (Transport Manager) presented the report.

Mr James explained that the risk which the Council faced should it adopt option 2 as set out within clause 4.2 of the report was that the New Zealand Transport Authority might take this as an opportunity to reduce its subsidy.

The query was raised as whether the Council should also take the opportunity to retrench and reassess its priorities by adopting option 1 where it continued the ratio between NZTA funds and rates funding for the programme.

Councillors expressed concern that some of the successful and valuable community projects such as the Safe with Age Programme and the Streetwise- Early Intervention programme could be dropped, however it was acknowledged that there were opportunities for similar type programmes to be introduced as self funding and staff would be investigating these options.

Resolved

***THAT the Council utilise all the rates funding already allocated in the Community Plan to the Community Programmes Account for 2009 – 2010 and undertake those activities in accordance with the proposed projection shown in attachment 1 to the report (document 826690).***

***AND THAT the Council consider the funding allocation for the Community Programmes for 2010/11 and 2011/12 following the New Zealand Transport Authority's review of this activity and confirmation of funding levels.***

Shaw/Holmes

Carried

Note: Councillor Henigan abstained from voting on this issue.  
Councillor Barker recorded his vote against the resolution.

## **6.0 REPORTS POLICY**

### **6.1 Parking and Vehicle Control Bylaws 2004, No 207 Amendments to Schedules**

Report No 826490, agenda pages 37-42 refer.

Attendance: Alec Louverdis (Senior Executive Technical Services) presented the report.

Mr Louverdis outlined the background to the proposal to establish a bus stop in the lower part of Upper Trafalgar Street opposite the Museum, advising that this was proposed to meet the wishes of schools which visited the Museum and also to provide a safer drop off and pick up point for the Charabanc tourist car which presently stopped in a more dangerous position outside the coffee cart further to the south.

It was raised that there was already a bus stop in close vicinity outside the Glass Works by the Rutherford Hotel and it seemed that this was within easy walking distance of the Museum and another closer bus stop was not required.

Concern was also expressed that the loss of three car parking spaces to enable the establishment of the bus space was not desirable, but maybe by restricting the availability of the bus stop to the opening hours of the Museum this disadvantage might be reduced.

It was noted that the future of Upper Trafalgar Street was part of the Heart of Nelson Strategy and it could well be premature to look at any major changes to the parking layout at this stage

Resolved

***THAT the following schedules to Bylaw No 207 Parking and Vehicle Control 2004 be approved:***

- i. Schedule 8 Time Limited Parking Areas*
- ii. Schedule 9 No Stopping*
- iii. Schedule 14 Give Way Signs*

Collingwood/Reese

Carried

## **6.2 Proposed Road Stopping at 123 Cleveland Terrace**

Report No 825938, agenda pages 43-46 refer.

Resolved

***THAT the Council delegate to the Chief Executive the authority to complete the road stopping of about 300 square metres of unformed legal road adjoining 123 Cleveland Terrace (Lot 30 DP 3881) and to sell that land to the adjoining owners as an amalgamated title, subject to the owners paying for:***

- i. The value of land as assessed by a Registered Valuer*
- ii. The valuation, legal and survey costs incurred by Council*
- iii. An administration fee of \$400 plus GST.*

Shaw/Reese

Carried

Attendance: Councillor Reese left the meeting.

## **6.3 Loan to Theatre Royal Trust – Terms and Conditions**

Report No 825660, agenda pages 47-48 refer.

Councillor Thomas assumed Chairmanship of the meeting.

Attendance: Chris Fitchett (Chief Financial Officer) presented the report.

In addition the Council discussed whether it would be appropriate for it to consider purchasing the Theatre Royal or the land on which it sat, or making provision within the Long Term Council Community Plan to write off the loan.

It was agreed that these issues would be addressed by the Council as part of the next Annual Plan process.

Resolved

**THAT** the Council approve an interest free loan up to \$1.2million to the Theatre Royal Trust;

**AND THAT** the repayment be set at \$15,000 per quarter commencing on 30 June 2010 for the quarter ending on that day;

**AND THAT** the Trust provide audited accounts to the Council's Chief Financial Officer within 3 months of the Trusts balance date each financial year.

His Worship the Mayor/Boswijk

Carried

Note: Councillor Rainey abstained from discussion or voting on the matter.

## **7.0 REPORTS FROM COMMITTEES AND OTHER GROUPS**

### **7.1 Remuneration Review Committee – 16 September 2009.**

Document No 827562, agenda pages 49-50 refer.

Resolved

**THAT** the minutes of the meeting of the Remuneration Review Committee held on Wednesday 16 September 2009, be received and the following recommendation be adopted:

**THAT**

- i. *The baseline customer satisfaction figures are:*

*Value for money +30*

*Perception of staff counter contacts +63*

*Overall resident perception of Council service performance +44;*

**AND THAT**

- ii. *The staff satisfaction performance index baseline figure is 71% and the employee engagement index is 77.2%;*

**AND THAT**

- iii. *The target for 30 June 2010 is to improve on these five results.*

Thomas/Barker

Carried

### **7.2 Audit Risk and Finance Committee – 16 September 2009**

Document Number 827768, agenda pages 51-52 refer.

Resolved

***THAT the minutes of the meeting of the Audit Risk and Finance Committee held on Wednesday 16 September 2009 be received.***

Thomas/Barker

Carried

**7.3 Nelson City Council Tasman District Council Joint Shareholders Committee – 18 September 2009**

Document number 829953, agenda pages 53-54 refer.

Resolved

***THAT the minutes of the meeting of the Nelson City Council Tasman District Council Joint Shareholders Committee be received and the following recommendations be adopted;***

***THAT the draft procedure relating to the appointment of Directors/Trustees to the Joint CCO's attached to document 826253 be adopted subject to clause 3.1.3 being deleted and an additional clause 7.1.2 being added stating;***

***“It is noted that the Councils have their own separate policies regarding the appointment of elected members as Directors'/Trustees; Nelson City Council does not appoint current Councillors to these positions, whereas it is the Tasman District Councils position to appoint the most appropriate person whether a current Councillor or not”;***

***AND THAT the adoption of this recommendation by one Council be subject to its adoption by the other Council.***

His Worship the Mayor/Thomas

Carried

**7.4 Civil Defence Emergency Management Group – 18 September 2009**

Document number 829982, agenda pages 55-56 refer.

Resolved

***THAT. the minutes of the meeting of the Civil Defence Emergency Management Group held on Friday 18 September 2009 be received.***

His Worship the Mayor/Thomas

Carried

Attendance: Councillor Reese re-entered the meeting.

**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 – 17 September 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.*

- ii) ***Loan to Theatre Royal Trust: Attachment 1 to Report 825660***

*Reason:*

*To protect information where the making available of the information would likely prejudice the commercial position of the Trust.*

- iii) ***Minutes of the Remuneration Review Committee – 16 September 2009***

*Reason:*

*To protect the privacy of a natural person.*

- iv) ***Minutes of the Nelson City Council Tasman District Council Joint Shareholders Committee***

*Reason:*

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

Henigan/McAlpine

Carried

## 8.2 Re-admittance of the Public

Resolved

***THAT the public be re-admitted to the meeting.***

His Worship the Mayor/Reese

Carried

The meeting closed at 11.25am.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE