

Extraordinary Council Meeting

Minutes of the Extraordinary Council meeting held on 25 August, 2011, commencing at 1.00 pm, in the Council Chamber, 5 Baring Square West, Ashburton.

Present

His Worship the Mayor, A R McKay; Councillors N A Brown, I J Burgess, D M Favel, J Sparks, L J Leadley, D G McLeod, D N Nelson, M J Nordqvist, A B Totty, P W Reveley and R S Wilson.

In attendance

Chief Executive, Manager Democracy & Community Services, Finance Manager, Property Manager and Committee Secretary.

1 Apologies

Cr R Kilworth Carried

2 Extraordinary Business

That pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987 the following items be introduced as extraordinary business, to be business with the public excluded, items 6 and 7:

- Property matters
Section 7(2)(h) Commercial activities

Brown/Nelson Carried

3 Road Closure – Methven Big Air Event

- 1 That** the following roads be closed to ordinary vehicular traffic for the purpose of allowing Snow Show Ltd to hold the Methven Big Air

STATE HIGHWAY 77 (MAIN STREET) from The Mall to McKerrow Street, Methven from 1.00pm Saturday 27 August to 1.00am Sunday 28 August

FOREST DRIVE from State Highway 77 (Main Street), Methven to McMillan Street from 1.00pm Saturday 27 August to 1.00am Sunday 28 August

METHVEN CHERTSEY ROAD from State Highway 77 (Main Street), Methven to the Medical Centre from 12.00pm noon Saturday 27 August to 1.00am Sunday 28 August

KILWORTH STREET from Mackie Street to Main Street, Methven from 1.00pm Saturday 27 August to 1.00am Sunday 28 August

BARKERS ROAD from Mackie Street to Main Street, Methven from 9.00am Monday 22 August to 4.00pm Thursday 1 September

Subject to the standard road closure conditions and the following special condition imposed by the Hearing Panel on 12 August 2011

- 2 That** the applicant complies with the fencing plan for the controlled area inside the road closure, as illustrated in the diagram above.
- 3 That** in the event of adverse weather conditions, the event will be rescheduled to Sunday 28 August 2011.

Nelson/Totty Carried

4 Art Gallery and Heritage Centre

Petition

Council acknowledged the petition presented to Council on 11 August by representatives of the Ashburton Citizens Association.

That the recommendation of the Property & Investment Subcommittee be tabled for discussion and decision.

Mayor/Brown Carried

The Property Manager recommended that the tender from Bradford Building Ltd be accepted, on the basis that approval be granted for expenditure of \$6,626,923 (plus GST), being a contingency of 5%. Mr Rooney reported that some potential cost savings (\$150k-\$170k) may be achieved through the use of alternative construction methods and these are being further explored. In respect to Council's policy on Significance, it has been determined that the potential \$300k over expenditure is not considered to be significant. Mr Rooney confirmed that due diligence has been carried out on the tenders.

Cr Reveley asked whether there are Councillors who should declare a conflict of interest. He suggested that Cr Sparks has the potential for personal financial gain from a new art gallery. In response, Cr Totty restated his position, that he is no longer a member of the Museum Committee and an Audit opinion has confirmed his eligibility to vote on this matter.

Cr Sparks also clarified her position; that after being elected to Council she resigned as a member of the Art Gallery Committee to remove any perception of a conflict of interest. Cr Sparks refuted that she would profit from a new gallery. She described herself as an amateur artist who has had the opportunity to exhibit privately and as a guest artist at the Art Society exhibition this year.

In respect to Cr Sparks' position, the Manager Democracy & Community Services recommended that Cr Reveley refer his concern to the Auditor General and that the business under discussion continue.

Opposing the motion, Cr Reveley said that Council does not have a mandate to proceed when consultation was previously undertaken on a \$3.5m project. Crs Favel, Nordqvist and Wilson also expressed concern about the affordability of the project. The Mayor spoke about his preference for upgrading the current building and developing a 'cultural centre' in the vicinity, while acknowledging that consultation on this project has met all legislative requirements.

1 **That** Council approves the acceptance of the tender submitted by Bradford Building Limited to undertake the construction at a tendered price of \$6,311,355 plus GST, subject to negotiations being had with the tenderer;

2 **That**, on the basis that the tendered price is the upper limit of the construction cost, Council approves the expenditure of \$6,626,923 plus GST made up as follows:

Tender price	\$6,311,355
Contingencies and Fees (5%)	<u>\$315,568</u>
	\$6,626,923 plus GST

3 **That** Council notes that the submitted tender will be the subject of negotiation with a view to effecting savings.

McLeod/Sparks

Carried

A show of hands gave 7 for and 5 against

For Crs McLeod, Sparks, Totty, Burgess, Nelson, Brown, Leadley
Against Crs Reveley, Favel, Nordqvist, Wilson, Mayor
Absent: Cr R Kilworth

On the basis of this decision, the Mayor advised that he supports the project progressing. Crs Reveley, Favel, Nordqvist and Wilson recorded their votes against the motion.

Council adjourned at 2.04pm and resumed at 5.15pm.

Business transacted with the public excluded (5.15 pm)

That the public be excluded from the following parts of the proceedings of this meeting, namely – the general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item no	General subject of each matter to be considered:	In accordance with Section 48(1) of the Act, the reason for passing this resolution in relation to each matter:	
5	ACL Ltd	Section 7(2)(h)	Commercial activities
6	Extraordinary Business - Property matter	Section 7(2)(h)	Commercial activities
7	Extraordinary Business - Property matter	Section 7(2)(h)	Commercial activities

Mayor/Nelson

Carried

Business transacted with the public excluded now in open meeting

- **Extraordinary Business – Geoff Geering Drive – Sale of section**

- 1 **That** approval is given to accept a conditional offer of \$105,000 for Lot 12 in the Geoff Geering Drive subdivision
- 2 **That** the covenant relating to the buy back is rescinded in this instance.

Brown/Nelson

Carried

The meeting concluded at 6.05pm.

Confirmed this 22nd day of September 2011 by

MAYOR