



*Minutes of the Ordinary Meeting of Council 15 May 2007
continuing at 8:31 am on 18 May 2007*

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, M J Cox, R Davis, D G Pitt and J Sciacca.

Staff – T C Melchert (Chief Executive Officer), D G Carey (General Manager Community & Corporate), I B Barton (General Manager Finance & Administration), P J Trotman (General Manager Development & Environment) and S K Andrews (Corporate Support).

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Egan

07/0515/26A

“That pursuant to Section 463(1)(a) and (b) of the Local Government Act 1993, the meeting be closed to the general public to allow in confidence discussion of matters to be dealt with as part of the agenda and to allow Council to conduct a teleconference with Mr Mark Peters, Solicitor, MacDonnells Law.” (8:35 am)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public at 8:35 am, all staff except the Chief Executive Officer withdrew.

CONFLICT OF INTEREST

The Mayor, Cr Berwick, Cr Davis and the General Manager Community & Corporate, David Carey, had previously declared conflicts of interest in the matter and reiterated this as they withdrew from the meeting.

ADJOURNMENT OF THE MEETING

During the closed meeting the Chair adjourned the meeting for lunch at 12:30 pm.

RESUMPTION OF THE MEETING

The Chair resumed the meeting at 1:35 pm.



OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Berwick

Seconded Cr Davis

07/0515/26B

"That the meeting be re-opened to the public." (1:35pm)

Carried unanimously

RESUMPTION OF THE MEETING

The meeting resumed without the attendance of Crs Egan and Bellerio, the General Manager Community & Corporate or the General Manager Finance & Administration, and with the attendance of the Manager Engineering, Peter Cymbala, and the Engineer, Terry Clark. A visitor – Mr John Davis, representing Infrastructure Delivery and Services Management was also in attendance.

No recommendations were forthcoming from discussions held while the meeting was closed to the public.

07/0515/26C SUSPENSION OF STANDING ORDERS

Moved Cr Berwick

Seconded Cr Cox

"That standing orders be suspended and Council consider item 07/0515/17 – Proposed Amendment to the Integrated Resort Development Act Scheme – Mirage, Port Douglas, now; followed by a presentation from Mr John Davis, representative from Infrastructure Delivery and Services Management.

Carried unanimously

ATTENDANCE/WITHDRAWAL

Cr Davis withdrew from the meeting at 1:45 pm.

07/0515/17 PROPOSED AMENDMENT TO THE INTEGRATED RESORT DEVELOPMENT ACT SCHEME – MIRAGE, PORT DOUGLAS

Moved Cr Berwick

Seconded Cr Cox

"That Council seeks an extension of time for the consultation about the MFS Integrated Resort Development Act application until the end of June 2007. During this time Council seeks a briefing from the applicant and a representative of the objectors."

Carried unanimously

EMERGENT ISSUE – WATERFRONT MANAGEMENT BOARD

The General Manager Development & Environment informed the Council it was necessary to establish representation on the Waterfront Management Board agreed to by the Council at its meeting on 24 April 2007.

The Council agreed that:

1. the community representative will be a member of the Port Douglas Heritage Coalition;
2. the business representative will be a member of the Port Douglas and Daintree Tourism Association; and
3. the General Manager Development & Environment, Douglas Shire Council, will be the signatory for correspondence on behalf of the Board.

ATTENDANCE/WITHDRAWAL

The General Manager Development & Environment, Paul Trotman, withdrew from the meeting at 2:00 pm.

PRESENTATION

Mr John Davis, representative from Infrastructure Delivery and Services Management, was invited by the Mayor to address the Council on the subject of Methane Energy from Sewage.

ATTENDANCE/WITHDRAWAL

The Corporate Support Officer, Susanna Andrews, withdrew from the meeting at 2:05 pm.

Cr Bellerio attended the meeting at 3:00 pm.

EMERGENT ISSUE – PERFORMANCE MANAGEMENT PANEL REPORT

At 3:05 pm the Chair was advised that information was available to be brought to its attention and which was paramount to its ongoing considerations about the future employment of the Chief Executive Officer as a result of the report of the independent Performance Management Panel.

As a consequence Mr Davis was unable to conclude his entire presentation. The Mayor thanked him for his attendance and he withdrew from the meeting.

ATTENDANCE/WITHDRAWAL

The Manager Engineering, Peter Cymbala, and the Engineer, Terry Clark, withdrew from the meeting at 3:05 pm.

07/0515/28 PERFORMANCE MANAGEMENT PANEL REPORT

The Chair informed the Council that the services of the Chief Executive Officer had been terminated with effect immediately.

It was therefore necessary for the Council to appoint an acting Chief Executive Officer.

Moved Cr Berwick

Seconded Cr Cox

"That Council appoints the General Manager Finance & Administration, Ian Barton, as Acting Chief Executive Officer."

ATTENDANCE/WITHDRAWAL

Crs Bellerio and Pitt withdrew from the meeting at 3:15 pm.

For: Cr Berwick, Cox, Davis

Against: Cr Sciacca did not vote on the motion and was therefore counted in the negative

Carried

ATTENDANCE/WITHDRAWAL

Cr Sciacca withdrew from the meeting at 3:20 pm.

TERMINATION OF MEETING

Following Cr Sciacca's withdrawal from the meeting there was no longer a quorum present and the meeting therefore failed at that point.

Presented to and confirmed by Council on the *fifth* day of *June* 2007.

M P Berwick
Chair