

**MINUTES OF THE ORDINARY COUNCIL MEETING
HELD ON TUESDAY 28 JANUARY 2014, COMMENCING AT 10.00AM**

PRESENT

Cr Julia Leu (Mayor), Cr David Carey, Cr Bruce Clarke, Cr Terry Melchert, Cr Abigail Noli, Jeff Tate (Acting Chief Executive Officer), Darryl Crees (General Manager Corporate Services), Paul Hoye (General Manager Operations), John Rehn (Manager Governance), and Nicole Barton (Minutes Officer)

ACKNOWLEDGEMENT OF COUNTRY

Cr Leu acknowledged the Kuku Yalanji people who are the Traditional Custodians of the Land and paid respect to their Elders both past and present and extended that respect to other Indigenous Australians present.

APOLOGIES

There were no apologies for the meeting.

CONFLICT OF INTEREST/MATERIAL PERSONAL INTEREST – LISTED AGENDA ITEMS

Nil.

MAYORAL MINUTE

1. VOTE OF THANKS – AUSTRALIA DAY CEREMONY

Moved Cr Leu

“That Council give a vote of thanks to Council Officers - Helen Coulthard, Erica Bigby, Brendan Leishman, Kerrie Hawkes and Jeff Tate - for the organisation and conduct of the extremely successful Australia Day Awards and Citizenship Ceremony.”

Carried unanimously.

2. PROPOSED SIGNALISED INTERSECTION – MOSSMAN WOOLWORTHS EXTENSION

DECLARATION OF MATERIAL PERSONAL INTEREST

Cr Melchert declared a material personal interest in the Mayoral Minute item on the proposed signalised intersection for the Mossman Woolworths extension due to:-

“The draft motion prepared by the Mayor and circulated just now at the meeting refers to the developer (Woolworths) and I have no shares or interest in Woolworths. The development site was formerly owned by Town and Country Limited and Shareholders have been advised by the Board at the 2013 Annual General Meeting that the site has been for some time been the subject of an unconditional contract of sale to Woolworths, and Woolworths is in control of the site and the development.

I do however hold shares in Town and Country Limited.

Based on this information I do not believe I have a material personal interest as a result of any outcomes in the matter in hand today.

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However as some may perceive I have an interest in the matter I will declare this "perceived" interest and leave the Council Chamber and not in any way participate in the meeting while the matter is under discussion and decided upon."

and Cr Melchert withdrew from the meeting at 10.08am.

Moved Cr Leu

"That Council resolve to:-

- a) Write to both the Department of Transport and Main Roads and ProjexPartners objecting to the proposed signalised intersection at the new Woolworths Complex in Mossman and seeking an urgent meeting about the matter;*
- b) Request ProjexPartners to place a halt on any work in relation to the proposed signalised intersection immediately, until a meeting between Council, the Department of Transport and Main Roads and ProjexPartners occurs to discuss alternative options.*

Carried unanimously.

RE-ATTENDANCE OF CR MELCHERT

Cr Melchert re-attended the meeting at 10.10am.

CONFIRMATION OF MINUTES OF ORDINARY COUNCIL MEETING 14/1/2014

Moved Cr Carey

Seconded Cr Noli

"That the Minutes of the Ordinary Council Meeting held on Tuesday 14th January 2014 be confirmed subject to the following amendments:-

- a) The last 5 lines on Page 2 to be deleted;*
- b) The first line on Page 3 to be deleted;*
- c) The 4 lines immediately above "6. Appointment of Alternate Chief Executive Officer" on Page 3 to be deleted.*

Carried unanimously.

1. EXPENSES REIMBURSEMENT POLICY FOR ELECTED REPRESENTATIVES

Darryl Creeves – General Manager Corporate Services

Moved Cr Carey

Seconded Cr Noli

"That Council adopt the amended Expenses Reimbursement Policy for Elected Representatives."

For: Crs Carey, Noli, Leu and Clarke.

Against: Cr Melchert.

Carried

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2. VOLUNTARY REDUNDANCIES UPDATE

Jeff Tate – Acting Chief Executive Officer

Moved Cr Carey

Seconded Cr Noli

“That the report be noted.”

Carried unanimously.

GENERAL BUSINESS

No general business items.

CLOSED SESSION

Moved Cr Clarke

Seconded Cr Noli

“That Council resolve to move into Closed Session to discuss the following matters as listed in the Agenda:

1. LEGAL MATTER ADJUDICATION APPLICATIONS FROM TIMBER RESTORATION SYSTEMS PTY LTD – NOAH & STEWART CREEK BRIDGES

Paul Hoyer – General Manager Operations

2. STAFF MATTER – SHORTLISTING OF APPLICANTS FOR ROLE OF CHIEF EXECUTIVE OFFICER

Jeff Tate – Acting Chief Executive Officer”

Carried unanimously.

WITHDRAWAL OF COUNCIL OFFICERS

The Manager Governance withdrew from the meeting at 10.30am.

The General Manager Operations, General Manager Corporate Services and the Minutes Officer withdrew from the meeting at 11.05am.

ATTENDANCE OF CONSULTANT

Phoebe Kitto, Consultant from HR Dynamics, attended the meeting at 11.05am.

OUT OF CLOSED SESSION

Moved Cr Melchert

Seconded Cr Clarke

“That Council resolve to move out of Closed Session.”

Carried unanimously.

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RE-ATTENDANCE OF MINUTES OFFICER

The Minutes Officer re-attended the meeting at 12.15pm

WITHDRAWAL OF CONSULTANT

Phoebe Kitto, Consultant from HR Dynamics, withdrew from the meeting at 12.15pm.

RESOLUTIONS ARISING FROM MATTERS DISCUSSED IN CLOSED SESSION

1. LEGAL MATTER ADJUDICATION APPLICATIONS FROM TIMBER RESTORATION SYSTEMS PTY LTD – NOAH & STEWART CREEK BRIDGES

Paul Hoyer – General Manager Operations

Moved Cr Carey

Seconded Cr Melchert

"That Council:-

- a) Note the information contained in the report;*
- b) Endorse the actions of the Acting Chief Executive Officer and General Manager Operations to date;*
- c) Delegate authority in accordance with Section 257 of the Local Government Act, to the Mayor and Acting Chief Executive Officer, to negotiate a resolution in accordance with any legal advice that is forthcoming."*

Carried unanimously.

2. STAFF MATTER – SHORTLISTING OF APPLICANTS FOR ROLE OF CHIEF EXECUTIVE OFFICER

Jeff Tate – Acting Chief Executive Officer

Moved Cr Noli

Seconded Cr Carey

"That Council determine the applicants to be interviewed for the role of Chief Executive Officer."

Carried unanimously.

CLOSURE OF MEETING

The meeting closed at 12.18pm.

CONFIRMED THIS 18 DAY OF February 2014


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MAYOR


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A/CHIEF EXECUTIVE OFFICER