

MINUTES OF A MEETING OF THE NELSON CITY COUNCIL HELD IN THE COUNCIL CHAMBER, CIVIC HOUSE TRAFALGAR STREET, NELSON ON THURSDAY 21 AUGUST 2008 COMMENCING AT 9.00 AM

PRESENT: His Worship the Mayor K Marshall (Chairperson), Councillors A Boswijk, G Collingwood, D Henigan, A McAlpine, A Miccio, P Rainey, D Shaw, G Thomas and I Barker

IN ATTENDANCE: Chief Executive (V Altmants), and Administration Adviser (A Rose)

APOLOGIES: Apologies were received and accepted from Councillors M Cotton, M Holmes and R Reese (Deputy Mayor)

1.0 OPENING PRAYER

The Opening Prayer was read by the Chief Executive.

2.0 COMMUNITY ASSISTANCE CONTRACT FUNDING 2008/2009 – HEARING OF NELSON HOUSING TRUST APPLICATION

His Worship the Mayor explained that Item 11 in the Agenda was a report to consider two Community Assistance applications which had been inadvertently omitted from the allocation process and were unable therefore to be considered at the Council meeting on 22 July 2008.

He explained that one of the applications was for contract funding and, so as to give the applicant equal opportunity with the other applicants for contract funding, the applicant, Ms Carrie Mozena, would be making a presentation on behalf of the Nelson Housing Trust.

Ms Mozena joined the meeting and spoke to the Housing Trust's application. She explained that she was Coordinator of the Nelson Women's Centre and a Trustee of the Nelson Housing Trust. She explained that the Trust had at its disposal a cottage and a caravan that provided emergency housing to women who needed it. The maximum stay was 2 weeks and during that time, the Housing Trust assisted these women to find more permanent housing. The grant requested from Council was \$2600 to go towards providing a resource for staff working in these high risk situations.

Ms Mozena explained that Work and Income New Zealand would provide homeless people with a certain amount of funding. But often these people needed assistance to help them work through their situation. This one on one assistance was what the Housing Trust provided and this is what the grant was being asked for.

In answer to a question, Ms Mozena provided the Council with a recent case history that illustrated how her organization worked and assisted those in need in the Nelson community.

His Worship the Mayor thanked Ms Mozena for her presentation and advised that the application would be considered later in the meeting.

3.0 CONFIRMATION OF MINUTES

Resolved

THAT the minutes of the ordinary meeting of Nelson City Council, held on Thursday 10 July 2008, be confirmed as a true and correct record.

Barker/Shaw

Carried

Resolved

THAT the minutes of the ordinary meeting of Nelson City Council to consider applications for community funding on Tuesday 22 July 2008 be confirmed as a true and correct record

Rainey/Thomas

Carried

4.0 COUNCIL STATUS REPORT - AUGUST 2008

Agenda pages 19-22 refer.

During discussion of the report it was agreed that all Councillors should receive copies of all Subcommittee agendas.

Resolved

THAT the Council Status Report for August 2008 be received.

His Worship the Mayor/Shaw

Carried

5.0 MAYOR'S REPORT

5.1 Civic Events

His Worship the Mayor gave a brief verbal report on his attending the opening of the Tui Railway Station, The Suter Exhibition, "Gallery Without Walls", the opening of the Soccer Pavilion, the recent Eco-Fest at Founders as well as the process leading to the public release of the information of the appointment of the new Chief Executive.

5.2 Local Government Conference in Rotorua

His Worship the Mayor advised that he had placed his notes from the Conference in the Councillor's Lounge. He then gave a brief report on the Conference.

He explained that both the Far North Council and Whanganui City Council have left Local Government New Zealand. He said this was cause for concern in particular because Local Government New Zealand provided a lot of assistance to smaller and rural councils in particular.

Returning to the Conference, he said it was held in the Events Center in Rotorua, which was an excellent facility. His Worship the Mayor said the networking he'd achieved at the Conference had been useful. He felt that the best speaker at the Conference had been Simon Upton, who spoke on the subject "What You Don't Know Will Hurt You".

A presentation had been made to Basil Morrison who was retiring as President of Local Government New Zealand. Mr Morrison was succeeded as President by Mr Lawrence Yule, the Mayor of Hastings.

5.3 Zone 5 Meeting

His Worship advised that the next Zone 5 meeting would be held at Siefried's on 11 September 2008 and urged as many Councillors as possible should go to the meeting. He undertook to circulate the programme of the meeting to all Councillors.

5.4 Civic House Update

His Worship the Mayor invited the Divisional Manager Community Services, Susan Coleman, to update the Council regarding Civic House and the One Stop Shop Project.

The Divisional Manager Community Services joined the meeting advising that she was now managing the One Stop Shop Project Team.

With regard to the building upgrade, she said the alterations on the fourth Floor are almost complete and a tour for Councillors would be arranged when it is complete.

With regard to the One Stop Shop and the upgrade of Civic House, Ms Coleman confirmed that an architect had been engaged. A workshop will be held at the completion of the Governance meeting on 18 September 2008 to discuss the various options available to Council and to enable Council to provide direction for the project with a view to bringing a final report, with recommendations, to the October Governance Committee meeting. His Worship the Mayor emphasized the need to include sustainable options.

6.0 REPORTS AND RECOMMENDATIONS OF COMMITTEES

6.1 Applications Committee

Resolved

***THAT** minutes of the meeting of Applications Committee held on 13 April and 18 June 2008, be received.*

Barker/Collingwood

Carried

6.2 Community Services

Resolved

***THAT** the minutes of the meeting of the Community Services Committee, held on 7 July 2008, be received.*

Rainey/Boswijk

Carried

6.3 Infrastructure Committee

Resolved

THAT the minutes of the meeting of the Infrastructure Committee held on 24 July 2008, be received

Shaw/His Worship the MayorCarried**6.4 Environment Committee**

Resolved

THAT the minutes of the Environment Committee meeting held on 31 July 2008, be received.

Shaw/McAlpineCarried**6.5 Governance Committee**

Resolved

THAT the minutes of the meeting of the Governance Committee held on 7 August 2008 be received and the following recommendations adopted:

Review of Depreciation and Borrowing Policies

THAT Council's borrowing policy be amended so that for all projects involving borrowings of under ten million dollars (\$10,000,000), the loans be repaid over a period not exceeding fifty years;

AND THAT for all projects involving borrowings of over ten million dollars, (\$10,000,000), the annual payments of interest, depreciation and principal repayments be smoothed by way of a table mortgage type repayment schedule repayable over a period not exceeding fifty years with each year's payment increasing by the inflation rate.

Proposed Bylaw – Burial and Cremation

THAT Bylaw 216 "Burial and Cremation" be adopted subject to the following amendments, and any other changes which the Committee might decide following the hearing of the submitters:

- 1) ***THAT a new clause 17 be inserted to read:***

Change of Conditions

The Council may from time to time after consultation with the Nelson Funeral Directors or Monumental Masons, as the case might require, add to or amend any forms to be used or any condition to be complied with pursuant to this bylaw.

- 2) **THAT Clause 5 be amended to read:**
- (i) *No cremation shall take place in any crematorium provided by the Council unless the provisions of the applicable regulations have been complied with and the requisite fees have been paid.*
 - (ii) *All necessary applications, certificates and approvals shall be made or obtained or deposited with the Council, as the case might require, prior to the cremation taking place.*
- 3) **THAT Clause 8(i) be amended by adding a provision authorising the planting of bulbs or similar plants on graves in historic cemeteries.**
- 4) **THAT Clause 8(ii) be amended as follows:**

No person shall plant anything on any plot or grave in other than a natural burial cemetery, however during a period of two (2) weeks following interment, or such longer time as may be agreed with the family of the deceased, a wreath or wreathes or other tributes may be placed on the grave, but shall be removed at the expiration of the agreed period.

- 5) **THAT Clause 8(iv) be amended to read:**

The Sexton may at any time remove damaged receptacles or dead flowers or foliage or inappropriate tributes, and at the expiration of any period agreed with the family in accordance with Clause 8(ii) may remove any excess tributes.

AND THAT the standards relating to headstones and other memorials and the Conditions of Interment and Conditions of Cremation be amended as follows:

- 1) **A new Clause 5 be added to the “Standards for the Erection of Memorials, Headstones or other Structures” to read:**

5.0 GENERAL REQUIREMENTS

Subject to Clause 12(ii) of the Burial and Cremation Bylaws:

Any headstone, plaque, or other memorial placed on any grave may contain such wording as the family of the deceased might wish to have inscribed.

However it is suggested that for future research purposes the inscription include the following information:

- (a) *The full registered name (and aliases) of the deceased*
- (b) *The full dates of birth and death of the deceased (in dd/mm/yy format)*

- (c) *Place of birth*
 - (d) *Place of death*
 - (e) *Name of spouse/partner*
- 2) *Add a second note to the Conditions of Purchase of the Exclusive Right of Burial, to read:*

The purchaser of the exclusive right of burial will be provided with a copy of these conditions and a plan showing the location of the plot purchased.

- 3) *Clause (ii), (iii) and (iv) of the Conditions of Interment be amended to read as follows:*

(ii) *Notification of the proposed burial shall be given to the Sexton as far as possible in advance of the time fixed for the funeral to ensure the plot is able to be prepared by the required time. The Council shall endeavour to accommodate all requests however it reserves the right to decline the request or impose additional charges as a result of late notification.*

(iii) *Funerals shall generally be held between the hours of 9.00am and 4.00pm Monday to Friday or 9.00am to 1.00pm on Saturday. However funerals outside of these hours, but within daylight hours, will as far as possible be accommodated, subject to availability of necessary resources and the payment of any further fee set by the Council resulting from additional costs incurred.*

(iv) *No person other than the Sexton or the Sexton's assistant or any other person meeting the necessary health and safety standards and directly supervised by the Sexton or other suitably qualified person approved by the Sexton shall dig any grave, or open the ground for the burial of any body or ashes in any part of any cemetery.*

- 4) *Clause (v) of the Conditions of Interment be amended by replacing "500mm" with "1000mm".*

- 5) *Clause (i) of the Conditions of Cremation be amended by changing the second sentence to read:*

"A cremation may take place on any Sunday or Public Holiday where the contractor and the family agree to any special arrangement, and any additional fees are paid."

- 6) *The Conditions of Cremation be amended as follows:*

The last 3 paragraphs of Clause (iii) be deleted and the following clauses inserted:

The casket shall not contain any non-combustible material, or material that may endanger the cremation process i.e. bullets, cigarette lighters etc.

- (iv) *Any person properly concerned with the cremation of the deceased may, with permission of the operator see the casket placed in the incinerating hall. Such permission shall not be unreasonably withheld, which may be requested under religious or cultural grounds.*
- (v) *No casket shall be opened after admission to the crematorium.*
- (vi) *Should there be cause to reopen a casket it shall be first removed to any such place that is registered with the Council for that purpose e.g. Mortuary, unless the Operator is satisfied that the deceased has been embalmed.*

Should the casket need to be opened to satisfy Section 10 of the Cremation Regulations (which requires the Operator to be satisfied as to the identity of the occupant of the casket), it shall be removed to such registered place as in above, as directed by the Council unless the Operator is satisfied that the deceased has been embalmed.

7) *Size of Monuments*

- (i) *The height of 700mm in Clause 1(v) of the Standards for the Erection of Memorials, Headstones or Other Structures be replaced with 1200mm.*
- (ii) *The size of the plaque permitted in the Bellbird Ashes Lawn shown as C(ii) in the diagrams being part of the Standards for the Erection of Memorials, Headstones or Other Structures be amended to 800mm x 600mm and the size of the area to carry the inscriptions be correspondingly increased to 660mm x 400mm.*

AND THAT the Bylaw come into effect on Monday 1 September 2008.

Thomas/Henigan

Carried

7.0 KOTAHITANGA HUI

Resolved

THAT the minutes of the meeting of the Kotahitanga Hui held on 20 May 2008, be received.

Rainey/Boswijk

Carried

8.0 ELECTORAL SYSTEM - TRIENNIAL ELECTION 2010

Document No 679691, dated 11 July 2008, agenda pages 94–111 refer.

The Administration Adviser, Richard Palmer, joined the meeting and presented the report which provided the Council with information necessary to make a decision in respect of the electoral system to be used for the 2010 and 2013 Local Body Elections.

The Council was divided in its support for the Single Transferable Vote (STV) method and the First Past the Post method. Those who supported the Single Transferable Vote system put forward the arguments that it produced more representative results, whereas those Councillors who supported the First Past the Post method pointed out that the Single Transferable Vote system was more complicated and the view was expressed that it would result in a poorer voter turnout.

The First Past the Post method was felt to be simpler, and easier to understand.

Resolved

THAT the 2010 and 2013 Triennial Local Body Elections in Nelson City be conducted using the First Past the Post electoral system.

Collingwood/Miccio

Carried

There was some discussion concerning the need to communicate with Central Government some of the concerns expressed regarding the Nelson experience of the last two elections with the Single Transferable Vote system of voting for the Nelson Marlborough District Health Board.

Resolved

THAT a letter be written to the Minister of Internal Affairs regarding the Nelson experience over the last two elections with the Single Transferable Vote system in the election for the Nelson Marlborough District Health Board, pointing out some of the barriers in the system and the need for future elections under the system to address these concerns.

Collingwood/His Worship the Mayor

Carried

9.0 TRANSPORT MANAGEMENT

Document 684965, dated 5 August 2008, agenda pages 112-129 refer.

The report updated Council on changes to the Land Transport Management regime brought about by the Land Transport Management Amendment Act 2008.

There was a discussion regarding the calling of the Expressions of Interest and how this was to be managed.

The Chief Executive said that when Expressions of Interest had been received each applicant would receive full details of the position including copies of Section 5 of the Ministerial Guidelines, Requirement of Appointees. Each applicant would be asked how they would meet these requirements, he added.

In answer to a question from Councillor Collingwood, the Chief Executive said that the requirements stated that applicants would have to have an ability to represent their particular objective knowledgeably in discussions and could work collaboratively to secure agreed Committee outcomes.

With regard to Council appointing five Councillors as its representatives on the new Committee it was agreed to leave this until the Council meeting on 2 October 2008, and to write a letter to the Minister of Transport requesting a dispensation to allow Council to appoint its Committee on 2 October 2008, and not 30 September 2008, as the Act requires.

Resolved

THAT Expressions of Interest be called for as a means to identify potential members for the Regional Land Transport Committee to represent the five objectives and cultural interests;

AND THAT the Chief Executive report to the Council meeting of 2 October 2008 with recommendations for appointment to the Regional Land Transport Committee;

AND THAT the Council appoint five councillors as its representatives on the new Committee;

AND THAT the Council appoint a Chairperson and Deputy Chairperson;

AND THAT a letter of appreciation is sent to members of the previous Committee.

AND THAT a letter be written to the Minister of Transport requesting that the Council be granted a dispensation so that it may make its decision to appoint its Regional Land Transport Committee on 2 October 2008.

Barker/Miccio

Carried

10.0 OPERATIVE PLAN CHANGE 06 04

Document 680541, dated 4 August 2008, agenda pages 130-131 refer.

Resolved

THAT the Council approve, in terms of Clause 17(1) of the First Schedule of the Resource Management Act 1991, Nelson Resource Management Plan Change 06/04 (Stoke Railway Reserve);

AND THAT the Council resolve to make Nelson Resource Management Plan Change 06/04 (Stoke Railway Reserve) operative on 1 September 2008 under Clause 20 (1) of the First Schedule of the Resource Management Act 1991.

Henigan/Boswijk

Carried

11.0 COMMUNITY ASSISTANCE FUNDING APPLICATIONS

Document 686340, dated 11 August 2008, agenda pages 132 - 147 refer.

The Manager Cultural, Social and Recreation Services, Kath Inwood, joined the meeting and presented the report which considered two Community Assistance applications which were inadvertently omitted from the allocations process.

Councillor Rainey asked under what circumstances Council considered “late” or “lost” applications.

Councillor Henigan said that Council had no choice but to consider these applications as they had been received on time.

In answer to a question from Councillor McAlpine, the Manager of Cultural, Social and Recreation Services advised that systems had been put in place to ensure that this situation would not arise again.

In answer to a question from Councillor Miccio, the Chief Executive advised that there was \$150,000 plus inflation, in the Contingency Fund and no money had been so far spent from that fund in this financial year.

Resolved

THAT the Nelson Tasman Housing Trust be granted a contract of \$2,600 for one year;

AND THAT the Nelson Community Toy Library be granted a one off grant of \$750 and that the moneys for the grant in the 2008/09 year come from the Contingency Account.

Henigan/Collingwood

Carried

12.0 SOLAR FEASIBILITY STUDY

Document 687775, dated 18 August 2008 Supplementary Order Paper, pages 1-5 refer.

The report outlined a Solar Feasibility Study proposal which involved collaboration with the Energy Shift Group.

There was some concern expressed that there had been no money budgeted in the 2008/09 year for this project and the question was asked, whether existing funds could be redirected. In reply, the Chief Executive said should the recommendation be passed, the question of funding would be discussed when the matter goes to the Environment Committee.

Councillor Collingwood said she had a problem with the process. She was concerned that it could be seen as not being a transparent process. She felt that it should be going out to the public for Expressions of Interest. She agreed with the general intention of the report, but was concerned about the way Council was doing it. It seemed to be picking up on the first person who came along. Councillor Shaw agreed that there was a dilemma. The Chief Executive said, this report had come while he was away, as a request from a Councillor to a third tier manager. If Council wishes to pursue it, it needed to have a clear reason.

Councillor Barker said the report did not show clearly what benefit the Energy Shift Group would get from their \$20,000.

Councillor Henigan said her preference would be for Option 2.

The Chief Executive said he would have liked to have more time to consider this report, in particular what commercial advantages that might accrue to Energy Shift. He said Council could do the work, but resolve that no financial commitment be made until it comes back to the Committee. The Council agreed it would be more prudent to follow that direction.

Proposed Councillor Henigan, seconded Councillor Collingwood

THAT the Council agree to undertake a solar feasibility study in consultation with appropriate parties.

The motion was put and lost.

Resolved

THAT the Council agreed to support the joint Solar Feasibility Study carried out with Energy Shift; and that the final design of the feasibility study be reported to the Environment Committee. If that study is agreed to by the Committee the Council will consider options for funding the study.

THAT it be clearly advised to Energy Shift that there is no financial commitment until the final design of the Solar Feasibility Study is reported to the Environment Committee; and that Councillors McAlpine and Shaw, along with relevant Council staff, be part of a working group, along with Energy Shift representatives, who will finalize the design of the Solar Feasibility Study.

Barker/Shaw

Carried

13.0 PUBLIC EXCLUDED BUSINESS

13.1 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 ordinary meeting of the Nelson City Council, Public Excluded Business – 10 July 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 – August 2008

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 the Community Services Committee, Public Excluded Business – 17 July 2008

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 the Corporate Governance Committee Public Excluded Business – 7 August 2008

Reasons:

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

(v) Council Owned Land in Totara Street

Reason:

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

His Worship the Mayor/Thomas

Carried

The meeting went into public excluded session at 11.35am. and resumed in public session at 11:55am.

13.2 Re-admittance of the Public

Resolved

THAT the public be re-admitted to the meeting.

Thomas/McAlpine

Carried

14.0 LEAVE OF ABSENCE

Councillor Barker advised that he was going overseas from 7 September to 7 October and requested apologies be made at Council meetings for his absence.

The Chief Executive requested Councillor Barker put this request in writing.

There being no further business the meeting ended at 11:55am.

CONFIRMED AS A CORRECT RECORD OF PROCEEDINGS

_____ CHAIRPERSON _____ DATE