



**MINUTES OF ORDINARY COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 20 FEBRUARY 2017 at 7PM**

PRESENT	Cr. Brian Cunial (Mayor) Cr. Sandra Mayer Cr. Glenn Aitken Cr. Colin Hampton Cr. Michael O'Reilly Cr. Steve Toms Cr. Quinn McCormack Cr. Kris Bolam Cr. Lillian O'Connor
APOLOGIES:	Nil.
ABSENT:	Nil.
OFFICERS:	Mr. Dennis Hovenden, Chief Executive Officer Mr. Tim Frederico, Director Corporate Development Dr. Gillian Kay, Director Communities Development Ms. Kate Jewell, Acting Manager Planning & Environment Ms. Natalie Cincotta, Coordinator Communications Ms. Andrea Gaynor, Executive Manager Mayor & CEO Office
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor O'Reilly made the following statement:

" All members of this Council pledge to the City of Frankston community to consider every item listed on this evening's agenda:

- Based on the individual merits of each item;*
- Without bias or prejudice by maintaining an open mind; and*
- Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate or vote on the issue."

PRAYER

At the request of the Mayor, Councillor Toms read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor O'Connor acknowledged the Boonerwung and Bunurong peoples – the traditional custodians of the land on which we stand and recognised all Aboriginal and Torres Strait Islander peoples who have given to Australia's identity – from the past, into the present and for the future.



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1. PRESENTATION TO COMMUNITY GROUPS

Councillor Bolam on behalf of Frankston City Council presented a Certificate of Appreciation to the Frankston Fabulous Fifties Swimming & Aerobics Club. This club enables our Seniors to keep a healthier, happier and connected within the community.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Ordinary Meeting No. OM296 held on 30 January 2017 and 2 February 2017.

Council Decision

Moved: Councillor Aitken

Seconded: Councillor O'Connor

That the minutes of the Ordinary Meeting No. OM296 held on Monday 30 January 2017 and reconvened on Thursday 2 February 2017 copies of which had previously been circulated to all Councillors, be confirmed, approved and adopted.

Carried Unanimously

3. APOLOGIES

Nil

4. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

There were no questions with or without notice.

6. HEARING OF PUBLIC SUBMISSIONS

Mr Neil Hunter made a submission to Council regarding Item 12.6: Beckwith Grove Pedestrian Bridge Update;

Mr Simon Walker made a submission to Council regarding Item 12.6: Beckwith Grove Pedestrian Bridge Update;

Ms Hilary Poad made a submission to Council regarding Item 12.9: Historic Drinking Fountain;

Mr Noel Tudball made a submission to Council regarding Item C.4: Interim Meals Program.

7. ITEMS BROUGHT FORWARD**Council Decision**

Moved: Councillor Mayer

Seconded: Councillor Toms

That Item 12.6: Beckwith Grove Pedestrian Bridge Update and Item 12.9: Historic Drinking Fountain be brought forward.

Carried Unanimously

8. PRESENTATIONS / AWARDS

Nil.

9. PRESENTATION OF PETITIONS AND JOINT LETTERS

NIL.

10. DELEGATES' REPORTS

NIL.

11. CONSIDERATION OF TOWN PLANNING REPORTS

Nil.

12. CONSIDERATION OF REPORTS OF OFFICERS**12.1 Progress of Council Resolutions resulting from Notice of Motions**

(DH Chief Executive Office)

Council Decision**Moved: Councillor Toms****Seconded: Councillor Mayer**

That Council receives the Notice of Motion Report as at 10 February 2017.

Carried Unanimously

12.2 Community Development Division - Resolution Progress Report

(GK Community Development)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor O'Connor**

That Council notes the report.

Carried Unanimously

12.3 Report on Review of Submissions to the Exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments*(MP Community Development)**Cr Hampton left the Chamber at 7.34 pm***Council Decision****Moved: Councillor Toms****Seconded: Councillor Aitken**

That Council:

1. Notes the submission to the exhibition of Council's Draft Waste Management Guidelines for new Multi-Unit Developments.
2. Adopt the Waste Management Guidelines for new Multi-Unit Developments.
3. Advises all submitters of Council's decision.

Carried UnanimouslyFor the Motion: Crs Aitken, Bolam, Cunial, Mayer, McCormack, O'Connor,
O'Reilly and Toms

Absent: Cr Hampton

Against the Motion: Nil

12.4 Review of Native Vegetation regulations

(MP Community Development)

Council Decision**Moved: Councillor McCormack****Seconded: Councillor Aitken**

That Council notes the report and endorses the draft submission to be sent to the Department of Environment Land, Water and Planning.

Carried Unanimously

For the Motion: Crs Aitken, Bolam, Cunial, Mayer, McCormack, O'Connor, O'Reilly and Toms

Absent: Cr Hampton

Against the Motion: Nil

12.5 Proposed lease of land - part of 20R Ebdale Street Frankston - United Energy Sub Station

(MC Corporate Development)

Cr Hampton returned to the Chamber at 7.38 pm

Council Decision**Moved: Councillor Toms****Seconded: Councillor Mayer**

That:

1. Council notes that there have been no public submissions and resolves to enter into a lease of land being part 20R Ebdale Street Frankston for a term of 40 years with United Energy Distribution Pty Ltd for the purpose of an existing substation.
2. The CEO be authorised to finalise lease negotiations and the documents be signed and sealed on completion of successful negotiations.

Carried Unanimously

12.6 Beckwith Grove Pedestrian Bridge Update

(AW Community Development)

Recommendation (Director Community Development)

That Council:

1. Notes the design issues impacting on delivering the bridge 'aesthetically like for like' and endorses a steel construction of the bridge with timber cladding and privacy screens incorporated into the design at an estimated cost of \$200K, an increase of \$30K; and
2. Notes reports by neighbours of antisocial behaviour in the access lane to the bridge from Beckwith Grove and the damage to property fences abutting the access lane and reviews the need for installation of CCTV cameras should reported behaviour to Police continue after the opening of the bridge.

Deferral Motion to another Council Meeting

Moved: Councillor Hampton

Seconded: Councillor McCormack

That the matter be deferred to the Ordinary Meeting being held on Monday, 3 April 2017.

Carried Unanimously

12.7 Minutes of the Frankston Arts Board - January Meeting

(AM Community Development)

Council Decision**Moved: Councillor Mayer****Seconded: Councillor O'Connor**

That Council receives the Minutes of the Frankston Arts Board January Meeting.

Carried Unanimously

12.8 December 2016 Quarterly Financial Report

(KJ Corporate Development)

Council Decision**Moved: Councillor Toms****Seconded: Councillor Mayer**

That Council receives and notes the Council Financial Report for the quarter ended 31 December 2016.

Carried Unanimously

12.9 Historic Drinking Fountain

(AW Community Development)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Hampton**

That:

1. Council selects alternate site number 3 (adjacent to the comfort station) for installation of the historic fountain in the memory of the Hon. Sir John Madden.
2. The cost of the installation of the historic fountain be funded through Council's current budget for open space infrastructure renewal.

Carried Unanimously

13. NOTICES OF MOTION**13.1 NOM 1276 - Costs to Execute NOM's**

(CM Chief Executive Office)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Toms**

That the estimated cost to execute Notices of Motion brought before Council be part of the Officer's comments within the agenda.

That these costs be backdated to the first Ordinary Meeting of this new Council in November 2016.

Carried

For the Motion: Crs Bolam, Cunial, Hampton, Mayer, McCormack, O'Connor, O'Reilly and Toms

Against the Motion: Cr Aitken

13.2 NOM 1277 - Strategy for advocacy for next State Election

(VR Chief Executive Office)

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Mayer**

That the Council form a sub-committee consisting of a Councillor from each ward, the CEO and appropriate officers to overview a strategy for this Council to advocate for funding in the next state election and report back to the full Council with its outcomes and a report for ratification at every Ordinary Meeting.

That the first meeting of this sub-committee be held before the next ordinary meeting.

Carried Unanimously

13.3 NOM 1278 - Safer City Centre Fund

(VR Chief Executive Office)

Council Decision**Moved: Councillor Aitken****Seconded: Councillor Bolam**

1. That Council allocate \$500,000.00 to a dedicated Safer City Centre fund. This fund specifically to be used for safety initiatives in the CAA.
2. That Council hold a summit before the end of March to consider the various issues relating to City Centre safety.
3. That a specific enquiry be made in to the formal banning of known repeat offenders of public peace from the City Centre.

Lost

Extension of Time**Moved: Councillor Bolam****Seconded: Councillor O'Connor**

That Cr Aitken be granted an extension of time.

Carried Unanimously

Extension of Time**Moved: Councillor Hampton****Seconded: Councillor Mayer**

That Cr Toms be granted an extension of time.

Carried Unanimously

Cr Hampton left the Chamber at 8.25 pm

Cr Bolam left the Chamber at 8.27 pm

Cr McCormack left the Chamber at 8.28 pm

Cr Bolam returned to the Chamber at 8.29 pm

Cr Hampton returned to the Chamber at 8.29 pm

Cr McCormack returned to the Chamber at 8.38 pm

**The Motion was then put
and Lost**

For the Motion: Crs Aitken and Bolam

Against the Motion: Crs Cunial, Hampton, Mayer, McCormack, O'Connor, O'Reilly
and Toms

Council Decision**Moved: Councillor Hampton****Seconded: Councillor Aitken**

That Council hold a summit before the end of March to consider the various issues relating to City Centre safety.

Carried Unanimously

Motion be put

Moved: Councillor Mayer

Seconded: Councillor Toms

That the motion be put.

Carried Unanimously

**The Motion was then put
and Carried Unanimously**

The meeting adjourned at 8.54 pm

The meeting resumed at 9.00 pm

13.4 NOM 1279 - Local Government/State Government Financial Arrangements

(AG Chief Executive Office)

Council Decision

Moved: Councillor Hampton

Seconded: Councillor Mayer

That:

1. The Council write to the Premier of Victoria, the Treasurer of Victoria and the Minister for Local Government, to again highlight the future loss of revenue to Local Government as a result of the introduction of Rate Capping and that it will diminish Council's capacity to provide services and major projects.
2. The Council call upon the Premier of Victoria and the Treasurer of Victoria, to undertake an urgent review of all current legislation that imposes financial burdens on Local Government in having to pay levies to the State Government eg, Waste Levy, Building Levy, Dog and Cat Registration Levy due to the impact of the Rate Capping legislation and that support for the legislative review be sought from the Minister for Local Government on the basis of the commitment to the State/Local Government Accord.
3. The Premier of Victoria be requested to review the legislation whereby Local Government is required to pay annually for Fire Plug Maintenance on the basis that the Fire Services Levy pool of funding is significantly higher now due to it being linked to Local Government rate bases and the Fire Plug Maintenance could be funded from this fund and the Minister for Local Government be requested to support this request in the spirit of the State/Local Government Accord and recognising the impact of Rate Capping on Councils.
4. The Premier of Victoria and the Treasurer of Victoria be requested to urgently review the prohibition placed upon Local Government to not be able to apply rates charges on State Government property in recognition of the impact rate capping and amend legislation to allow for rates to be levied on State Government properties.
5. The Member for Frankston and the Member for Carrum be called upon to support Council in its efforts to address the imbalances and requirements that the current legislation imposes on Local Government in having to pay levies to the State Government and not being able to impose charges on State Government.
6. Council writes to all members of State Parliament representing the municipality raising its concerns and seeking support for legislative change to address the imbalance.
7. Council reconsider its membership with the VLGA so as to have a vehicle to promote these recommendations within the Local Government forum and also with the State Government.
8. A decision be made at the next Ordinary Meeting on our VLGA membership.

Carried Unanimously

Extension of Time**Moved: Councillor Aitken****Seconded: Councillor McCormack**

That Cr Hampton be granted an extension of time.

Carried Unanimously

13.5 NOM 1281 - Seaford Downes Report

(VR Chief Executive Office)

Councillor Recommendation

That a report be provided to Council at the May Ordinary Meeting regarding the potential revitalisation of the Downes Estate farm in Seaford.

The report should consider the level of local volunteerism in existence to help keep the revamped farm in good repair, the potential for the revamped site to be a historical/touristic location, the viability of a community nursery within the potentially revamped site and revitalisation costs / continued maintenance costs if a revamp should proceed.

The report should also consider the formal long-term role the Downes Community Estate Project group could play in a potential revitalisation.

Cr Bolam sought leave of Council to amend his Notice of Motion 1281

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Aitken**

Upon the completion of the twelve month licence issued to the Down's Community Estate Project Group, a briefing be conducted between councillors, staff and members of the Down's Community Estate Project Group to discuss the future revitalisation of the Down's Estate site.

Carried Unanimously

13.6 NOM 1282 - South East Water Rapprochement

(VR Chief Executive Office)

Councillor Recommendation

That Council make known its displeasure with the current corporate stewardship provided by South-East Water (SEW). In order to ensure a positive long-term relationship, council advocates the following:

1. SEW considers increasing its involvement in Frankston based community endeavours through grants, in-kind support or advertising from its Frankston building;
2. SEW considers the availability of appropriate rooms within the South-East Water building for community usage;
3. SEW assists the Council in lobbying the State Government and Melbourne Water to regularly de-silt Kananook Creek (and/or alternative measures); and
4. SEW considers the potential for the community to utilise South-East Water car parks on the weekends
5. Given the substantial physical footprint the Frankston SEW has on the Frankston CBD, and the amount of staff employed by SEW, Council should also seek to increase the regularity of meetings between the upper-echelon of SEW and Frankton City Council.

The aforementioned advocacy propositions should be presented to Council at a briefing no later than June 2017 with attained outcomes.

Cr Bolam sought leave of Council to amend his Notice of Motion 1282

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Aitken**

That Council meets with South-East Water (SEW) to discuss the current corporate stewardship provided by South-East Water. In order to ensure a positive long-term relationship, Council advocates the following:

1. SEW considers increasing its involvement in Frankston based community endeavours through grants, in-kind support or advertising from its Frankston building;
2. SEW considers the availability of appropriate rooms within the South-East Water building for community usage;
3. SEW assists the council in lobbying the State Government and Melbourne Water to regularly de-silt Kananook Creek (and/or alternative measures); and
4. SEW considers the potential for the community to utilise South-East Water car parks on the weekends

Given the substantial physical footprint the Frankston SEW has on the Frankston CBD, and the amount of staff employed by SEW, the council should also seek to increase the regularity of meetings between the upper-echelon of SEW and the Frankton City Council.

The aforementioned advocacy propositions should be presented to council at a briefing no later than June 2017 with status outcomes.

Lost

For the Motion: Crs Aitken, Bolam, Mayer and O'Connor

Against the Motion: Crs Cunial, Hampton, McCormack, O'Reilly and Toms

13.7 NOM 1283 - Anti Truancy Efforts

(VR Chief Executive Office)

Councillor Recommendation

That Frankston City Council works with local schools, politicians and Department of Education officials to crackdown on instances of truancy in local secondary schools. The following actions should be undertaken:

1. Frankston City Council devise a strategy with local school principals to curtail truancy and/or better detection of truants;
2. Implore the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training (including the relevant minister and Dunkley MP Chris Crewther), to consider the 'Show Up, Standout' model currently operating in Washington DC, United States which pro-actively seeks to decrease unexcused school absences;
3. Refer this matter to the Frankston Youth Council to consider further creative options to identify and curtail local truancy. These findings are to be presented at the fourth quarter 'Principals Breakfast' session; and
4. That progress on all directives be reported back to Council in August 2017.

Cr Bolam sought leave of Council to amend his Notice of Motion 1283

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Aitken**

That Frankston City Council works with local schools, politicians and Department of Education officials to highlight the plight of truancy in our local secondary schools.

The following actions should be undertaken:

1. Frankston City Council devise a strategy with local school principals to curtail truancy and/or better detection of truants;
2. Implore the Victorian Department of Education and Training (including the relevant minister and Frankston MP Paul Edbrooke), and the Australian Department of Education and Training (including the relevant minister and Dunkley MP Chris Crewther), to consider the '**Show Up, Standout**' model currently operating in Washington D.C, United States which pro-actively seeks to decrease unexcused school absences;
3. Refer this matter to the Frankston Youth Council to consider further creative options to identify and curtail local truancy. These findings are to be presented at the fourth quarter 'Principals Breakfast' session; and
4. That progress on all directives be reported back to council in August 2017.

Motion be put**Moved: Councillor Hampton****Seconded: Councillor Toms**

That the motion be put.

Carried

For the Motion: Crs Aitken, Cunial, Hampton, Mayer, McCormack, O'Connor,
O'Reilly and Toms

Against the Motion: Cr Bolam

**The Motion was then put
and Lost**

For the Motion: Crs Aitken, Bolam, McCormack and O'Connor

Against the Motion: Crs Cunial, Hampton, Mayer, O'Reilly and Toms

13.8 NOM 1284 - Introduction of New Test in Future Reports and Closed Council Rules

(VR Chief Executive Office)

Recommendation

1. That Council introduces for all future reports, a new component to council reports - STEEPLE. This is a renowned strategic management tool which is widely used in the business world. This analysis entails the following factors which should be included in all future reports:
 - Social;
 - Technological;
 - Economic;
 - Environmental;
 - Political;
 - Legal; and
 - Ethical
2. That Council work towards achieving no less than 90% (i.e. an 18 % improvement) of all decisions being made in Open Council and the Chief Executive Officer highlight this annual result in future LGPRF reports to Council, and in future annual reports as a measure of Councils commitment to transparency.
3. That the Audit and Risk Committee considers, quarterly, the appropriateness of matters referred to Closed Council. Where the Audit and Risk Committee believes an item has been inappropriately put to Closed Council, or questions a decision to keep an item confidential indefinitely, the matter must return to council for reconsideration with appropriate justification/s; and
4. In the public meeting agenda and minutes section relating to Closed Council items, in addition to the existing description field describing the Closed Council items, a new segment be created explaining the exact FCC policy/state legislative reasoning for referral of given items.
5. That, similar to how Urgent Business items are dealt with during Open Meetings, any motions raised by councillors in Closed Council must first pass a procedural vote in Closed Council relating to whether the given motion falls within the specified purview of Closed Council.

Cr Bolam sought leave of Council to amend his Notice of Motion 1284

Recommendation**Moved: Councillor Bolam****Seconded: Councillor Aitken**

1. That Council works towards achieving no less than 90% (ie. an 18% improvement) of all decisions being made in Open Council and the Chief Executive Officer highlight this annual result in future LGPRF reports to Council, and in future annual reports.

2. That the Audit and Risk Management Committee considers, quarterly, the appropriateness of matters referred to Closed Council. Where the Audit and Risk Management Committee believes an item has been inappropriately put to Closed Council, or conditions within any outcomes could be deemed questionable, the matter (where practicable) must return to council for reconsideration with appropriate justification; and
3. In the public meeting agenda and minutes section relating to Closed Council items, in addition to the existing description field describing the Closed Council items, a new section be created explaining the FCC policy and/or state legislative justification for referral of given items.

Motion withdrawn by the Mover, Cr Kris Bolam

13.9 NOM 1285 - Pop-up Vans/Stalls

(VR Chief Executive Office)

Recommendation

That a report be provided to Council at the May Ordinary Meeting in relation to the creation of a 'pop up' food / beverage precinct on the Frankston foreshore. The report should consider:

1. Whether there is market interest from food/beverage stall operators;
2. How a precinct could work – logistically and practically;
3. Additional seating near the foreshore / adjacent the Frankston Yacht Club for residents and visitors to enjoy food and beverages;
4. Regular (unintroduced) summertime entertainment on the Frankston foreshore;
5. Whether similar precincts could be considered at the Seaford foreshore and Keast Park foreshore; and
6. The formal use of council land to house 'pop up' stores;
7. The report should also touch upon permit fees, the number of 'pop up' stores that could be enacted in the area/s and any other issues pertinent to the motion.

Cr Bolam sought leave of Council to amend his Notice of Motion 1285

Council Decision**Moved: Councillor Bolam****Seconded: Councillor Mayer**

That a report be provided to council at the May Ordinary meeting in relation to the creation of a 'pop up' food / beverage precinct on the Frankston foreshore. The report should consider:

1. Whether there is market interest from food/beverage stall operators;
2. How a precinct could work – logistically and practically;
3. Additional seating near the foreshore / adjacent the Frankston Yacht Club for residents and visitors to enjoy food and beverages;
4. Regular (currently unintroduced) summertime entertainment on the Frankston foreshore;
5. Whether similar precincts could be considered at the Seaford foreshore and Keast Park foreshore; and
6. The report should also touch upon permit fees, the number of 'pop up' stalls that could be utilised in the area/s and any other issues pertinent to the motion

Carried

For the Motion: Crs Aitken, Bolam, Cunial, Mayer, O'Connor and O'Reilly

Against the Motion: Crs Hampton, McCormack and Toms

14. LATE REPORTS

Nil.

15. URGENT BUSINESS

Nil.

16. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Aitken****Seconded: Councillor Hampton**

That the Ordinary Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Appointment of Chairperson to the Audit and Risk Management Committee

Agenda Item C.1 Appointment of Chairperson to the Audit and Risk Management Committee is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Recurrent Community Grants

Agenda Item C.2 Recurrent Community Grants is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.3 Youth Grants

Agenda Item C.3 Youth Grants is designated confidential as it relates to personnel matters (s89 2a)

C.4 Interim Meals Program

Agenda Item C.4 Interim Meals Program is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.5 Award of Contract 2016/17-04 - Carrum Downs Recreation Reserve New Multi-Use Pavilion and Car Park

Agenda Item C.5 Award of Contract 2016/17-04 - Carrum Downs Recreation Reserve New Multi-Use Pavilion and Car Park is designated confidential as it relates to contractual matters (s89 2d)

C.6 Frankston District Basketball Association Project Update

Agenda Item C.6 Frankston District Basketball Association Project Update is designated confidential as it relates to contractual matters (s89 2d)

C.7 NOM 1280 - St Kilda Football Club Withdrawal

Agenda Item C.7 NOM 1280 - St Kilda Football Club Withdrawal is designated confidential as it relates to contractual matters (s89 2d), and legal advice (s89 2f), and Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

Carried Unanimously

The meeting closed to the public at 10.25 pm

CONFIRMED THIS

DAY OF

2017

.....
CHAIRPERSON

AUTHORITY TO STAMP INITIALS ON MINUTES

I, Cr. Brian Cunial, Chairperson – Council Meeting hereby authorise the use of an electronic stamp of my initials to initial each page of these Minutes of the Council Meeting held on Monday 20 February 2017, confirmed on Tuesday 14 March 2017.

.....
(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2017