



**MINUTES OF SPECIAL COUNCIL MEETING OF THE FRANKSTON CITY COUNCIL
HELD IN THE CIVIC CENTRE, DAVEY STREET, FRANKSTON
ON 25 OCTOBER 2017 at 6.04 PM**

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. Tim Frederico, Acting Chief Executive Officer Ms Liz Daley, Manager Community Strengthening Mr Byron Douglas, Coordinator Recreation Ms. Natalie Cincotta, Coordinator Communications Ms. Michelle Tipton, Coordinator Council Business Support
EXTERNAL REPRESENTATIVES:	Nil

COUNCILLOR STATEMENT

Councillor Toms 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.”

Chairperson’s initials

PRAYER

The Mayor, Councillor Cunial read the Opening Prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Councillor Bolam acknowledged the Boon Wurrung 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.

Chairperson’s initials



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Chairperson's initials



1. APOLOGIES

Cr O'Connor entered the Chamber at 6.05pm.

Nil

2. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST

Nil

3. ITEMS BROUGHT FORWARD

Nil

4. LATE REPORTS

Nil

5. URGENT BUSINESS

Nil

6. CONFIDENTIAL ITEMS**Council Decision****Moved: Councillor Hampton****Seconded: Councillor Bolam**

That the Special Council Meeting be closed to the public to discuss the following Agenda items and all documents associated with the consideration and discussion of it, that are designated confidential information by me, pursuant to Section 77(2)(c) of the Local Government Act 1989 (the Act) on the following grounds:

C.1 Frankston District Basketball Association Project Update

Agenda Item C.1 Frankston District Basketball Association Project Update is designated confidential as it relates to contractual matters (s89 2d)

Carried Unanimously

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Signed by the A/CEO

7. OUTCOME OF CONSIDERATION OF CONFIDENTIAL ITEMS

C.1 Frankston District Basketball Association Project Update

(LD Community Development)

In accordance with the Local Government Act 1989, Council resolved this item be considered in-camera under Section 89(2)(d) contractual matters and Section 89 (2) (e) proposed developments.

Council Decision

Moved: Councillor Hampton

Seconded: Councillor O'Reilly

That Council:

1. Notes the protracted negotiations with Frankston District Basketball Association (FDBA) impeding on Council's ability to implement the Frankston Basketball Stadium Expansion Project (Project);
2. Writes to the Frankston District Basketball Association to advise them of Council's decision that:
 - i. The draft lease as presented to the FDBA and discussed at the meeting on 16 October must be executed by the FDBA by 5:00pm 14 November 2017 or Council will withdraw from the Project at the following Council Meeting;
 - ii. Any additional capital cost escalation (from the tender price to the executed contract price) must be shared equally between the parties to the lease and FDBA will be advised of this cost immediately once known;
 - iii. Council's requirement for audited financial accounts (which include finer detail of expenditure) from the most recently completed financial year onwards is non-negotiable and is a pre-condition for the new lease;
 - iv. 7 year Market rent review after the completion of Stage 1 is non-negotiable;
 - v. The market rent review calculation will be developed following the execution of the lease agreement, with both parties agreeing to the appointment of an independent arbitrator to decide the matter should agreement not be reached by the time a Certificate of Practical Completion is issued for the Stage 1 works.
 - vi. Following execution of the lease, the FDBA must grant Council, through its contractor, unfettered access to the premises for the purpose of delivering the stage 1 works within two weeks of being provided notice by Council.
3. Authorises the CEO to negotiate and make non material changes to the lease to suit legal and other requirements.
 - a. On signing of the lease CEO is authorised to:
 - i. Immediately advise funding bodies of project commencement;
 - ii. Request the builder to reconfirm his tender costing and project start date; and
 - iii. Execute the requisite construction documentation and contracts.

4. Delegates the Mayor and CEO to be the sole spokespeople for Council on this matter.
5. Determines that the report remains confidential, but that the resolution be released.

The motion was put and Carried

The meeting was closed to the public at 6.12 pm

MINUTES 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 Wednesday 25 October 2017, confirmed on Monday 20 November 2017.

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(Cr. Brian Cunial, Chairperson – Council Meeting)

Dated this

day of

2017