
**National Roads Authority
Minutes of the Two Hundred & Twenty-Sixth Meeting
of the Board of Directors
held in
NRA Conference Room,
370 North Sound Road, George Town, Grand Cayman
Wednesday, 26th July, 2017 at 9:30 a.m.**

In attendance were:

Donovan Ebanks	Chairman
Gary Clarke	Deputy Chairman
David Arch	Director
Stanley Panton	Director
Kenross Connolly	Director
Paul Bodden Jr (Andy)	Director
Dane Walton	Director
Paul Parchment	Managing Director – NRA
Edward Howard	Actg. Managing Director - NRA
Lois A. Hall	Executive Secretary - NRA Board of Directors

Invitees:

Olsen Bush	Chief Financial Officer - NRA
Mark Scotland	Special Projects Manager (SPM) – NRA
Ruth Massarella	Valuation Officer – Lands & Survey Dept.

Absent:

Tristan Hydes	Director Designate of Chief Officer, Ministry CPI
Charles Brown	Observer - Ministry CPI

1. Call to Order

The Chairman called the meeting to order at 9:58am.

2. Minutes of Previous Meetings

- a. 29th June 2017 – signed off
- b. 11th July 2017 – reviewed

3. Administration

3i. Proposed Legislative Review

Minutes of 14th June 2017

The proposed meeting of the committee was postponed due to the country's general elections. The new Minister indicated this meeting will take place and it is to be arranged shortly.

Minutes of 29th June 2017

Dir Des T. Hydes advised that the Chief Officer intended to convene a meeting shortly.

Minutes of 11th July 2017

No update provided:

The MD advised that there had been no response from the Ministry. The Chairman suggested that for the next meeting the MD identify 2–4 major areas in the review e.g. Water Authority's challenging NRA implementing new arrangements re trench re-instatement that the review may need to address urgently.

3ii. Request by MD for Renewal of Employment Agreement

Minutes of 14th June 2017

The Chairman briefed the Board on the completion of the Interim Appraisal of the MD and his acceptance of the results.

The Board considered again the issue of asking the MD to agree to an extension of his current employment agreement by six (6) months to try to ensure that the consideration of a longer term engagement was done by after any changes to the composition of the Board. The Board agreed that an extension should be sought. The Chair is to action.

Minutes of 29th June 2017

The Chairman advised the Board that the MD had agreed on 28th June 2017 to the request by the Board of 16th June 2017 to extend the current employment agreement by six (6) months on the same terms and conditions. He indicated he would seek to give effect to this before the MD went on annual leave tomorrow.

Minutes of 11th July 2017

The Chairman wrote to the MD on 30th June 2017 to formalise the extension of his employment agreement but the e-mail has not yet been acknowledged. The original of the letter was shown to members and passed to the Executive Secretary for the MD to sign when he returns from vacation.

The MD signed the NRA's Extension of Employment Agreement July 18, 2017. The extension of his employment is on the same terms and conditions for the period of six (6) months until 7th February, 2018.

3iii. Financial Report – as of 30th June 2017

The CFO was invited to discuss this item. This is the Second Quarter Report 2017 and Financial Report combined. He advised that the NRA has adequate funding for proposed projects for the next 6 months.

The CFO explained that while separate accounts have been opened for the depreciation funds and the post-retirement medical benefits fund, these accounts have not yet been populated due to issues being worked on with regard to his ability to monitor the accounts.

The MD was directed to write to the Ministries with responsibility for Infrastructure and District Administration advising that the Board, having not received any response from either, had regrettably taken the decision to write-off the outstanding account receivable of \$489,848 from 2010.

3iv. Operational Performance Report – 01 April – 30 June 2017

Members are to review the Operational Report for the next meeting.

3v. 2018 – 2019 Budget Preparation

The Chairman advised that the government has gazetted the budget schedule. The Strategic Policy Statement SPS is to go to the LA by August 21st and the budget by October 13th 2017.

NRA's Ownership Agreement is being done by the CFO. The MD is to compile a 24month Work Schedule (Service Output) for the Board to review.

After the SPS the next item for consideration would be what the Ministry would wish the Cabinet to fund through the EAs.

The priorities for EA's would be:

- to complete the LPH project to Smith Rd.;
- the funding of land acquisitions and reconstruction of collector roads e.g. Shedden Rd and North Church St; and
- the proposed Elgin Ave to Eastern Ave connector with the NRA doing the design for this proposed project.

The NRA will also seek CI\$1.5M from the Ministry re the post-retirement medical benefits fund.

4. Planning

4i. Linford Pierson Hwy widening – legal and compensation settlements

Minutes of 29th June 2017

The Chairman advised that Sr. Crown Counsel had been requested on 23rd June 2017 to send the letter inviting TTHL to negotiate terms of compensation 'Without Prejudice'.

Re Blk 20D Par 452 – Stephen Hawley & George Hawley – The Board approved payment of CI\$28,746 payable to Stephen Hawley and CI\$1,387.50 to DDL Studio Ltd. The Board honours the access request as per NRA letter dated 4th May 2005, subject to the configuration of the access ('left off / left on') being subject to the approval of the NRA.

Minutes of 11th July 2017

Sr. Crown Counsel has not indicated that a response has been received from TTHL with regards to the invitation for 'without prejudice' negotiations.

Re: Blk 21B Par 3 – Allan, Ryan & Derek Thompson & Virginia Vabdergrift – at NRA Board meeting held 23rd March 2017 the Board approved payment of CI\$58,806 to claim submitted representing all four land owners. Payment of CI\$750 to DDL Studio for professional fees was also approved. At the NRA Board Meeting held 10th May 2017 based on recommendation from Lands & Survey Dept. the Board approved payment of CI\$44,104.50 (total) to Allan V Thompson and Derek Ian Thompson plus payment of professional fees as agents DDL Studio was only able to contact two of the lands owners Allan & Derek Thompson, and the whereabouts of Ryan Thompson and Virginia Vabdergrift were unknown (believed to be overseas). The Board now agreed to accept the late Intent to Claim (Form A) from the son of Virginia Vabdergrift (deceased) based on recommendation from Lands & Survey Dept.

The Chairman advised that he spoke with Sr. Crown Counsel who indicated that they have not received any response from TTHL with regards to the invitation for 'Without Prejudice' negotiations.

The Chairman undertook to look at the feasibility of a s.3 notice only in respect of Phase 2.

4ii. Esterley Tibbetts Hwy widening – compensation matters

Minutes of 14th June 2017

A letter was received from S. Jackson (Attorney representing the Dilbert's) stating why the gazetting of the required section for the road was not legal as the proposed third lane will not be constructed now. A proposed design was shown indicating a deceleration lane over recently acquired properties to the south of the Dilbert's giving access to their properties via Webb Road.

The Dilbert's are requesting CI\$261,316 (for Blk 13D Pars 83 & 440). L&S provided a valuation of (CI\$91,325) for possible compensation payable. The NRA has estimated the cost of the construction of the access to be \$70K.

A decision as to how to proceed is dependent on the advice which Sr. Crown Counsel provides as to the viability of the claim by the attorney for the Dilbert's.

Minutes of 29th June 2017

Advice was received on 20th June 2017 from Sr. Crown Counsel re the legal representation received in respect of the Dilbert's claim. The response stated that sec. 26 of the Roads Law was not relevant in this circumstance and that sec. 3 (1) (a) and (2) have been complied with.

Given this advice but mindful of the risk of litigation and inherent delay, the Board considered:

- The amounts claimed by the owners of 13D83 and 13D440 – approx. \$260K;
- The amount of compensation deemed justifiable by the L&SD – approx. \$90K;
- The potential cost of litigation – say \$80K;
- The cost of constructing access to Webb Rd over parcels recently acquired – approx. \$70K; and
- The value of the recently acquired properties – approx. \$200k.

The Board took the decision to have Sr. Crown Counsel respond to the 'Without Prejudice' communication offering the claimants the opportunity to build an access road over the recently acquired properties at their expense.

Minutes of 11th July 2017

Sr. Crown Counsel has been instructed to respond to the Dilbert's attorney offering an access via a decel lane over Crown parcels subject to the Dilbert's being responsible for the cost of construction.

Sr. Crown Counsel has been requested to arrange a 'Without Prejudice' meeting the week of August 7th 2017 to discuss the offer of an access lane over Crown parcels which the Dilbert's would be responsible for construction. This has been set for 8th August 2017. If the Dilbert's are not willing to accept this offer then the NRA should go ahead and take the land.

4iii. Traffic simulation/forecasting model - update

Minutes of 25th May 2017

The DMD is to circulate an alternative draft contract later today.

Minutes of 14th June 2017

Item not considered.

Minutes of 29th June 2017

The draft contract has been forwarded to Crown Counsel for review. No response received to date.

Minutes of 11th July 2017

The draft contract was reviewed and approved by Crown Counsel and forwarded to Whitman, Requardt & Assoc. (WRA). A response is expected this week.

Whitman, Requardt & Assoc. (WRA) signed the contract on 20th July 2017.

4iv. NRA – Design Projects 2016-2020 – prioritisation

Minutes of 29th June 2017

No update provided.

Minutes of 11th July 2017

As the current budget period expires December 2017, the Chairman advised the Board that he had asked the MD to liaise with the CFO at the Ministry, CPI, to provide a budget timetable with which the NRA could then synchronise its budget preparation.

The DMD advised that he had this morning received from the Ministry via email a list of proposed projects the Ministry would like to be done in the upcoming budget period. This email is to be forwarded to members.

No update provided.

4v. Shamrock Road vicinity of Hirst Rd – horizontal & vertical realignment

Minutes of 14th June 2017

The Chairman, Dep Chairman and Director S. Panton met 3rd June 2017 with the owner of Blk 28D re NRA's desire to acquire the property. The owners will consider the matter. They expressed a desire that the portion of land not used for road improvements be used instead to construct a park possibly sponsored by neighbouring companies to honour the ladies who lived there. Their response is in expected 2 – 3wks.

Minutes of 29th June 2017

No update provided.

Minutes of 11th July 2017

To date no response received from the Roberts.

No update provided.

5. Operations

5i. Capital projects and district roads - July 2016 –December 2017

Minutes 29th June 2017

See end of 3i above.

Minutes of 29th June 2017

A spreadsheet was shown by the MD showing the different districts and the completed jobs in each district. The MD is to report on the potential value of work that the NRA can expect to complete using its own resources. It is possible that some of the work may have to be sub-contracted. The issue of flooding on Selkirk Drive was raised. The NRA needs to assess the situation and the cost to address it.

Minutes of 11th July 2017

No update provided.

No update provided.

5ii. Linford Pierson Hwy widening – design, gazetting & construction

Minutes of 11th July 2017

Due to septic issues at one of the houses to be demolished, the owner (Ms. Lopez) moved in to the new house assigned to her even though a Certificate of Occupancy (CO) has not yet been issued. Final plumbing, electrical and building inspection are to be done and the CO is expected in two weeks. The Board asked that every effort be made to expedite these. The old house is to be demolished once received as the allowances for appliances and furniture have been paid over. Once the CO is granted, transfer is to be done as soon as possible so that utility accounts can be regularised.

Drain wells between the church and the new roundabout have been completed. Curbing work is now commencing and final base preparation and paving will follow.

CUC is currently fast-tracking their operations.

The SPM reported that

- Paving is currently being done
- 75% of work by CUC completed – to remove old poles next week
- Certificate of Occupancy (CO) for both houses received last Friday
- Old houses to be demolished – the big house by next week and waiting for owners to move out of the other one
- Transfers of ownership for the new houses initiated
- Quotation required for the wall by the two new houses and Min, CPI, to apply for approval from Planning Dept.
- Guardrail by new houses completed
- Wall at by Blk 20D Par 90 (at cost of C\$14K) completed – compensation of C\$10K not yet received by owner

5iii. Esterley Tibbetts Hwy widening – design & construction oversight

Minutes of 29th June 2017

The underpass is now open to traffic. Feedback on traffic control on the new roundabout has been received and the NRA to follow up.

Minutes of 11th July 2017

One minor accident has occurred on the new roundabout. Crews now working to finish the two (2) transitions i.e. Galleria roundabout and at the other end by Lawrence Blvd.

The SPM advised:

- Island Paving doing paving today on the southbound carriageway.
- Work being done on the tunnel
- It was noted that the wires at the cross-walk were not functioning

5iv. Crewe Road/Tropical Gardens upgrade

Minutes of 29th June 2017

Work on this project has begun and is expected to be completed before the summer is over.

Minutes of 11th July 2017

A late Intent to Claim submitted for Blk 20D Par 435 was accepted as the owner did not receive the notice package from L&SD.

This project was gazetted in February and L&SD sent out notices to the registered addresses of the affected owners as per the Roads Law. L&SD has indicated that over 60% of the notices sent were returned but the NRA was not advised of this. The net effect has been that property owners were taken back by the attempt to commence the work and the start has been delayed.

It was suggested that in order to avoid this continuing to happen, it may be appropriate for the NRA to take on the responsibility to send out the notices that L&SD have prepared.

Re; Blk 20D Par 113 BP 598 – Sholey & Kenhugh Thomas, the Board agreed to accept the late Intent to Claim (Form A) from the claimant based on recommendation from Lands & Survey.

Re: Blk 20D Par 95 BP 598 – EG & HC Ramirez the Board agreed to accept the late Intent to Claim (Form A) from the claimant based on recommendation from Lands & Survey.

The SPM updated that:

- drilling of wells mostly done
- NRA meeting with owners affected by the project completed
- Island Paving to do prep work for curbing with the NRA supplying crusher run

5v. Crewe Rd/Smith Rd intersection – Proposed roundabout

Minutes of 11th July 2017

Base work and curbing have started on this project. Work is expected to be completed in two weeks.

The SPM updated that:

- Traffic diversion signs to be better anchored to prevent them from falling down
- Directional signs being done

It was suggested that a PR be done advising motorists how to use the new roundabout. This project was done very well.

6. Other Business

6i. CIAA/NRA Traffic Study – ORIIA Terminal Site & Adjacent Roads

Minutes of 11th July 2017

The DMD was asked to confirm whether the final definition of the roadway in the vicinity of the CAAoCI development site had been agreed. It was suggested that if it was, the short section should be gazetted modifying the southern end of the Airport Connector (BP 588).

No update provided.

6ii. Legal action – Bodden Holdings Ltd.

Minutes of 26th April 2017

Crown Counsel responded to the letter from Etienne Blake (d/d 11th April, 2017), stating that the NRA will honour the Compensation Waiver Agreement but expressing concerns about the completeness of the document which the NRA has and seeking 'disclosure' of the document on which the attorneys are relying. The NRA still has to produce a plan showing 'left off/left on' access.

Minutes of 10th May 2017

No response received from Etienne Blake to Crown Counsel's letter.

Minutes of 25th May 2017

No update provided.

Minutes 14th June 2017

Item not considered.

Minutes of 29th June 2017

The MD is to follow up with Crown Counsel if any response has been received from Etienne Blake.

Minutes of 11th July 2017

No update provided.

No update provided.

6iii. NRA Compound Plans

Minutes of 29th June 2017

No update provided.

Minutes of 11th July 2017

No update provided.

No update provided.

6iv. Signage – Primary arterials

Minutes of 29th June 2017

No update provided.

Minutes of 11th July 2017

No update provided.

No update provided.

6v. Landscaping of roundabouts

Minutes of 14th June 2017

Members to review Draft Landscaping Policy/Guidelines.

Minutes of 29th June 2017

Mrs. M. Pandohie was invited to discuss the draft policy. The aim of the landscaping policy is to provide relevant guidelines and information for the NRA management to apply when making decisions in regards to the landscaping and maintenance of roundabouts and medians across the island.

Points to be included are: affording opportunities for entities to vie for the opportunity to enhance and upkeep an area; the granting of licences to business applying to landscape roundabouts/medians, the term limits where applicable (new, renewable or not), type and height of vegetation used, signage, the issue of parking on the roundabout (e.g. Silver Oaks at an event at the Lions Centre), review of renewable terms for existing roundabouts which have become

landmarks (e.g. CNB & Butterfield), maintenance and general upkeep and the standard at which they are to be kept, illumination at night and illuminating signs.

A list of all roundabouts and medians is to be included as an addendum. Mrs. Pandohie is to revise the draft policy for the meeting scheduled for July 26th 2017.

Minutes of 11th July 2017

Not due for consideration.

Members were reminded to review the revised draft policy for discussion at the next scheduled meeting.

6vi. Board Members

Minutes of 11th July 2017

Director D Walton queried if the NRA will be paving the section of road off the Chrissie Tomlinson roundabout heading east to Spotts where there is a high incidence of drivers losing control of vehicles. The section will need to be surveyed and re-designed to ensure the issue is addressed.

The DMD advised the Board that friction tests had been done on the road surfaces on a section of North Church St (in the vicinity of Cayman Auto Diagnostics) and in Lower Valley (i.v.o. Ms Annie Rose Moxam's residence). Both showed low skid resistance and will also need to be dealt with.

The Chairman noted that Ms Lucille Seymour contacted him via email re the access point by Ocean Club as motorists are having difficulty accessing/exiting the compound. The NRA is to inspect and suggest/advise as to possible improvements.

It was suggested that the NRA approach Dale Crighton re the partnering in the provision of a parking area on the vacant property west of the Crighton household and safe pedestrian access for the annual house Christmas lighting decorations. The NRA is to reach out to Mr Crighton.

Director P (Andy) Bodden enquired on the purchase of the mowers required by the bush cutting crew. The Board approved the purchase of two zero turn mowers approximately \$13K for both. The purchase of a chipper is on hold for the MD's return.

Director S Panton suggested that if funds were not available for the proposed widening of Crewe Rd from Silver Oaks roundabout to Grand harbour roundabout, efforts should be made to at least secure the right-of-way through a sec. 3 notice.

The DMD advised that the property adjacent to and south of King's currently has planning permission for a building setback only 20 feet from the existing right-of-way. The Board expressed its extreme disappointment that the Planning department and the Central Planning Authority continue to display no appreciation of the need for infrastructure development.

The DMD was asked to reach out to the property owner and explore the possibility of the plans for the site being re-configured.

The survey of the roundabout at King's (currently under control of CUC) is now complete and the design is being done for the proposed third lane to the roundabout.

Director G Clarke expressed an issue by the Mango Tree roundabout where motorists are using the right lane (coming from Foster's) to enter the roundabout then doing a complete circle to gain advantage over those in the left lane in accessing Crewe Rd.

He also raised the issue of flooding on the western end of the E-W arterial across from the Red Bay Sol service station; water stands on the inside lane going east. The NRA is to investigate the drains in this section.

Mr C. Brown (Observer Min CPI) advised that the NRA's proposed contribution to the Strategic Policy Statement SPS need to be completed by tomorrow. The Ministry also requires a list of roads and a rounded cost of road works today or at the latest tomorrow. The Board expressed its perplexity at the time lines associated with these requests as both the MD and the Director Designate of Chief Officer, Ministry CPI, had been in attendance at the last meeting on 29th June and neither had indicated that these submissions would be expected in less than two (2) weeks.

Mr. C Brown (Min CPI Observer) raised the issue of motorists turning right on to Elgin Ave when exiting Mid-Town Plaza (by CNB roundabout). The NRA is to look at restricting this movement.

Mr Brown also queried whether the NRA regulates the trenching within the roadway by various entities. He was told that the NRA does; he was reminded that enhancing the statutory provisions in this area is one of the major objectives of the long overdue legislative review (see item 3.i. above).

A visiting Doctor was involved in a fatal accident at the pedestrian crossing at the airport in vicinity of Andy's Car Rental. As it occurred on a public road, the RCIP wants the NRA to be the driving force in installing pedestrian safety measures. It is proposed that a speed table with sensors at the crossing be installed. The NRA has requested a traffic report from the RCIP. The MD is to follow up.

Director K Connolly noted that there is a manhole in the centre lane in the vicinity of Cost U Less. The MD advised that the road in that area has settled and now requires paving. Other sections in the area on the northbound section to West Bay also need to be paved. The MD is to follow up.

Director S Panton noted that the with the widening of the LPH and the proposed connector to Walkers Rd, Bobby Thompson Way could be widened on the west side (by Coco Retreat) by 6' to get a 86' ROW.

A survey for upgrading to three lanes of traffic on the section Silver Oaks to the Grand Harbour roundabouts was suggested with three lanes at the Red Bay roundabout with a third lane to South Sound. It is proposed that the NRA fund a traffic study/survey on how to improve traffic capacity between the Chrissie Tomlinson and Silver Oaks roundabouts, then request the Ministry to fund the proposed project.

The Chairman requested members to review copies of the revised Public Authorities Law (2017) for the next meeting.

The HR provided members with copies of the NRA Staff Handbook and Office Policies Manual for review and approval.

6a. BP 138 - Farm Road – Request for water

Minutes of 14th June 2017

No update provided.

Minutes of 29th June 2017

Costing for surveying done for this proposed project and the MD is to follow up.

Minutes of 11th July 2017

The DMD advised that the survey about 6,000 linear feet of Farm Road from John McLean Drive to just north of the Water-Authority reservoir is expected to be completed by this Thursday. The PCM can be done once the survey is completed.

No update provided. PI check with Ed on this.

6c. Concrete pavement investigation

Minutes of 25th May 2017

No update provided.

Minutes of 14th June 2017

Item not considered.

Minutes of 29th June 2017

No update provided.

Minutes of 11th July 2017

The Chairman reminded the Board of the directive given to the NRA management on 22nd February 2017 to develop a system to allow the NRA to properly consider proposals for concrete pavements vs. hot mix asphalt pavements. He had written to the proponent of concrete pavements, Mr Kent McTaggart, and informed him of the NRA's intention to develop a methodology to objectively entertain proposals for concrete pavement and indicated that it was hoped that the work would be completed by end of June 2017. Not surprisingly, Mr McTaggart had inquired on 30th June whether the work was complete, cc'ing the Minister and T. Hydes.

He had asked the MD on 30th June to provide a draft response to Mr McTaggart. The MD had seemingly referred his e-mail to SE Edison Jackson. E. Jackson provided a draft which the Chairman required he edit to acknowledge that very little progress had been paid and to apologise on behalf of himself and the MD. He also required E. Jackson to respond to Mr McTaggart and those cc'ed.

The Chairman expressed his extreme annoyance and frustration in the way the matter has been handled.

DMD informed the Board that E. Jackson has reached out to him and he is now assisting him.

No update provided.

6e. BP - Blk 14CF Par 97 – McField Lane – Sonia Linwood

Minutes of 23rd March 2017

This is a long outstanding compensation claim (submitted 2003) of which the offer by the VEO (Lands & Survey) was not accepted by an agent acting on the claimant's behalf. The claimant now wishes to accept the offer made in 2003 and states that the agent had no authority to act on their behalf.

The MD is to follow up to see if a sec. 6 declaration was done for this road.

Minutes of 12th April 2017

As no s.6 was done the MD is to check if any work was done in this area.

Minutes of 26th April 2017

No update provided.

Minutes of 10th May 2017

No update provided.

Minutes of 25th May 2017

No update provided.

Minutes 14th June 2017

Item not considered.

Minutes of 29th June 2017

No update provided.

Minutes of 11th July 2017

No update provided.

No update provided.

6f. Compensation Claims

Re: 14D 283 & 14C 301 (now classified as 14C 356) BP 431 PCM 297 – Thomas Russell Way widening - Jacques Scott Ltd

The Board approved to pay CI\$125,895 to Jacques Scott & Company Ltd for land taken from the two parcels and CI\$2,475 payable to Andrew Keys Ltd for professional fees.

6g. Breakers/Pease Bay Project

Minutes of 11th July 2017

This re-surfacing has commenced from the western end of the work done last year back to just west of Moon Bay Condos in Pease Bay. The Board expressed disappointment that:

- it had not been notified;
- property owners had not been notified by the NRA prior to the work commencing; and
- the milling and paving work was being done first rather than the preparation of the shoulders meaning the shoulder work will be less efficient because of the constraints of a fresh pavement and property lines.

The Board wishes to know the estimated cost of paving and shoulder works as the road has a 50' ROW as declared by BP9; there are significant areas where this width is not readily available and will need to be secured.

No update provided.

7. Date of next meeting

The next meetings are scheduled for August 9th and 23rd, 2017.

The meeting adjourned at 1:07pm.

Signature _____

Chairman of the Board

Confirmation of minutes:

Date: 23 Aug. '17

Signature _____

Executive Secretary

Seconded: Confirmation of minutes

Date: