



**Minutes for the meeting held on Thursday 18<sup>th</sup> November 2021**  
**Venue: PLC Conference Rm**

MEMBERS PRESENT	
Woody DaCosta (WD)	Chairperson
Teddie Ebanks (TE)	Deputy Chair
Elsie Kynes (EK)	Member
Ezmie Smith (ES)	Member
Shane Edwards (SE)	Member
Shanna Myles (SM)	Member
Perry Powery	DCO T&T
Kathryn Dinspel-Powell (KDP)	DCO FSC
Sharon Roberts (SR)	Secretary PLC
Wilbur Welcome (WW)	ACO DAL
David Fawcitt (DF)	SPO DAL

ABSENT	
Jon Hall (JH)	HOD L&SD

INVITED	
Alice Mae Coe (AC)	Concerned Citizens Grp
Annie Multon (AM)	Concerned Citizens Grp
Karen Thompson (KT)	Concerned Citizens Grp
Bill Adam (BA)	Concerned Citizens Grp

KEY:	
ACO	Acting Chief Officer
AG	Attorney General
AGC	Attorney General's Chambers
CI	Chief Inspector
CIG	Cayman Islands Government
CO	Chief Officer
CPA	Central Planning Authority
DCI	Department of Commerce and Investment
DCO	Deputy Chief Officer
HOD	Head of Department
DoP	Department of Planning
L&SD	Lands and Survey Department
FSC	Ministry of Financial Services & Commerce
T&T	Ministry of Tourism & Transport
MOE	Ministry of Education
MOH	Ministry of Health and Wellness
PresL	The Prescription Law (2018 Revision)
PLC	Public Lands Commission
PLA	Public Lands Act (2021)
PLR	Public Lands Regulations (2021)
SPO	Senior Policy Officer

**1. Meeting called to order.**

The Chair called the meeting to order at 11:24am with a quorum of six (6) members present.

**1.1 Welcome / Apologies & Nonattendances**

- Chair thanked the members for attending the 10am site visit earlier that morning, and a warm welcome to all in attendance.
- Special welcome was made to the invited guests from the Concerned Citizens Group, and recognized them as the catalyst for the formation of the PLC. He commended them on the efforts and commitments they have made over the years. As invited interveners he welcomed their contributions towards outlining a directive to CC Nigel Gayle, in regards to the Royal Palms Summons.





## **2. Revision and confirmation of PLC meeting Minutes.**

**2.1 Minutes for the meeting of 11th November 2021.** On motion made by TE and seconded by SM the review and confirmation of the minutes were deferred to the next meeting.

## **3 Matters Arising.**

- **The Chair** confirmed that the meeting would focus mainly on formulating a directive in regards to the Royal Palms Summons and the response was imminent in order to meet the next day's filing deadline.
- **The Chair** also mentioned that he provided a few emails over the past several days on his thoughts on the responses to the CC Gayle. He hoped everyone had a chance to review the 4 points that was outlined for them to provide comments and discussions on the points that were read during the meeting.
- **The Chair** mentioned that further to the directions from the court hearing for the concerned parties to meet and attempt to resolve the matter, the CCG was invited to the meeting.
- **KT** expressed her sincere gratitude for the kind invitation extended to her to be a part of the meeting. She stated that her goal was to offer assistance and advice in support to the CCG.

She then went on to outline the history of the matter and in summary what had happened in Court on 2 occasions 2<sup>nd</sup> February 2021 and 22<sup>nd</sup> October 2021 and what would be the next action the interested parties would need to take, under the legal guidelines of the "Acts" (RLA) that governed the proceedings of the summons. After several points of discussion she offered a suggestion on how to proceed in-light of a legal defence if she were advising the CCG. She confirmed, for the record, that in no way was she attempting to advise the PLC.

- **AC** confirmed the commitment of the CCG was to continue to press on with the work of protecting the rights of the Cayman Islands. She also confirmed that the goal for attending the meeting with the PLC was to proceed with the directive from the Judge, to meet and ultimately seek to reach an acceptable agreement with the "Applicant".
- **TE** outlined his concerns in regards to the legal limitations the PLC had in regards to agreeing with any proposal to move or remove PROW's. He read from a prepared document that is to be shared with all members for clarity. If given the opportunity it should be provided to council as the matters outlined warrants full consideration. To be attached to meeting minutes.
- **AC** expressed that if the accesses had to be relocated it must be for in exchange for accesses in close proximity. In fact monetary compensation had never been the goal for the CCG but to retain the accesses as they are.
- **SE** expressed that in his opinion the PLC should do our endeavour best to maintain access on either end of the property. He then expressed his view of lack of communication within the interested parties for comments, when property development applications are submitted for approval.





- **KDP** mentioned in summary that she appreciated the attendance of the CCG, as she wholeheartedly supported the efforts of the CCG.
- **Chair** mentioned that in view of looking at compensation, he urged the PLC and CCG to look at the entire picture as whole instead of just one singular Matter insolation such this instant Matter when dealing with the Applicant. As result, the PLC should look ahead as it will undoubtedly have to deal with the several RoWs in the vicinity of the Kimpton Hotel that the Applicant is trying to also consolidate. Having looked through that prism, it would be advantageous of the PLC to look for land as compensation compared to physical money. That being said he suggested the vacant property owned by the Applicant, which is north of The Commonwealth Condos and commonly referred to as "The Old Victoria House site as a reasonable exchange. He suggested that the directive to the CC be that the PLC file the following:
  - o The PLC was not happy with the current situation particularly as no formal proposal had been presented to the PLC for consideration on which they could offer their alternatives.
  - o The Chair suggested – The PLC's willingness to negotiate Compensation for property – i.e. Land located to the North locally known as "The Old Victoria House site" to be vested in perpetuity to the People of The Cayman Islands similarly to what the Webster Family did with Smith Barcadere in South Sound.
- **Chair** stated that further to a reminder by **WW** that the directive for Mr Galye should in fact be points for negotiation, as he said he was not aware that the AG's Chambers had arrived at the level of negotiations in light of compensation. He confirmed that his response to the Chambers would include suggesting filing a 'Holding Defence'. In addition that the consensus was that the PLC also submit a Request for Further and Better Particulars to include all agreements, correspondence, and any contracts by the Plaintiff/Applicant with the Cayman Islands Government. The final draft will be emailed to all members, prior to sending the commissions agreed final draft on to Mr Gayle.
- **Chair** noted that as discussed, **WW** would proceed with obtaining Market Valuations for the instant proprieties affecting ROWs at Royal Palms.
  1. the Valuations would consider the present value with the two (2) RoWs being identified by the Applicant.
  2. the other Valuation is to endeavour to ascertain an approximate value of those said properties without the ROWs,
  3. the third Valuation should seek to ascertain an approximate value of the entire property if the Applicant consolidates all parcels situated between Island Pine and the Sovereign Condominiums inclusive of how identifying many unencumbered linear feet of beach front the Applicant would enjoy without the RoWs.







4. **WW** to also ask John Hall to investigate locate and present to the PLC the Agreement, if any, between Island Pine and what is known as The Royal Palms as it pertains to their Parking and or any usage of land bordering their property to the North. If there is no binding Agreement underfoot held by the Registrar, that could mean that Island Pine Condominiums could possibly be without Parking and a Service Road if the Applicant decides to consolidate all parcels. Such an act would force them to sell and thus this parcel could very well be included in the in his overall Development Plan as well. The PLC should be armed with at the very least the base knowledge of these possible factors before negotiating for Compensation.
- **ES** mentioned that her thoughts and opinion on how to proceed were documented in an email and asked that the email be sent to the CC Mr Gayle.
  - **The Chair** mentioned that several documents were emailed to all members for their consideration in regards to the Policy and Procedures.
  - **The Chair** noted he was optimistic that once the package of amended Acts and Regulations that will be drafted by the PLC, such amendments would touch on not only the Planning and Development Act and its Regulations, but the Prescriptive Act, the Registered Land Act and their requisite Regulations along with improving our own Public Lands Act and its Regulations as it is obviously wanting. These changes would facilitate for a more accessible and transparent process for the Public's benefit. In addition, allow for better engagement on all fronts with the various Government Authorities and Entities that affect Public Lands thus the PLC. He emphasised that as the Chair, he has enjoyed the full support of the Ministry in his efforts to achieve several of his goals as Chair of the PLC.

**The chair raised the motion to have the remainder of the Agenda be deferred to the next meeting. The motion was accepted by EK and seconded by ES.**

#### **4 Any Other Business**

6.1 **WW** mentioned that he was advised today of the passing Dr. E. Caudeiron who was the husband to the previous Chairperson of the PLC – Mrs. Terrence Caudeiron. It was agreed that the PLC would reach out and express sincere condolence to her and the family.

#### **5 Scheduling of the next PLC meeting**

5.1 The next meeting was not confirmed.

#### **6 Adjournment.**

The Chair thanked the members for attending the meeting and was adjourned at 2:50pm.

Chairperson  
Public Lands Commission

