



VISION: We will be a vibrant, dependable and clean city where services are delivered innovatively and effectively.
MISSION: To provide effective operations of the city through collaboration of members, management and staff.

Corporation of Hamilton Board Meeting, City Hall, Hamilton - 6 January 2016 - 12:30am

Present: Councillor John Harvey, MBE, JP (Acting Mayor)
Councillor Dennis Tucker, JP
Councillor Lawrence Scott
Councillor Henry Ming
Councillor George Scott, JP
Councillor Carlton Johnson
Councillor Nicholas Swan

Staff: The Secretary - Edward Benevides
The City Engineer - Patrick Cooper
The Human Resource Manager - Lindell Foster
The Event Project Manager - Danilee Trott

Apologies: Rt. Wor. Charles R. Gosling, JP, Chairman
Councillor RoseAnn Edwards
The Treasurer - Tanya Iris

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- 1. Confirmation of Notice** - the Secretary confirmed that the appropriate notice of the meeting and agenda were posted according to the meeting guidelines.
 - 2. Role of the Chairman** - in the absence of the Mayor, the Secretary acknowledged Councillor John Harvey as Acting Mayor; confirming his role as Chairman.
 - 3. The Mayor called the meeting to order at 12:30pm.**
 - 4. Apologies** - the Secretary confirmed apologies for the Mayor, Councillor RoseAnn Edwards and the Treasurer.
 - 5. Public Participation** - the Secretary confirmed that he had not received any requests for public participation.
 - 6. Correspondence:**

There is no correspondence.

7. Status Update:

(i) **Legal** - the matter regarding 17 Ewing Street still continues; witnesses and affidavit stages in preparation for court. This is the dispute with respect to the implementation of utilities on a property in Ewing Street during that project. There has been no movement on any of the other legal issues.

(ii) **Stevedoring Services Ltd.** - received the first draft of the changes that had been discussed and expecting their response this week. Hoping to have something for the Infrastructure Committee next week to make a recommendation to the Board.

8. Minutes of the Corporation Board Meeting dated 2 December 2015

Proposed: Councillor L. Scott

Seconded: Councillor H. Ming

The Minutes were accepted as read.

9. Matters Arising from Corporation Board Meeting dated 2 December 2015

(i) **Contact Information of Software Presenter from Gateway** - the presenter contacted the Secretary in December and he asked her to prepare a presentation and contact to set-up a time to meet, etc. She seemed interested on the phone but the Secretary has not received anything as yet but will follow-up with her in that regard. This is for training Members as needed on the use of the tablets.

(ii) **Invite to the Minister and the Permanent Secretary of the Ministry of Home Affairs to discuss the 2016 Budget** - the Secretary confirmed that the invite was sent and they did attend the meeting.

10. Minutes of the Corporation Board Meeting dated 14 December 2015 (continuation of Corporation Board Meeting held 2 December 2015)

Proposed: Councillor L. Scott

Seconded: Councillor H. Ming

The Minutes were accepted as read.

11. Matters Arising from Corporation Board Meeting dated 14 December 2015

(i) **Letter to the Minister Requesting to Waive the Fee for Foreign Currency Tax** - this was corresponded to the Permanent Secretary via email who passed it on to the Financial Secretary, the Ministry of Finance and the AG's Chambers. The discussion points raised surrounding the waiving of the foreign currency tax were unsuccessful. They felt that legally and procedurally they could not waive the tax. The request did not meet any of the requirements. It will cost the CoH \$180K for that tax.

12. Minutes of Corporation Board Meeting dated 21 December 2015

Proposed: Councillor L. Scott

Seconded: Councillor G. Scott

The Minutes were accepted as read.

13. Matters Arising from Corporation Board Meeting dated 21 December 2015

There were no matters arising.

14. Minutes of Special Corporation Board Meeting dated 29 December 2015

Proposed: Councillor H. Ming

Seconded: Councillor D. Tucker

The Minutes were accepted as read.

15. Matters Arising from Corporation Board Meeting dated 29 December 2015

There were no matters arising. There were Happy New Year wishes from Councillors G. Scott and D. Tucker.

16. Committees and Recommendations for Review:

a. Residents Advisory Committee - 3 December 2015

There were no recommendations.

b. Infrastructure Committee - 9 December 2015

There were no recommendations.

c. Staff, Legislative & Governance Committee - 15 December 2015

RECOMMENDATION: That the Board approve the Acting Pay Policy for Managers and for it to be included in the Employee Handbook.

This is a new policy for Middle and Senior level Managers and not for the Executive level. The acting position would require a minimum of five (5) continuous days. Councillor G. Scott noted that in most Collective Agreements it is standard that after one (1) day acting up to receive acting pay. It was also noted that there is no policy in the CBA with the CoH. Further discussion continued.

Councillor C. Johnson joined the meeting at 1:45pm.

MOTION: The recommendation regarding the Acting Pay Policy for Managers to be deferred to the next Board meeting.

Proposed: Councillor N. Swan
Abstained: Councillor C. Johnson
Motion carried.

Seconded: Councillor G. Scott

d. Property & Safety Committee - 15 December 2015

RESOLUTION: That the Board accept the bid from Jonny Roberts and Tyler Nearon in the amount of \$5,600.00 per month for the rental of the premises - 7 Queen Street (formerly the Lemon Tree).

Proposed: Property & Safety Committee
Unanimous

RESOLUTION: That the Board agree for an RFP to be issued for Pier 6 to take effect September 2016. The Executive to come back in January 2016 with what the scope of the RFP would entail.

Proposed: Property & Safety Committee

The existing agreement expired 2 January 2016. The CoH has communicated clearly to TWG to have the space cleared and the holes plugged by 15 January 2016. There was further dialogue.

AMENDED RESOLUTION: That the Board agree for an RFP to be issued for Pier 6. The lease to take effect September 2016. The Executive to come back in January 2016 with what the scope of the RFP would entail.

There was continued discussion on the terms in the RFP.

Proposed: Councillor H. Ming
Unanimous

Seconded: Councillor G. Scott

e. Finance Committee - 16 December 2015

There was no formal meeting held in December but there were a number of other ad hoc meetings held in reference to the term proposals from Clarien Bank. Councillor Harvey thanked the Finance Chair, the Executive team and the Finance Committee for their hard work in this regard.

17. Any Other Business

(i) Councillor G. Scott commented on a staff member who had an accident and should be on Workmen's Compensation according to the law.

ACTION: The Chair of the Staff, Legislative & Governance Committee to investigate the matter regarding the employee who should be on Workmen's Compensation and report back to the Board.

According to the law that was passed back in 2006/2007 that the Workmen's Compensation be increased. It would be increased by a Negative Resolution but the increase has not been put in place.

(ii) Councillor Johnson was approached by his corporate neighbor across the street (Dundonald Street), Mr. Fowle who is in the process of power washing, cementing and whitewashing his roof. He is requesting that the trees on his side of the street to be cut because of the dropping of the leaves.

ACTION: The City Engineer to have a look at the trees on Dundonald Street East.

(iii) Councillor Johnson requested that possibly every other Board meeting could be held after 3:30pm or 4:00pm so that those Members who have difficulty attending the meetings at the earlier time of 12:30pm would be able to attend. He commented that the Corporation of St. George hold their meetings after 5:00pm.

ACTION: Councillor Johnson to forward his request for a time change to the General Council meetings in writing so that it can be circulated to the Members not in attendance for a full discussion at the next General Council meeting.

ACTION: The Secretary to place the request for a time change to the General Council meetings on the agenda of the next Staff, Legislative & Governance Committee meeting scheduled for Tuesday 19 January 2016.

(iv) Councillor Johnson commented on the building across from the Fire Station on King Street (a party shop). The owner is having some difficulty with people who sleep in and around the City at night having access to a corner of his property leaving all of their "stuff" there on a continual basis. It was suggested that the owner approach the individuals in the first instance and failing that make a formal complaint to the police. The Secretary commented on the City Ranger Programme.

(v) **Hamilton Traffic and Parking Ordinance** - the CoH has had issues with having the appropriate legislation changed to allow the CoH to manage parking properly in the City, i.e. enforcement, etc. A certain amount of the legislation was approved in December (a very small piece that was needed) but with the majority of the legislative changes needed, it was understood that the Government was to do the bulk of that. In the Letter of Assurance that the CoH received, it stated that the Government would do some things to assist but the bulk should be covered by a comprehensive Parking Ordinance. The Secretary was instructed by the Mayor and the Chair of Staff, Legislative & Governance Committee to have a draft copy before this Council at the first Council meeting for approval. The AG's Chambers would have to re-format and re-word in legalese to eventually interpret what the CoH legally wants done.

The document presented is a collage of the Hamilton Parking Ordinance 2013 which was invalidated by the Municipalities Amendment Act.

It also takes pieces out of the 1995 Hamilton Pay and Display Ordinance and the Hamilton Streets and Sidewalks Ordinance of 1988. It has a new "Notice" not to be confused with the parking notice that the Government issues through wardens and police.

It is suggested to adopt the British version which is a "Penalty Charge Notice" (PNC) which is issued by local authorities throughout the UK. The staff of the CoH would be able to issue these notices. The CoH would then be able to clamp and have vehicles towed. Currently under the law the CoH can have vehicles towed and removed from the street under the Hamilton Streets and Sidewalks Ordinance of 1988. Under this Ordinance the CoH would have the authority to have them towed and impounded. The CoH cannot authorise an organisation to be permitted to tow or to impound. The Government has legislation that does that and the Minister issues those permits. There will be a fee and this would be as a result of the vehicle being clamped and on the street for two (2) days or more or parked in a position, e.g. the public being asked to clear vehicles from the street by 4:00pm, etc.

There are a number of other items, i.e. how to display vouchers, etc., the electronic applications, etc. It was noted that the barrier system was not included in the document which would be addressed differently. A definition of a barrier system has now been included. Cars that have been parked in a fee car park with a barrier system would need to be exempt from a number of the requirements included in the Ordinance, i.e. they would not have to pay up front or have to display a voucher or a ticket. In the barrier system a ticket is received upon entry and the fee is paid upon exit and would include any penalty charges. In the immobilisation and clamping area, there is an appeal process. Discussion continued regarding the charges for bikes, auxiliary cycles and motor cycles which are defined in other Acts, i.e. 1954 and 1951 respectively. There is no charge for pedal cycles. There is effectively no free parking in the City of Hamilton on City property during controlled hours, 8:00am - 6:00pm.

Councillor Johnson queried the new taxi zone that commences at 6:00pm instead of 9:00pm. Frequently people go to restaurants in that area, park at 5:30pm and come out at 10:00pm. When the taxi driver wants to use the appropriate space that the CoH has designated for that specific time and asks the police to do their due diligence regarding the enforcement, they decline to do anything.

The Secretary said the police can issue the ticket and are the only likely enforcement officers around because the wardens are not in operation after 6:00pm. With this legislation, the CoH will be able to do some enforcement and issue tickets because they will be parking in contravention of the signs.

Councillor Harvey commented on the definition of a "police officer" - means any member of the Bermuda Police Service; or any traffic warden in uniform, or any other officer deemed to be a police officer by the Municipalities Act 1923. The Secretary said in the Municipalities Act 1923, it allows the CoH to have its own police force. Further discussion continued on any additional changes to the Ordinance.

RESOLUTION: That the Board approve the Hamilton Traffic and Parking Ordinance 2016 in its substantive form.

Proposed: Councillor N. Swan
Unanimous

Seconded: Councillor L. Scott

18. Motion to Move to Restricted Session

Proposed: Councillor L. Scott

Seconded: Councillor N. Swan

The meeting adjourned at 1:20pm.

Date

Mayor

Secretary