



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 - 7 December 2016 - 12:30pm

Present: Rt. Wor. Charles R. Gosling, JP, Chairman
Councillor John Harvey, MBE, JP
Councillor Dennis Tucker, JP
Councillor Nicholas Swan
Councillor Lawrence Scott
Councillor RoseAnn Edwards
Councillor Henry Ming
Councillor George Scott, JP

Staff: The Treasurer - Tanya Iris (Acting Secretary)
The City Engineer - Patrick Cooper
The Deputy Treasurer - Siobhan Fubler
The Human Resource Manager - Lindell Foster
The Event Project Manager - Danilee Trott

Apologies: The Secretary - Edward Benevides

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- 1. Confirmation of Notice** - the Acting Secretary confirmed that the appropriate notice of the meeting and agenda was posted according to the meeting guidelines.
 - 2. Role of the Chairman** - the Mayor confirmed his role as Chairman.
 - 3. The Mayor called the meeting to order at 12:40pm.**
 - 4. Apologies** - the Acting Secretary confirmed apologies from the Secretary, Ed Benevides. Councillor Harvey advised that Councillor G. Scott will be in attendance but will be late.
 - 5. Public Participation:**

There was no public participation/presentation.
 - 6. Correspondence:**

The Mayor said even though there is no correspondence listed; there are a series of letters that the Members would have received in their package.

The letters were written by the Secretary to Ministers Michael Fahy, the Minister responsible for the Municipalities and Cole Simons, the Minister responsible for the Environment as well as the Director of Marine & Ports, Mr. Rudy Cann regarding the encroachment in the channel.

Councillor Harvey wanted to comment on those letters but the Mayor suggested that the comments could be made when Councillor G. Scott joins the meeting as he sits on the Marine & Ports Board.

7. Minutes of the Corporation Board Meeting dated 2 November 2016

Proposed: Councillor H. Ming

Seconded: Councillor D. Tucker

The Minutes were accepted as read.

8. Matters arising from Corporation Board Meeting dated 2 November 2016

(i) **Liaise with the Secretary and contact Councillor Johnson in terms of obtaining a concrete suggestion of what can work for him as it relates to possible alternate dates/times for Council meetings** - Councillor L. Scott advised that no approach has been made to Councillor Johnson as yet. He suggested that the matter be carried over to the next Council meeting at which time he would have had a chance to liaise with the Secretary who is currently off on vacation.

(ii) **Action Items** - the Mayor suggested that the Acting Secretary and the Recording Secretary meet within the week and agree on what the action items are coming out of the Council meeting. There are a number of times that with either late reading of the Minutes, etc. the action items slide from meeting to meeting. A timeline should be placed on when the action items should be completed.

(iii) **Write to Ministers Michael Fahy and Cole Simons making them cognizant that the CoH is aware of the issue with the Fairmont Hamilton Princess' marina and the impact that it may have on the Municipality. Additionally write a letter to the Marine & Ports Board voicing the objection** - the Secretary wrote the respective letters to the Ministers and the Director of Marine & Ports. Councillor Harvey will have a chance to speak on that matter in the Restricted Session. The Acting Secretary confirmed that a response was received from the Director of Marine & Ports Services, Mr. Rudy Cann acknowledging receipt of the letter from the Secretary and that the concerns of the CoH will be discussed at the next Ports Authority meeting scheduled for 17 January 2017.

9. Committees and Recommendations for Review:

a. Residents Advisory Committee - 3 November 2016

RESOLUTION: That the Board approve the request for Mrs. Erica Smith to join the Residents Advisory Committee as an Associate Member.

Proposed: Residents Advisory Committee

Unanimous

The Mayor commented that he had made a note in his calendar and today it popped up and this matter is 25 days overdue. In reading the Minutes of the Residents Advisory Committee there have been a few discussions with regards to the decorating of the Christmas tree on the corner of Court and Dundonald Streets with having some school students do the decorating. He said that it is kind of a shame when a suggestion like this comes forth that it slides by. He would strongly suggest that the Residents Advisory Committee take this up as an action item for next year so that a good idea like that is actually implemented.

Councillor L. Scott noted that the ornaments on that tree are varied from Lucozade bottles to Amstel bottles, etc. This matter came up last year and he commented why the CoH should have to put up with this again this year. The Mayor said that this issue has been properly discussed in the Residents Advisory Committee and like the good suggestion of possibly having school children assist with the decorating maybe it can be done with some of the adults in that area to get a more adult ownership of the tree.

Councillor Edwards said last year the bottles, etc. were removed and asked if that is the intention of the CoH this year to have them removed. The Mayor said that last year this created a fare of some confrontation at the same time.

b. Infrastructure, Development & Future Committee - 9 November 2016

RECOMMENDATION: That the Board approve for the Corporation's lawyer to write a letter to America's Cup Bermuda (ACBDA) to encourage discussions and transparency in relation to the waterfront area during America's Cup 2017.

The Mayor said to hold off on this recommendation until the discussion is held in the Restricted Session. The Event Project Manager has been in receipt of some communication from the America's Cup within the last 12 hours. The Mayor and the City Engineer will be meeting with ACBDA tomorrow.

c. Finance Committee - 10 November 2016

RESOLUTION: That the Board approve for the City Engineer to investigate the costs of installing a barricade system in all of the Corporation's public car parks in the City of Hamilton in order to seek funding.

The City Engineer has already done the investigation. The CoH will need \$750K to do Par-la-Ville, Cavendish, Elliott and Bull's Head car parks. There is funding for #1 car park already in place. He did not go and price up all of the other smaller car parks. His hope is that the CoH may get clamping back and that will be a better cost solution for the smaller car parks.

Proposed: Finance Committee

Unanimous

The Mayor advised that two (2) Mondays ago he and the Secretary met with the Minister and his PS. The Minister essentially said that he had received support in terms of the CoH being able to clamp in City car parks but the CoH needed to go through the changes in legislation. The CoH pushed that this would be through the City Ordinance which was passed at the beginning of the year. There have been some changes since then so Ronnie Myers of MDM is going through to ensure that the Ordinance that was produced is without any internal conflicts, etc. For instance, within that City Ordinance there is no mention at all about barrier car parking; it is all about everything being pre-paid. With the barrier parking everything is post-paid and the various nuances associated with that operation as well. It was also put to Mr. Myers, from the CoH's experience with the City Hall car park, when the barrier system was put in place that the car park was not being fully utilised and people were going elsewhere. If the CoH was to do that with the car park system and with the lack of any proper enforcement on the City streets, the public will just go and park on the streets all day long. Also got Mr. Myers to agree that the CoH would also be able to clamp in those particular parking bays that are leased out to the user, e.g. handicap, residents, doctors and commercial parking bays. These will all be areas where clamping would be possible as well as the one (1) hour maximum parking areas and loading zones. The CoH was hoping to have this to the Minister at least a couple of weeks ago but because of circumstances and the complexity of pulling this together, it has not happened. The Minister was very adamant that this is something that the CoH was pushing for and therefore an Ordinance should be provided. If there are any issues arising from it, the AG's Chambers should not be looking at changing the policy and if there are any issues with the courts then the CoH would have to be the ones to have to defend it in the courts.

Councillor Swan asked why the CoH does in this instance have more confidence that the AG's Chambers is going to approve the Ordinance and what assurances has the Minister given. The Mayor said that mainly since the CoH is appealing the court case where those rights were taken away and in the preliminary hearing that was held at the Appeals Court, the rationale for the appeal is in front of at least one of the judges. There is a little bit of pressure on the Government to try and resolve this matter before it actually goes to the Appeals Court.

Councillor Swan asked about Traffic Wardens. The Mayor said hopefully that if this Ordinance does go through and the CoH is able to operate in a positive vein, then could go back and ask to manage the entire process.

d. Staff, Legislative & Governance Committee - 15 November 2016

RESOLUTION: That the Board approve the consolidation of the Infrastructure Committee and the Property & Safety Committee.

There is so much work that is done in both committees that overlap and it makes common sense that they should be under one (1) committee. Both Chairpersons, Councillor Harvey and Councillor Ming are in agreement with the suggestion. The only thing that the Staff, Legislative & Governance Committee has concerns with is that the Chairman of the new committee should be concerned about time constraints. The meeting time will have to be managed because it will also affect staff who are having to process the various items that will come before that committee. The recommendation is for efficiency.

Councillor Harvey commented on the cross-utilisation of efforts.

Proposed: Staff, Legislative & Governance Committee
Unanimous

RESOLUTION: That the Board rescind the previous recommendation to accept the proposal from Community Driven Development (CDD) as the tenant at 11 Dundonald Street (Old Works Depot). That the Board approve for an RFP to be re-issued.

The City Engineer said this recommendation is not written correctly. This recommendation has already been approved and should be rescinded. The recommendation should read:

AMENDED RESOLUTION: That the Board rescind this recommendation as written to rescind the recommendation to accept the proposal from Community Driven Development (CDD) as the tenant at 11 Dundonald Street (Old Works Depot). That the Board approve for an RFP to be re-issued.

The City Engineer is working with CDD to lease out the Old Works Depot. The CoH technical staff made an error in saying that CDD was not interested in moving forward. The technical officers brought to the Board the recommendation to give them the lease should be rescinded. That was actually not the case as they are still interested in leasing the Old Works Depot. So the original recommendation will stand indicating that the CoH was going to enter into a lease with them for the Old Works Depot at 11 Dundonald Street. There is no RFP to be issued.

Councillor Edwards asked how long has this process being going on to which the City Engineer said for at least a year and a half if not longer. She said this was in the last administration and queried if it is acceptable to take so long to develop or move forward. The City Engineer said the CoH wanted to get the place rented and utilised but unfortunately the CoH was going through the processes of trying to get lawyers to agree to legal documents, trying to get them to get plans through Planning and figure out what they wanted to do. CDD has gone through a structural change in Government with a change in responsibilities, etc. There has been one issue after another that has dragged this process out.

Councillor Tucker asked if CDD is a Government entity to which the City Engineer said that it is and comes under the Ministry of Cultural Affairs. They were looking to have a day-care nursery and a women's resource centre.

Councillor Edwards commented on some safety issues regarding asbestos in that building. The City Engineer said the CoH has had the building assessed and have the written opinions relating to that. There is asbestos in the roofing but it is not friable asbestos, it is asbestos cement sheeting. With an interior ceiling roof, there is no issue with it. This is what the asbestos consultant wrote in the report. Councillor Edwards commented on children being in the building.

Councillor Ming explained that this is common practice. The sheet asbestos is only potentially dangerous should the sheets be broken, i.e. being hit by a flying object during a hurricane, etc. There are a number of buildings today with sheet asbestos rooves. Providing there is a ceiling underneath, it is fine. It is not the same as asbestos spraying that one would have as a fireproofing in other buildings.

The Mayor said the opinion has been given by someone that has the certification and it is better for the CoH to rely on his opinion than somebody that has no experience at all in that field. The Mayor said Councillor Edwards has a point because it is not really fiduciary responsible on the CoH's part to have this drag out much longer.

Proposed: Staff, Legislative & Governance Committee
Unanimous

The Mayor said since the Infrastructure Committee and the Property & Safety Committee have been consolidated, a Chairman has to be appointed. He suggested that Councillor Harvey continue as Chair. There is a joint committee with the Department of Planning called the Futures Committee which has been in place for a couple of years and Councillor Ming is a participant on that committee. He would like for Councillor Ming to report back to the new committee on whatever matters are raised in the Futures Committee.

Councillor L. Scott queried what should the new committee be called. The City Engineer said that Infrastructure would cover everything. The Mayor said that a list of members would have to be decided upon as well. There were no other potential nominations for Chairmanship. Councillor Harvey agreed to continue on as Chair of the newly-created Infrastructure Committee.

RESOLUTION: That the Board approve for Councillor John Harvey to continue as Chairman and the consolidation of the Infrastructure and Property & Safety Committees to be called the Infrastructure Committee.

Proposed: Mayor, Charles Gosling
Unanimous

Seconded: Councillor L. Scott

e. Property & Safety Committee - 15 November 2016

RESOLUTION: That the Board approve some recognition be given to Mr. George Trott for the work that he has done on the chandeliers in the City Hall foyer.

Councillor Edwards advised that the ballistrades were done by BCM. She has received some information and a photo of Mr. Trott. Councillor L. Scott asked if this would be a good time to possibly recognise the person from Burland's who did the ballistrades. The Mayor said the chandeliers are a very particular and unique structure, hence the recognition be given to Mr. Trott. There was continued discussion regarding the lowering of the chandeliers. The Mayor said that it would be nice at some time to have them lowered for a while.

Proposed: Property & Safety Committee
Unanimous

The Mayor asked for a reasonable deadline for this information, plaque to be completed. The City Engineer said that as soon as he receives the wording and the layout, it would not take more than two (2) weeks to place the order. It would usually take 12-16 weeks to get the order and the installation would take a couple of days. The Mayor suggested having Heroes' Weekend as the target date.

RESOLUTION: That the Board authorise the City Engineer to procure a topographical survey of the site at 66 Serpentine Road (formerly Donleigh Cottage) so this information can be included in the RFP.

Councillor Ming said topographical surveys are normally done by Civil Engineers. It is a vital piece of information and should always be a part of any type of RFP. The Mayor said this would enable the CoH to do more than just turning the property into green space with all the maintenance costs associated with that or turning it into a car or bike park.

Proposed: Property & Safety Committee
Unanimous

RESOLUTION: That the Board approve in principle for Bulli Social to use the cobbled-stoned area behind their property in Queen Elizabeth Park for Friday Night Happy Hour. The appropriate fee to be finalised by the Finance Committee.

There were further discussions as Bulli Social was hopefully looking to have alfresco dining on the sidewalk as well.

The Mayor declared his interest as the persons that are running Bulli Social; one of them is a tenant of his in another property.

Proposed: Property & Safety Committee
Abstained: Mayor, Charles Gosling
Motion passed.

Councillor Harvey asked about the leasing arrangement with Ms. Donna Lindo of Class Act Designs and whether the lease is confined to the upper level because he thought the Minutes said that she had the lease for the entire building. The Acting Secretary said the lower level is the Cruise Ship Terminal. The City Engineer said the lower level can be rented for individual events.

10. Any Other Business:

Recommendations for Review:

The City Engineer said that the following two (2) recommendations did not make it through to the Infrastructure Committee. Both contracts are for cleaning companies.

The contract for the Public Washrooms is a two (2) year contract. 19 tender packages were sent out and 6 were returned and the results are as follows: Recommending the lowest tender which is I Clean. The City Engineer met with I Clean and had good discussions with them. He asked them why their rates were so low and they advised that they did not actually have an office; they operate out of a house so their overhead is low and are able to give such a good rate.

RESOLUTION: That the Board approve the awarding of the contract for the Janitorial Services - Public Washrooms to I Clean in the amount of \$6237.33 per month.

Proposed: Councillor J. Harvey
Unanimous

Seconded: Councillor H. Ming

With the next contract, 19 tender packages were collected and 7 were returned and the results are as follows: Recommending the lowest tender which is Bermuda Cleaning Limited.

RESOLUTION: That the Board approve the awarding of the contract for the Janitorial Services - City Hall and Works Depot to Bermuda Cleaning Limited in the amount of \$3578.00 per month.

Bermuda Cleaning Ltd. is the current contractor that is being used for these two (2) properties. There have been some issues raised but they have been rectified. Dialogue continued.

The City Engineer said that if there are any issues, to report them immediately so that they can be addressed.

The Mayor commented on some issues with the men's washroom at the Works Depot. The City Engineer said he believes that those issues have been addressed and does not recall them being highlighted in any of their meetings but it is discussed from time to time in the staff meetings. The Mayor said that he had asked for that matter to be dealt with in the highest priority.

Proposed: Councillor J. Harvey
Unanimous

Seconded: Councillor H. Ming

(i) **Earl Cameron's 100th Birthday:**

Councillor Harvey - said that he received some information from Ms. Merle Ratteray that in 2017 Mr. Earl Cameron, who the theatre in City Hall is now named after, will be celebrating his 100th birthday and it is intended that he will be coming to Bermuda to celebrate. Councillor Harvey thought that it would be appropriate if the CoH could find a way to acknowledge this milestone in some way or other, recognising his achievements as a Bermudian in the international theatre arena. He has not spoken with any member of Mr. Cameron's family as yet.

Councillor L. Scott - said that one of the things that he was proud of the previous Council is the re-naming of the theatre which was initiated by Councillor G. Scott in honour of Earl Cameron. If the CoH is going to consider doing something, he would be grateful if Councillor G. Scott was invited to be a part of that committee.

Councillor Ming - said Mr. Cameron chose a profession where he could not do much if he remained on Island. He has never deserted the Island; he comes back frequently and visits his family without any fanfare. There was continued dialogue.

Mayor - said he is receiving significant recognition in the UK for his role and he was there in a particularly hard time for anyone of Black or Caribbean descent trying to gain employment in a White post-war UK. He suggested that this matter be passed on to the Event Project Manager where she could possibly report back to the Council. If there is an event, there could be the offer to use the Earl Cameron Theatre.

ACTION: The Event Project Manager to make contact with Ms. Merle Ratteray at Coral Cleaners for further information regarding any activities relating to the celebrations of Mr. Earl Cameron's 100th birthday.

(ii) **Vagrants in the City:**

Councillor Harvey - commented on his discussions with Constable Dill, Pembroke Parish Constable (when he had attended a previous Infrastructure Committee meeting). Constable Dill had said he is willing to assist and to just advise him what the CoH wanted him to do in this regard. Councillor Harvey said that if he is not able to move the vagrants along then he could report this to Superintendent Howard, the Commissioner and the Minister that he tried. The CoH would have every right in saying that this matter is out of control. This would be coming first-hand from the Constable responsible for Pembroke and the City.

Mayor - said the Constable does what he is instructed by his supervisors and superiors rather than the CoH. The Mayor had a meeting with Peter Crisson of Crisson Jewelers who is finding it very difficult that in evenings when he is open he has the issue of vagrants congregating around his premises whenever he starts to close up. They immediately move in to take that space as their bedroom or bathroom for the evening and how that discourages persons from any nighttime window shopping. At the meeting, the Mayor and the Secretary took the only position that they could in that the CoH is not empowered to do anything. They can inform the police and hopefully that will get on their radar screen but would be doing it on an incident by incident basis. The rate payers are not only paying to allow the CoH to continue in its existence and to look after the well-being of the sewage, streets, lights, parks, etc., they also have the privilege of being a tax payer paying their land tax. And particularly with the business rate payer, they get to pay payroll tax, health levy, stamp duties, importation taxes on all of the goods that they bring in, etc. The CoH is the center of the Island, both economically and socially and should be receiving the service from a police force that recognises the necessity of Hamilton remaining a vital magnet for business and social activities to continue to happen.

Hopefully try and get some recognition with the Minister that this is not something that he can pawn off as just a CoH issue.

Councillor Swan - said this has been a long standing challenge for the CoH and the Island at large. In the short-term, has a third party been looked at as a security group who would go around and check the CoH properties periodically?

Mayor - said Peter Crisson wrote a letter to the police after the meeting outlining his complaints and copied in a number of people. Superintendent Howard responded and suggested the hiring of a security company, which was not particularly well received. There are also issues regarding what power these security companies have. In most cases it just a large intimidating person telling another person to do something.

There was continued dialogue.

Councillor Ming - said that this problem goes beyond just the persons sitting on the side of various buildings. He said that it gets very nasty in terms of persons defecating in shady areas and it is not a pleasant thing to go back and have to clean. The issue has to be tackled on a whole scale basis and not on an individual basis.

Councillor L. Scott - said that the CoH should be keeping up standards in the City hence his view about bottles on a Christmas tree. If the CoH lessens the standards of the environment in which people do business, then peoples' businesses will suffer. There has been an attitude that anything can be done on Court Street and the business people will turn a blind eye. He continued dialogue regarding the vagrants and the Christmas tree on the corner of Court and Dundonald Streets.

Councillor Harvey - said this matter is all about homelessness. Magistrates Warner made a decision that this would not be addressed in the Magistrates Court and that it is a social problem. Further discussion continued.

Councillor Edwards - commented that in the last administration, there was a Homelessness in the City Committee. It started out with a boost and bang with all of the Government officials and then it dwindled down. After having several meetings with the different departments, the Government officials were not the least bit concerned about the homeless. Teucer House was one of the properties that she brought forward to their attention and the Minister at that time did not want the homeless over there. Then the building burnt down and there has been no word in that regard since.

Councillor L. Scott - commented that the previous administration had a delegation that went off to Canada and looked at some Salvation Army facilities, etc. One of the ideas that came out of that as a result of working jointly with the CoH and Government was the Bishop Spencer building which Government was supposed to have purchased. The homeless were going to be encouraged to use that facility. He suggested possibly raising those ideas again. As the wealth disparity continues to increase in this country, this issue will increase.

Mayor - said the CoH needs to be very clear that they act within their remit. Under the legislation, the CoH is allowed to employ watch persons and they have made submissions in the past to the police and also to the Minister of Home Affairs of having a City Rangers Programme. In terms of dealing with the social issues, that really is a Government issue. Until there is a Government that is interested in dealing with these issues, it is useless for the CoH to try and lead the way.

Councillor Harvey - queried if Constable Dill should be contacted once again and invited to attend the next Infrastructure Committee meeting to discuss the matter further.

Councillor Swan - asked why the CoH could not hire a 3rd party to move these persons along to which the City Engineer advised that they had Sonya Smith doing just that but after a while it became ineffective. She had no powers and they recognised that there was no enforcement in place.

Mayor - said maybe the sanitation staff could identify where the worst areas are within the City and invite somebody from the Royal Gazette to those areas.

City Engineer - said at least once a week a member of the public defecates on the City Hall grounds and Front Street behind the Flag Pole daily.

(iii) **Take Note** - Planning Application PO359/16 for PW's Marine to place a shipping container on their property.

(iv) **City Walkabout or Town Hall Meeting:**

Councillor Edwards - said there has been discussions regarding doing a walkabout in the City and three dates were selected. The Mayor said he had responded to one of the dates that was convenient for him and those dates were back in November. She suggested doing a Town Hall meeting. The Mayor suggested doing something the 2nd or 3rd week January 2017.

Motion to Move to Restricted Session

Proposed: Councillor L. Scott

Seconded: Councillor J. Harvey

The Public Session adjourned at 2:00pm.

Date

Mayor

Secretary