



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 - 3 February 2016 - 12:30am

Present: Rt. Wor. Charles R. Gosling, JP, Chairman

Councillor John Harvey, MBE, JP

Councillor Dennis Tucker, JP

Councillor Lawrence Scott

Councillor Nicholas Swan

Councillor Henry Ming

Councillor Carlton Johnson

Staff: The Secretary - Edward Benevides

The Treasurer - Tanya Iris

The City Engineer - Patrick Cooper

The Deputy Treasurer - Siobhan Fubler

The Human Resource Manager - Lindell Foster

Apologies: Councillor George Scott, JP

Councillor RoseAnn Edwards

The Event Project Manager - Danilee Trott

The Corporation Board meeting had a tardy start due to another meeting held prior.

The Mayor commented on the importance that all Council members and staff get properly trained on the tablets. There needs to be a central database where all of the information is readily available at the time of the meeting.

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** - the Mayor confirmed his role as Chairman.
3. **The Mayor called the meeting to order at 1:15pm.**
4. **Apologies** - the Secretary confirmed apologies for Councillor George Scott and the Event Project Manager. Councillor Ming advised that he spoke to Councillor Edwards and she sent her apologies. The Mayor requested that a note be sent to Councillor Edwards stating that the Council did miss her at the meeting and wishes her well in her continued recuperation.

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) **Litigation Matters** – the matter regarding 17 Ewing Street still continues and there has been little movement on any of the other legal issues.

8. Minutes of the Corporation Board Meeting dated 6 January 2016

Proposed: Councillor H. Ming

Seconded: Councillor D. Tucker

The Minutes were accepted as read.

9. Matters Arising from Corporation Board Meeting dated 6 January 2016

(i) **Chair of the Staff, Legislative & Governance Committee to investigate the matter re: Employee who Should be on Workmen's Compensation** – the memo was circulated. This was brought to the attention of the Council by Councillor G. Scott in the last Board meeting of 6 January, 2016 under Any Other Business. There was no evidence that was presented to the CoH that supported the issue of the injury relating to the fall from the scaffolding for which the employee is claiming to be suffering from. The claim is that the employee should be entitled to Workmen's Compensation. The committee concluded that there was no case to answer to regarding the entitlement of Workmen's Compensation. Further discussion continued on the conflict with this situation and Councillor G. Scott receiving information in this regard as a member of the BIU Executive. This matter to be discussed further in the Restricted Session of the meeting. Further dialogue continued.

The Secretary noted that the Permanent Secretary advised that the CoH is not Parliament and the CoH is more akin to an elected Board of Directors by shareholders and should be governed accordingly. The CoH does not have Parliamentary privilege and should not try to ascertain to have it.

ACTION: The Secretary to request in writing from the Permanent Secretary of the Ministry of Home Affairs a note with regards to the role of the CoH versus Parliament.

(ii) **Cutting of Trees on Dundonald Street** – the pruning of the trees has been placed on the Parks Superintendent's schedule to address.

(iii) **Request in Writing from Councillor Johnson re: Changing the Time of the General Council Meetings** - the request was not received in writing but the decision was made to bring this matter back to the Board for further discussion rather than a recommendation coming from the Staff, Legislative & Governance Committee. There was the recommendation that this change of meeting time be done on a trial basis and to choose alternate months to have the meeting commence at 4:00pm which would only allow for a one (1) hour meeting for the technical staff. There was continued dialogue. Councillor Swan suggested that the pros and cons be brought forward as well to ascertain the effect this change would have on the CoH and the technical officers.

(iv) **Request for Changing the time of the General Council Meetings to be placed on the Agenda of the next Staff, Legislative & Governance Committee Meeting Scheduled for Tuesday 19 January 2016** - the matter was placed on the agenda of the Staff, Legislative & Governance Committee - action item completed.

ACTION: Councillor Johnson to submit in writing to the Staff, Legislative & Governance Committee the request to change the meeting time of the Corporation Board meetings together with his rationale for the change for further discussion and then a recommendation can be made to the Council.

10. Committees and Recommendations for Review:

a. Residents Advisory Committee - 7 January 2016

There were no recommendations.

b. Infrastructure, Development & Future Committee - 13 January 2016

RECOMMENDATION: That the Board approve the proposal from Mr. Mohammed Hamza & Sted Cross Management Limited re: Sustainable Resource Solutions.

Councillor Harvey thought there was the recommendation for Mr. Hamza to come and make a full presentation to the Board. The Secretary suggested that the Council could approve the proposal in principle and not actually approve the entire project because it hinges on too many other variables and unknowns. Mr. Hamza's proposal is not new to the market which is to utilise the CoH's affluent as part of a waste stream to generate electricity at Morgan's Point. This would be an independent power producer that would produce into the grid, etc. To move forward with this project it would be appropriate for the Council to approve in principle, subject to all other terms to be agreed. Mr. Hamza believes that this is a viable product. This is a waste energy proposal, i.e. taking all of the waste in the Island and turning it into energy. There is years' worth of work, studies and pilot tests to be done, etc. before this project can even start to get off the ground.

There was continued discussion.

ACTION: The Secretary to write to Mr. Mohammed Hamza advising that the proposal was brought before the Council and pending receiving additional information from him, the proposal can be brought back for more discussion.

RESOLUTION: That the Board approve the extension of Al Fresco dining at Docksider Pub and Restaurant on Front Street.

The Infrastructure Committee has given its approval to improve Docksider's Al Fresco dining area on Front Street. This would involve building the sidewalk out to go around a fenced in area. The total costs are covered by Docksider. They can either do the project according to the specifications of the CoH or pay a contractor to do it. There was discussion regarding the tiered structure levels for Al Fresco dining.

ACTION: The 5-Tiered Structure for Al Fresco Dining to be placed on the agenda of the next Infrastructure Committee meeting scheduled for 10 February 2016.

It was noted that the owners of the establishments and not just the tenants should sign off on any agreements.

Proposed: The Infrastructure, Development & Future Committee
Unanimous

RESOLUTION: That the Board approve the Terminal Operator's License for Stevedoring Services Limited as presented.

The final option that was agreed to by SSL and the CoH was presented to the Infrastructure Committee and upon approval at this meeting the signing would take place on Friday 5 February 2016 and the new contract would commence as of 1 March 2016.

Councillor Johnson commented on the condition of the dock, i.e. the cranes that lift the containers on the dock was sinking because of the weight. The Secretary said that a pad was installed to address that matter. The Mayor said there are consistent issues, e.g. re-asphalting, etc. These ongoing issues will occur because this is a heavy industrial site and a maritime environment. The CoH probably spends about \$100K a year for asphalting on the dock, about \$750K for security and \$50K - \$60K for electricity. Further discussion continued.

The Secretary gave the highlights:

- The fee went from \$175K - \$200K a year + from 1.6% to 1.8% of the gross revenue or \$200K whichever is greater.
- There is no rollover. A timeline was given whereby the CoH will send out an RFP for an evaluation and once that report is done another RFP would be issued for the license which would be awarded a year before the end of this current license.
- SSL has agreed to collect, bill, etc. the demurrage and they will send a cheque and a report with the CoH receiving 80%.
- There is another agreement that is apart from this license. There is the belief from both parties that SSL has the ability to collect wharfage on behalf of the CoH.

If there is an agreed MOU, SSL has agreed to do this for 4%; the CoH is currently paying Customs 8%, a savings of over \$350K per year.

- The old contract expired 31 December 2015 and technically SSL should pay the CoH \$29K because this is the old rate pro-rated for two (2) months.

There was continued dialogue. The signing has been tentatively set for 11:00 am Friday 5 February 2016.

Proposed: The Infrastructure, Development & Future Committee
Unanimous

ACTION: The Secretary to forward this Resolution to the Minister for an immediate response of approval and ensure that the media is present for the signing of the agreement.

c. **Finance Committee - 14 January 2016**

RESOLUTION: That the Board agree for the Finance Committee to send a formal letter to the Minister of Finance with regards to waiving the fee for FCPT.

The Mayor has already written the letter to the Minister of Finance with regards to waiving the FCPT fee and Stamp Duty and at this point Board approval is not required. No response from the Minister of Finance has been received to date.

d. **Staff, Legislative & Governance Committee - 19 January 2016**

RESOLUTION: That the Board approve the Acting Pay Policy for Managers.

At the last Board meeting in January this policy came forward and the Council voted for this matter to be deferred until this meeting after the Committee had reviewed the policy in terms of some queries that had been raised.

Proposed: The Staff, Legislative & Governance Committee
Unanimous

RECOMMENDATION: That the Board approve the Staff, Legislative & Governance Committee to table the change of meeting time for Council meetings at the next General Council meeting.

This matter was discussed previously and will be deferred back to the committee.

e. **Property & Safety Committee - 19 January 2016**

RESOLUTION: That the Board approve the request from the Royal Bermuda Yacht Club (RBYC) for the following with regards to the 2016 Newport Bermuda Race: to use Barr's Bay Park for a Welcome Cocktail Party and a Prize Giving; certain pathways at Albuoy's Point for use as cycle parking; no parking of four-wheel vehicles allowed at Albuoy's Point unless connected with the Race; extra service for the collection of garbage from yachts; and permission to secure a floating dock in the middle of Barr's Bay dock.

Councillor Johnson commented on the extra manpower for an event, i.e. the America's Cup and queried whether the costs for overtime, etc. are factored into the equation. The City Engineer said with the America's Cup the CoH charged for the services; the CoH covers their expenses so they are in breakeven proposition with the America's Cup. If there was a street rental where there is no actual income, it is just loss of potential income rather than an expense then the fees would be waived. With the RBYC, it would be the same - if the CoH pays out extra monies, then the CoH would charge that amount.

It was noted that RBYC would be responsible for putting the floating dock on and taking it off. There would generally be no restriction to the public to use Barr's Bay Park. There might be some access restriction to the park when RBYC is holding a private party, cocktail reception, etc. Discussion continued regarding advertisement of the event.

The CoH's Parks Department likes to limit the amount of times that the park is closed off for activities like this.

The Mayor declared his interest. There was continued dialogue.

Proposed: Property & Safety Committee
Unanimous

11. Any Other Business

(i) Councillor Ming commented on the acknowledgement from Councillor Edwards thanking the Council for their well wishes, flowers, etc. She is receiving therapy and feels that she is not in a position at the moment to attend the Board meeting but may try to attend the next Residents Advisory Committee meeting. The Mayor said he is breaking protocol because he feels that everything should be minuted. He also commented on absences and Council members not attending three (3) consecutive Board meetings. The Secretary advised that the Board can make a Resolution to accept an absence.

RESOLUTION: That the Board excuse Councillor Edwards from attending today's Council meeting as well as the meeting held 6 January 2016 due to circumstances well beyond her control.

Proposed: Councillor L. Scott
Unanimous

Seconded: Councillor J. Harvey

12. Minutes of Special Corporation Board Meeting dated 25 January 2016

Proposed: Councillor N. Swan
Seconded: Councillor J. Harvey
Unanimous

13. Matters arising from Special Corporation Board Meeting dated 25 January 2016

There are no matters arising.

14. Recommendation for Review:

Recommendation: That the Board approve the Hamilton (Rating) Amendment Ordinance 2016. (Approved at a Council Meeting held 2 December 2015).

The Secretary reported that the Council approved the Rating Ordinance and it was submitted to the Ministry for approval. The CoH was then requested to have it signed by the Mayor which was done. This was sent back to the Ministry and the Minister has signed off on it. It is now in the AG's Chambers waiting for a signature so that the Ordinance could be published. No date or time has been received. The CoH cannot bill the rates until they are published. This will have an effect on the CoH's cash flow. Discussion continued.

Councillor Harvey suggested sending a note to the Minister, copying in the Premier and the AG's Chambers advising them of the unwarranted behavior by the AG's Chambers putting this organisation at financial risk. He also suggested that this matter be addressed before Friday of this week. Dialogue continued.

15. Motion to Move to Restricted Session

Proposed: Councillor J. Harvey

Seconded: Councillor N. Swan

The meeting adjourned at 2:27pm.

Date

Mayor

Secretary