



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 April 2016 - 12:30pm

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 George Scott, JP
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
The Event Project Manager - Danilee Trott

Apologies: Councillor RoseAnn Edwards

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- 1. Confirmation of Notice** - the 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 12:31pm.**
 - 4. Apologies** - the Secretary confirmed apologies from Councillor RoseAnn Edwards.
 - 5. Public Participation** - the Secretary confirmed that he had not received any requests for public participation.
 - 6. Correspondence:**

The Secretary confirmed that there is no correspondence listed on the agenda but there is a letter that came in last week addressed to the Mayor and members. It was to do with a tax issue and it was addressed by the management team.

7. Status Update:

- (i) **PLV Funding** - to be discussed in a Restricted Session.

8. Minutes of the Corporation Board Meeting dated 3 March 2016

Proposed: Councillor H. Ming

Seconded: Councillor D. Tucker

Councillor Harvey noted: **Page 2, Item 9 (i) under Matter Arising** - "Note **form** the Permanent Secretary of the Ministry of Home Affairs regarding the Role of the CoH versus Parliament" should **read**: "Note **from** the Permanent Secretary..."

The Minutes were accepted as read with the amendment.

9. Matters arising from Corporation Board Meeting dated 3 February 2016

- (i) **Email PS Randy Rochester re: the Format in which the Conveyances of the Properties should be in and a Timeframe of when they can be tabled in the House** - action item completed by the Secretary.

- (ii) **Detailed Information from the Ministry of Home Affairs re: a Comparison of the Role of the CoH and Parliament** - the Secretary placed the request but has not received response to date.

ACTION: The Secretary to follow-up on the response from the Ministry of Home Affairs re: the comparison of the role of the CoH and Parliament.

- (iii) **Request in Writing from Councillor Johnson re: changing the time of the General Council Meetings** - the request from Councillor Johnson has been received in writing and has been forwarded on to the Recording Secretary for it to be placed on the agenda of the next Staff, Legislative & Governance Committee meeting - action item completed.

- (iv) **Write to Mr. Mohammed Hamza re: Proposal for Sustainable Resource Solutions** - the Secretary confirmed that Mr. Hamza has received the communication via email - action item completed.

10. Committees and Recommendations for Review:

a. Residents Advisory Committee - 3 March 2016

There are no recommendations.

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

Councillor Johnson joined the meeting at 12:37pm.

Councillor Harvey advised that the Infrastructure Committee met with Messrs. Thomson and Coles of the organising committee of the Bermuda Boat Parade. The meeting was very informative. They advised that the sponsors that have financially supported in the past would be willing to do so if the CoH was to take over the event. Currently they have \$30K in their account and they are keen for the CoH to take up the baton and continue with the organisation of the event. They would be willing to assist in the initial organising stages of the next event in 2017. The charitable status of the event was discussed in the Finance Committee meeting.

Councillor Harvey commented on the discussion held in the Infrastructure Committee meeting on the boatig activities in 2017 in Hamilton Harbour, i.e. the America's Cup, Tall Ships, Super Yachts, Cruise Ships, etc. and this would be a one-time ideal opportunity to do something outstanding. He has proposed the consideration of a boat parade during this beehive of activity. He was encouraged by Mr. Thomson's enthusiasm and willingness to assist with regards to this opportunity. He proposed that the CoH take over the Bermuda Boat Parade as is.

Councillor Ming commented on the \$30K to be used in the initial stages for the printing of brochures, etc. He queried what the overall cost would be for the event. Councillor Harvey said there is an annual budget of about \$80K with a great deal of in-kind donations. There was continued dialogue.

The Event Project Manager said the event will take place every other year so the event is scheduled for December 2017. She has had several conversations with the current organisers who are willing to stay on board for the first year to assist with the organising of the event. They already have made calls to sponsors to see if they are willing to continue to be sponsors. The only matter of concern is that the event runs as a registered charity and wondered how it would work with the current Board taking over the event. She recommended that the event continue to run as a charity so it can continue to be funded from that account. There was no cash outlay from them personally because all of the sponsorships completely covered the cost of the event, therefore would not require a cash injection from the CoH.

RESOLUTION: That the Board agree for the CoH to undertake to secure the organising and operating of the Bermuda Christmas Boat Parade.

Proposed: The Infrastructure Committee
Unanimous

Councillor Harvey commented on a boat parade being held in June 2017 as opposed to being held in December.

The Mayor suggested passing this matter back to the Infrastructure Committee to do a proper investigation, consulting with with Marine & Ports, the Dock Master, etc. together with the Event Project Manager.

The Event Project Manager said that next year during that time with the America's Cup, the Tall Ships, the CoH's summer events, the events department calendar is very busy.

RECOMMENDATION That the Board deny the request from Bermuda Realty Company Limited on behalf of the Atlantis Condo Building at 5 Parliament Street to convert three (3) car parking bays situated directly outside the front doors to residential permit parking.

There are two (2) 15-minute bays in that area. There is also parking available in the back of the Atlantis building. Councillor Harvey referenced a request from Marshall Works for three (3) dedicated parking bays on Burnaby Street and that request was rejected by the Council. In the interest of consistency, the committee is denying the request from Bermuda Realty Company.

Councillor Swan declared his interest and was excused from the meeting at 12:45pm.

The City Engineer said that the request was for residential bays to allow the residents to drop their groceries off and take them inside the building. It did not make sense because the 15-minute parking bays in front of the building are there for that purpose. The other issue would be if they were given residential parking bays, who would receive the residential parking permits for those three (3) parking bays with 66 apartments in the building. Dialogue continued.

The recommendation was unanimously denied by the Infrastructure Committee so no vote is required.

Councillor Swan returned to the meeting.

The Infrastructure Committee met with the Island Restaurant Group some time ago and there were discussions had regarding the Al Fresco dining at the Hog Penny. Mr. Barnett provided a lot of information in terms of real estate pricing. The CoH was previously doing monthly square footage rates whereas the industry does it on a square foot annual basis. He looked at the tiers that had been produced and the CoH was asking for some exorbitant rents for Al Fresco which were not in line with the real estate market in Hamilton. He then came up with the recommendation which is more in line with the current real estate prices. The tiers are the same with an additional tier (Tier 6) which is what would be offered to the Hog Penny on Burnaby Street, a two-storey Al Fresco structure. The rents for these leases would be charged monthly. Prior to doing these tiers there was one (1) rate nwhich was \$3 per sq. ft. which is Tier 5. Most of the places will remain at Tier 5 at \$2.92 instead of \$3. This would be less expensive pricing for a few structures and the places are listed in which tier that they would fall under Nonna's Kitchen and Yo Cherry have not paid any Al Fresco dining charges to date and are still trying to get them to sign up.

They have been the ones that have driven the looking at this tier structure. Some of them have seasonal rates but this system would work out better for them as the rates would be spread out over the year.

There was continued discussion.

RESOLUTION: That the Board approve Proposal 2 for Al Fresco dining within the City of Hamilton:

- **Tier 1** - Rate per annum \$15.00 per sq.ft. or rate per month \$1.25 per sq.ft. - vendor places out (and removes) tables and chairs into a public space, restaurant does not service tables, e.g. Common Ground, Glaze, Lunch Wagons, Food Concessions.
- **Tier 2** - Rate per annum \$20.00 per sq.ft. or rate per month \$1.67 per sq.ft. - vendor places out (and removes) tables and chairs daily into a public space. The restaurant provides service to the tables - extension of restaurant, e.g. The Beach.
- **Tier 3** - Rate per annum \$20.00 per sq.ft. or rate per month \$1.67 per sq.ft. - space is covered with light structure (can be removed and re-erected within a week) that is not removed daily and area is demarked with barrier. The restaurant does not service tables, e.g. Nonna's Kitchen, Yo Cherry, Bermy Berry.
- **Tier 4** - Rate per annum \$25.00 per sq.ft. or rate per month \$2.08 per sq.ft. - space is covered with light structure (can be removed and re-erected within a week) that is not removed daily and are is demarked with barrier. The restaurant provides service to the tables - extension of restaurant.
- **Tier 5** - Rate per annum \$35.00 per sq.ft. or rate per month \$2.92 per sq.ft. - space is covered with permanent structure (not intended for removal). The restaurant provides service to the tables - extension of restaurant, e.g. Portofino, Devils Isle, Little Venice.
- **Tier 6** - Rate per annum \$35.00 per sq.ft. for ground floor plus \$15.00 per sq.ft. for areas above ground floor or rate per month \$2.92 per sq.ft. plus \$1.25 for all additional areas - space is covered with permanent structure (not intended for removal). The restauran provides service to the tables - extension of restaurant. Multi-level structure, e.g. Muse.

Proposed: The Infrastructure Committee
Unanimous

RESOLUTION: That the Board approve the application for Al Fresco dining for the Pie Factory on Parliament Street.

The agreement wil be signed with the landlord as per the Board's recommendation.

Proposed: The Infrastructure Committee
Unanimous

RESOLUTION: That the Board approve the bid amount of \$1,522,317.58 from Professional Security Practitioners Ltd. (PSP) for the Dock Security Contract 1st June 2016. Year 1 = \$752,794.54 and Year 2 = \$769,523.04.

PSP is the incumbent security firm on the docks. They have the qualified staff capable of doing the job as required under international guidelines. This is a 2-year contract. The Secretary suggested that the members read the reasons why the two (2) lowest bids were not accepted. According to the Financial Instructions the lowest bid has to be accepted unless there is justification not to accept. Further discussion continued.

The Mayor commented that when the tendering process goes out again for the docks (not for another 5 years) would be for the docks to pay for their own security.

Councillor G. Scott commented on the ISPS training for the security personnel in sterile areas, i.e. the docks, the airport and Dockyard. Councillor Tucker queried whether the cost is in line with their previous contract to which the City Engineer advised that the cost has increased. He further questioned the budget amount for this contract. The City Engineer replied that the budget is \$750K and it is within the budget.

Proposed: the Infrastructure Committee
Unanimous

c. Staff, Legislative & Governance Committee – 15 March 2016

There were no recommendations.

d. Finance Committee – 17 March 2016

RESOLUTION: That the Board approve the Hamilton (Rating) Amendment Ordinance 2016, No. 2.

This recommendation was discussed quite a bit in the last Finance Committee meeting with reference to the new rates. The Treasurer commented that the ARV's changed as of 31 December 2015 and because of these changes the CoH had to adjust their rates so that they end up with the same revenue. Councillor L. Scott thanked and congratulated the staff for "getting their numbers right" with all of the "movement of all over the place" as the Minister of Finance stated.

Proposed: The Finance Committee
Unanimous

RESOLUTION: That the Board agree to approach Cox Hallett Wilkinson to consider a reduction of their fees for the handling of the Par-La-Ville matter.

The Secretary pointed out that in a previous recommendation from this Council he wrote to the various legal firms and invited them to assist the CoH by providing a summer intern. Of all the letters that went out CHW was the only one that responded and would be prepared to assist the CoH.

They will cover the cost of the intern while the CoH will benefit from having the intern.

The Mayor commented said this is a good example, i.e. you will never know until you ask. He thinks that they have done good work in this regard but at the same time in charging their basic rate that given the size of what the CoH has been charged, there must be an opportunity there even if it is a 5% or 10% discount.

Proposed: The Finance Committee
Unanimous

e. Property & Safety Committee - 17 March 2016

No meeting held in March due to the lack of a quorum.

11. Any Other Business

RESOLUTION: That the Board approve the bid amount of \$211,000.00 from Horsfield Landscaping for the City Hall Car Park Improvements Project.

This is within the budget. There was \$100K from last year and \$350K from this year. The equipment was purchased last year out of last year's budget and there is about \$35K remaining. The City Engineer then showed the scheme of the City Hall car park and the new barrier system. There will be two (2) lanes in and two (2) exits. There will be no trees inside the car park, they will all be moved to the outside and there will be a lot more trees added to the area. Dismont Drive will shrink in width which will allow the standardising of the car park, i.e. all bays will be the right size, all the lanes the same size and make the car park easy to navigate. Bike parking bays will be removed from the inside and placed on the outside. The City Engineer then explained the workings of the barrier system. There will be two (2) light poles with CCTV cameras printing at the entrances and exits. Payments for parking can be done either by cash, credit card, Easy Park device or Easy Park mobile on cell phone. The maximum time for parking in City Hall car park is three (3) hours. There is also a grace period because there may be no spaces available so within 10 or 15 minutes, the ticket will show the time and then the person can drive straight out. There is an 8-week construction period and if the recommendation gets passed today, hopefully they will be able to start in about one (1) or two (2) weeks' time. The PR exercise has started to be prepared. The entire car park will not be closed down but there will be sections closed at times depending on what is being done. When it comes time to do the paving, the car park will have to be closed down for a period of time. The parking rules will not change, there is a charge for Saturdays' but non on Sundays. The lunch cart is going to be moved to the southwest corner of the car par and DeGraff's is very happy because it will tie in with the bench seating on Wesley Square. There was continued discussion.

The Mayor suggested that CTV do a 10-15 minute PR information session regarding the new barrier system in the City Hall car park. Councillor Johnson commented on the car washers that are currently in the car park.

The City Engineer said that with the removal of all of the trees hopefully it will make it less comfortable for them to set up camp because it is now a blank canvass. Everyone that comes into the car park will have to pay so there will be no saved spots for people coming in just to get their car washed. He will also have a conversation with the Bermuda Police Service in this regard. The system will be hardwired and placed underground. Once this car park gets going, will then move on to the other car parks and install the same. The people that currently take care of the Pay and Display machines are going to be the ones to service these machines, similar type of operation.

The Secretary said that the technical staff will need guidance from the Council regarding penalty charges and how they should be programmed. The systems are very flexible and if someone parks an hour over the three (3) hour limit, could charge either \$5 or \$10 for that extra hour. It depends on how much of a deterrent the CoH would want to impose. \$75 is acceptable because the Government changed the law that the CoH receives the income for a \$75 ticket. Technically the penalty for failing to properly park in the City is \$75 which can be programmed. There was discussion on the new lighting for the car park and Dismont Drive. Further dialogue continued.

Proposed: Councillor C. Johnson
Unanimous

Seconded: Councillor H. Ming

RESOLUTION: That the Board approve the City of Hamilton's Sponsorship Guidelines - effective January 2016.

The Mayor suggested that this item go back to the committee for further review. The policy will stop the Council from making exceptions for requests for sponsorship. The Event Project Manager said the issue is that last year when the new budget, etc. went through one of the policies that was affected was the Sponsorship Policy. The Council had agreed that the CoH would no longer offer a full waiver for sponsorship only a 50% waiver. Everyone now that is affected by this is coming back directly to the Council and asking for the 100% waiver. So far all of them have been approved. Her question is whether to continue with the 50% waiver because if everyone is getting the exception it makes no sense having a policy. She is looking for direction from the Council in how to handle the policy, i.e. whether it reverts to what it was prior or implement the 50% waiver.

RESOLUTION: That the Board approve the request from KBB to waive the \$250.00 rental fee for an event to be held on the lawn of City Hall - Earth Day Friday 22 April 2016.

The Mayor recommended that the request from KBB be denied. They are already receiving a 50% waiver fee. They have been approved for a charity rate but they are requesting a complete waiving of the fee.

12. Motion to Move to Restricted Session

Proposed: Councillor L. Scott

Seconded: Councillor J. Harvey

The meeting adjourned at 1:05pm.

Date

Mayor

Secretary