



**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 - 4 May 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 Treasurer - Tanya Iris (Acting Secretary)  
The Deputy Treasurer - Siobhan Fubler  
The Human Resource Manager - Lindell Foster  
The Event Project Manager - Danilee Trott  
The Senior Engineer - Ian Hind

**Apologies:** Councillor RoseAnn Edwards  
The Secretary - Edward Benevides  
The City Engineer - Patrick Cooper

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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 12:30pm.**
  - 4. Apologies** - the Acting Secretary confirmed apologies from Councillor RoseAnn Edwards, the Secretary and the City Engineer.
  - 5. Public Participation** - the Acting Secretary confirmed that she had not received any requests for public participation.
  - 6. Correspondence:**

The Acting Secretary confirmed that there is no correspondence.

## 7. Minutes of the Corporation Board Meeting dated 6 April 2016

Councillor Harvey noted:

**Page 3 of 9, 3<sup>rd</sup> Paragraph, 1<sup>st</sup> sentence:** "Councillor Ming commented on the \$30K to be used in the initial stages **foor**"...**should read** "...in the initial stages **for**..."

Councillor G. Scott joined the meeting at 12:37pm.

**Page 6 of 9, 2<sup>nd</sup> Paragraph, 4<sup>th</sup> sentence:** "**He** Secretary suggested..." **should read:** "**The** Secretary suggested..."

**Page 6 of 9, Paragraph 2, 2<sup>nd</sup> last sentence:** "According to the Financial Instructions the lowest bid has to be accepted **unkless**..." **should read:** "...the lowest bid has to be accepted **unless**..."

**Page 6 of 9, 3<sup>rd</sup> Paragraph, 1<sup>st</sup> sentence:** "The Mayor commented that when...would be **fo** or the docks to pay for their own security." **should read:** "...would be **for** the docks to pay for their own security."

**Page 6 of 9, last Paragraph, 1st sentence:** "The Secretary pointed out that in a previous recommendation from this Council he **write** to the various legal firms and **invite** them to assist..." **should read:** "...from this Council he **wrote** to the various legal firms and **invited** them to assist..."

**Page 8 of 9, 2<sup>nd</sup> Paragraph, 5<sup>th</sup> sentence:** "Technically the penalty for **failing to park** in the City is \$75K...**should read:** "...**failing to properly park** in the City is \$75K..."

Councillor C. Johnson joined the meeting at 12:40pm.

**Page 8 of 9, 3<sup>rd</sup> Paragraph, 5<sup>th</sup> sentence:** "Everyone now that is affected by **that** is coming back directly to the Council..."**should read:** "Everyone now that is affected by **this** is coming back..."

**Proposed:** Councillor H. Ming

**Seconded:** Councillor L. Scott

The Minutes were accepted as read with the amendments.

## 8. Matters arising from Corporation Board Meeting dated 6 April 2016

- (i) **Follow-up on the response from the Ministry of Home Affairs re: the Comparison of the Role of the CoH and Parliament** - the Acting Secretary confirmed that an email was forwarded but no response had been received from the Ministry of Home Affairs.

(ii) **Approach to Cox Hallett Wilkinson re: a Reduction of their Legal Fees for the PLV Development** - the Acting Secretary could not confirm that any correspondence had been forwarded in that regard.

**ACTION:** The Acting Secretary to forward a note to the Secretary to follow-up on the approach to Cox Hallett Wilkinson in regarding the consideration of a reduction in their legal fees.

The Mayor commented that the Secretary had made an approach to Cox Hallett Wilkinson but that was for a summer intern.

(iii) **CITV - 10-15 Minutes PR Information Session re: the New Barrier System in the City Hall Car Park -**

**ACTION:** The Acting Secretary to make note of the Mayor's suggestion that CITV conduct a 10-15 minute PR information session regarding the new barrier system in the City Hall car park.

## 9. Committees and Recommendations for Review:

### a. Residents Advisory Committee - 7 April 2016

There are no recommendations.

### b. Infrastructure, Development & Future Committee - 13 April 2016

Councillor Harvey commented on the recommendation that the America's Cup team wishes to install safe moorings for the Super Yachts on Front Street. The concept was presented by the City Engineer indicating that the AC team would want about 5 or 6 moorings from north to south in the tune of \$ $\frac{3}{4}$  Million. The view is that the CoH ought not to provide any funding for this arrangement but at the conclusion of the event America's Cup team will revert things back to its natural state.

Councillor Tucker asked if the CoH is going to get any type of return in this regard, i.e. commission of fees, etc. Councillor Harvey said that there is the belief that as and when the events are over these moorings will remain in place and then the CoH would inherit \$800K worth of infrastructure. Councillor Tucker suggested that that clause be covered under a Memorandum of Understanding (MOU) between ACBDA and the CoH of what is to be expected in that regard. There was continued discussion.

**RESOLUTION:** That the Board agree to allow ACBDA to install whatever they need for the safe mooring of the Super Yachts on Front Street. All discussions on what infrastructure is going to be left behind can be had after the event.

**AMENDED RESOLUTION:** That the Board agree in principle to allow ACBDA to install the necessary infrastructure and utilities for the safe mooring of the Super Yachts on Front Street. Final approval will not be unreasonably withheld. The removal of the infrastructure and utilities will be agreed upon by a Memorandum of Understanding (MOU) between both organisations.

Councillor Johnson asked if this would include any form of liability in the MOU to which the Mayor said the liability is going to be on whoever installs the infrastructure. It was suggested indemnification could be incorporated in the MOU. Further dialogue ensued regarding the Queens Bottom. The Mayor commented that the concern should be with the moorings and access to the CoH's property. In order to put moorings down there has to be easy access to the moorings from a waterfront location. The CoH owns the entire waterfront with the exception of RBYC. Dialogue continued.

**Proposed:** The Mayor, Charles Gosling  
**Unanimous**  
**Motion passed.**

**Seconded:** Councillor C. Johnson

**Residential Parking within the City** - Councillor Harvey said the Infrastructure Committee is recommending that a policy is prepared to review residential parking within the City. At the moment, residential parking is confined to North Hamilton. There have been some further requests for residential parking, e.g. Marshall Works, Ram Re House, etc. The proposed policy should reflect today's demands and needs for residential parking within the City.

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

**RESOLUTION:** That the Board approve the Sponsorship Policy with the maximum waiving fee of 50% or the dollar amount of \$2,000.00 or whichever is greater.

The committee felt that management should be given the approval to make decisions in reference to the sponsorship policy by waiving up to 50% of a request or up to a maximum of \$2,000.00. Any amount higher than \$2,000.00 would have to be brought before the Council.

The Event Project Manager said that people/organisations are used to receiving a full waiver for sponsorship. When they are now offered the 50% fee waiver, they ask for the request to be taken to the Council for a full waiver. She said there are three (3) requirements needed to receive sponsorship and they would have to have two (2) of those requirements to receive the 50% fee waiver. Previously if they had two (2), they would receive a 100% waiver and would only have to pay for the labour costs. The only time that a client would not have to pay the labour costs is if the Council previously approved that the CoH would be a partner for a specific huge event. A lengthy discussion ensued.

The Event Project Manager expressed her concern that when these requests for full sponsorship are declined and a 50% waiver is offered, that they will then contact the Council and that decision would be reversed giving them the full waiver of 100%. There was the suggestion of sending this matter back to the committee for further discussion. Dialogue continued and it was suggested to amend the recommendation.

**AMENDED RESOLUTION:** That the Board approve the Rental Sponsorship Policy for all groups fulfilling two (2) of the three (3) following requirements which is your registered charity or 100% of the fee going to charity, that the admission is free or that it has an international visitor requirement and that the Executive be allowed to waive the fee of up to 50%.

**Proposed:** The Mayor, Charles Gosling

**Seconded:** Councillor C. Johnson

**Unanimous**

**Motion passed.**

**RESOLUTION:** That the Board approve the City Hall Car Park fees, after three (3) hours a fee of \$10.00 would be charged and any time after that 4<sup>th</sup> hour there will be a charge of \$65.00.

The Treasurer said that for the first three (3) hours, the rate would be \$1.75 per hour in City Hall. The Senior Engineer said the rates are not changing just that a penalty charge is being implemented for anyone parking over the three (3) hours. There was discussion on not being able to charge a penalty. The Treasurer said she received an email from the Secretary stating that he had met with the lawyers and he is proposing to put through \$2.00 per hour for the first three (3) hours and after the 4<sup>th</sup> hour a charge of \$10.00 per hour. The CoH was advised that they could not charge a penalty fee but could charge a graduated fee for the parking. The Council decided to proceed with the Resolution as stated.

The Senior Engineer said the Technical Project Manager from the supplier, Hectronic arrives today for discussions on the installation of the barrier system. One of the matters to be discussed is the matrix which encompasses the rates, payments throughout the day and weekend, etc. and these rates are all programmable. Whatever rates are decided, they can easily be changed as it necessitates.

**Proposed:** The Finance Committee

**Unanimous**

**Motion passed.**

**d. Staff, Legislative & Governance Committee – 19 April 2016**

**RECOMMENDATION:** That the Board decline the request from Councillor Johnson to change the meeting time for the General Council meetings and that the meeting time remain as is, a 12:30pm start.

There was in-depth discussion in the committee meeting and it was hoped that Councillor Johnson would have been able to make a stronger case in this regard.

There was continued dialogue with regards to the issues of having staff attending the meetings and it would become an inconvenience not just for the staff but for other Council members as well. If the meetings were able to be for a fixed period of time the request might be able to be accommodated. Dialogue continued.

**Note:** The Council declined the request from Councillor Johnson on the recommendation of Councillor L. Scott and the Staff, Legislative & Governance Committee due to the lack of a detailed submission on why this request should be considered.

**e. Property & Safety Committee – 21 April 2016**

**RESOLUTION:** That the Board accept the proposal from the Bermuda Olympic Association to erect an Olympic Association "Wall", location to be determined.

This structure would be similar to the monument that is erected on the Cabinet grounds for the War Memorial. The drawings presented showed a tentative location at the west side of the City Hall property. It was pointed out during the presentation that the CoH has a proposal for the road structure to be changed and if approval was given for this project, it would be subject to a determined location agreed upon by the Council. There were two (2) potential sites identified, i.e. City Hall and the National Sports Centre. One of the reasons why they were selecting the City Hall was because of the visibility of the "Wall" from the general public as opposed to it being erected at the National Sports Centre being less visible to the public on a day-to-day basis. The structure would be made of granite with little or no maintenance involved. There was a potential appeal to light the base of the structure so it can be visible at night. The other site that came to mind was Par-la-Ville (QEP Park). There was continued dialogue with regards to the lighting and maintenance costs.

Councillor Harvey expressed his concern of the location (City Hall) as there would probably be other requests such as this for the erection of monuments, etc. One of the concerns that the Council should have, not so much the cost of electricity, but this one-off could escalate into many in the future. Maybe the Bermuda Olympic Association should canvass the country/people with their proposal to get input of other locations that could be investigated. Dialogue continued.

The Mayor commented that this is an organization which has been in operation now for over 80 years and has represented Bermuda in these world events. This has the opportunity of making City Hall a focal point for events every two (2) years and also could bring the community together.

**AMENDED RESOLUTION:** That the Board accept in principle the proposal from the Bermuda Olympic Association to erect an Olympic Association "Wall", final location to be approved by the Council which is not to be unreasonably withheld. An agreement on the upkeep and maintenance of the "Wall" is to be set out in the Memorandum of Understanding (MOU) by both parties.

**Proposed:** The Mayor, Charles Gosling  
**Unanimous**

**Seconded:** Councillor H. Ming

**RESOLUTION:** That the Board approve for the Secretary to give final notice to the Bermuda Employers Council (BEC) to either update or reposition their display.

This is a display in the foyer of City Hall and it has been noted that it has been left unattended for a few years. The City Engineer commented that BEC had been approached and there has been no comment from them.

**Proposed:** The Property & Safety Committee  
**Unanimous**

**RESOLUTION:** That the Board approve to demolish a building at 66 Serpentine Road as opposed to renovating, excavate the site and lease out for potential parking.

This is the property directly across from The Royal Gazette. One property is currently occupied while the other one to the south of the two (2) buildings has not been occupied for some time, since the last two (2) hurricanes. A portion of the roof was lost and it is now fully saturated with water, i.e. the wood floors, the Bermuda stone walls, etc. In the first instance a tender would be placed for the demolition and secondly for the excavation. If it is excavated and slate is taken from the property there is potential for a sale but it would depend on the consistency of the stone. With the excavation the property would be terraced slightly. There is a small amount of asbestos. A survey has been done and when it goes out to tender it would clearly state that the contractor must be or have a sub-contractor who is an authorised asbestos abatement contractor.

Councillor Tucker commented on the cost of the demolition to which Councillor Ming advised that the cost of the demolition would be covered by the monies received from the insurance company for the damaged roof.

**Proposed:** The Property & Safety Committee  
**Unanimous**

Councillor Tucker left the meeting at 1:52 pm.

## 10. Any Other Business

- (i) **Sponsorship Request from Mr. Marc Telemaque re: Lunch and Learn Event at Centennial Hall 5 May 2016** - Councillor Harvey commented that this is a free event and is open to the public but mostly aimed at seniors.

It will feature the history and heritage sites in the City capturing distinctive images of the historic buildings, places and events and presented by Mrs. Louise Tannock. Mr. Telemaque is requesting whether the CoH would be prepared to sponsor the event to offset the lunch costs, approximately \$750.00. This would be purely monetary support.

Councillor Johnson expressed his concern of the possibility of opening up the floodgates for the public to think that the CoH will underwrite an event simply because it has something to do with the City. He was not in favour of the request.

Councillor Ming said he is sympathetic with Councillor Johnson's concerns but he believes that the CoH stands to gain something from this event, i.e. the promotion of the City of Hamilton, etc. He recommended that the CoH should show some support in this regard.

Councillor Swan commented on the sponsorship policy and it should be explained to Mr. Telemaque. He suggested that the request should be denied.

The Mayor said the request is last minute and Mr. Telemaque should be advised that for any future requests it would be appreciative having more notice. This would be a wonderful opportunity for the CoH to show the historic buildings in the City of Hamilton.

The Event Project Manager said in the current Sponsorship Policy it does not accept cash requests.

Councillor Harvey said that this should have been brought to his attention immediately so not to prolong any action regarding this request. He expressed his embarrassment in this regard and indicated that he would find a way to assist. There was continued discussion.

**ACTION:** The Secretary to write to Mr. Marc Telemaque apologising and explaining that the CoH does not financially sponsor events. The letter has to be done immediately because the event is being held tomorrow, 5 May 2016.

**ACTION:** Councillor Harvey to contact Mr. Marc Telemaque and advise that the request has been declined and explain the reason why.

(ii) **Junction at King and Front Streets** - Councillor Johnson asked if one (1) or two (2) parking spots eastbound in front of the old British American building could be removed so that a third lane or turning lane could be created allowing traffic to be able to turn into the parking lot. Currently it causes a bottleneck with traffic travelling eastbound from the Supermart and traffic coming down King Street and along Front Street.

Councillor Harvey commented on a discussion held in the last Infrastructure Committee meeting where there is a consideration of making that part of the street a one-way system. All traffic will be going south to north and turning left on King Street and Reid Street.

Councillor Ming said it is not so much the King Street intersection, it is persons travelling east on Front Street and wanting to make the right turn into the parking lot.

The Senior Engineer said this would be predominately if not totally eliminated because persons coming down King Street have to literally "poke their nose" out. With the proposal for King Street, there is going to be a clearer run for those persons travelling east without any interruption. His recommendation is to make the proposed change to King Street to make it one-way and then review as necessary any other changes as required.

Going west the road is much wider so it should not be an issue. It was decided to re-mark the street indicating a turning lane.

**Take Note:** Councillor Ming said there had been a request from Irwin Hendrickson to purchase or lease space behind his structure. This necessitated a survey of the entire higher level of Ewing Street down to Union Street. It has been found that there are a number of serious encroachments on CoH properties, some by about 10 - 15 feet.

In some cases there is a building over CoH's boundary. There are at least 10 properties involved. His recommendation is for the CoH to meet with the property owners, having first decided on a policy on how to address the encroachments. Dialogue continued.

**ACTION:** The Senior Engineer to forward a copy of the survey showing the encroachments on CoH properties, Ewing Street down to Union Street.

#### 11. Motion to Move to Restricted Session

**Proposed:** Councillor H. Ming

**Seconded:** Councillor G. Scott

The Public Session adjourned at 2:17pm.

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**Date**

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**Mayor**

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**Secretary**