



**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 - 5 October 2016 - 12:30pm**

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

**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 Nicholas Swan  
Councillor Carlton Johnson

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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 12:35pm.**
  4. **Apologies** - the Secretary confirmed apologies from Councillor N. Swan.
  5. **Public Participation:**  
  
There was no public participation/presentation.
  6. **Correspondence:**  
  
There was no correspondence

**7. Minutes of the Corporation Board Meeting dated 8 September 2016**

**Councillor Harvey commented:**

**Page 6 of 10: Last paragraph, 3<sup>rd</sup> last sentence...**"It consumed quite a bit of the Council's time delaing with staff.....**should read...**"dealing with staff....."

**Proposed:** Councillor D. Tucker

**Seconded:** Councillor G. Scott

The Minutes were accepted as read with the amendment.

**8. Matters arising from Corporation Board Meeting dated 8 September 2016**

(i) **Provide a date for the Council to join the Residents Advisory Committee re: walkabout around the City** - Councillor Edwards is waiting to have an additional member join the Residents Advisory Committee, Mrs. Erica Smith of the BEDC and put that recommendation before the Council. The Mayor advised that the recommendation has to be put forward to the Residents Advisory Committee in the first instance and then to the Council for approval. This process could take a couple of months. Mrs. Smith can go on the walkabout as a guest of the Residents Advisory Committee. He suggested for the Residents Advisory Committee propose three (3) separate dates to ascertain the availability of the Council.

**ACTION:** Councillor Edwards to ask the members of the Residents Advisory Committee meeting to propose three (3) separate dates to the Council for them to choose from for the walkabout with the Residents Advisory Committee.

(ii) **Agenda item re: request for Mrs. Erica Smith to join the Residents Advisory Committee** - the request for Mrs. Erica Smith to join the Residents Advisory Committee has been placed on the agenda for tomorrow's meeting - action item completed.

(iii) **Forward a copy of the current Residential Parking Permit Policy to the members of the sub-committee** - copy of current Residential Parking Permit Policy was distributed in the last Infrastructure Committee meeting - action item completed.

(iv) **Send out an invite of proposed date for the sub-committee to review the Residential Parking Permit Policy** - the meeting has been scheduled for Monday 10 October 2016 at 10:00am - action item completed.

**9. Committees and Recommendations for Review:**

**a. Residents Advisory Committee - 1 September 2016**

There are no recommendations.

**b. Infrastructure, Development & Future Committee - 14 September 2016**

The Infrastructure Committee had a presentation from Belco to install an electric vehicle solar carport on Front Street during the America's Cup event in 2017. One of the proposed locations is the horse canopy area on Front Street next to the entrance of # 1 car park. The committee is looking to have the request approved in principle and then the technical officers can further investigate where the carport could actually fit. There are other locations on Front Street to consider. America's Cup has partnered with BMW who is bringing in these electric cars and they want a very visible location on Front Street for the carport. The idea is that the electric charging facility would remain in Bermuda as a legacy item after the event. In which case, the CoH would look for a more permanent location somewhere in the City not particularly on Front Street. After the event, they are intending to leave three (3) charging stations in Bermuda, one in the east, one in the west and one centrally located. The vendor that has the responsibility for BMW is looking to continue trading in electric vehicles. BMW is donating the funds for the charging stations. Discussion continued.

**RESOLUTION:** That the Board approve in principle the proposal from the Ascendent Group/Belco to install an Electric Vehicle Solar Carport and to sort out the appropriate location for the carport on Front Street.

**Proposed:** Infrastructure Committee  
**Unanimous**

Councillor Harvey commented on the comprehensive report from the Ports Superintendent regarding the challenge with the 40' containers. The CoH will be forwarding the information out to all of the retailers and importers that the policy will remain as is, etc.

The Mayor commented on his meeting with the Minister who questioned why the CoH was taking on this issue with the 40' containers. He reminded the Minister that this was actually a policy of his department regarding the 40' containers. The Mayor said that since the Minister was fully aware of the number of containers coming into the Island, suggested that and if he divided that into two (2), would the Minister be happy with that number of 40' containers going through the countryside. The request for 40' containers largely came from one (1) importer. The Minister was advised that there were importers such as Butterfield & Vallis and the Marketplace who will actually bring in 40' containers up to the New York area and then will break them down into 20' containers. They are doing that as a public service.

**RESOLUTION:** That the Board agree to leave the current policy for 40' containers as is and institute a non-refundable administrative fee of \$250 for any application for a 40' container.

**Proposed:** Infrastructure Committee  
**Unanimous**

The next recommendation is in response to a bid that was put out for the LED fixtures in Bull's Head car park. There was a query pertaining to Keen Ltd. who put in three (3) bids and it was questioned what were the differences in the bids. It was explained that the difference in the costs is that Keen Ltd. offered three (3) different prices for three (3) different fixtures, i.e. different products with different features on them. It was noted that after the opening of the bids, Mr. Swan from Swan Productions telephoned stating that he had made a mistake in his bid, resulting in submitting a lower bid than was intended. The CoH has taken the lowest formal bid according to Financial Instructions. There was continued dialogue.

**RESOLUTION:** That the Board accept the bid from Keen Ltd. in the amount of \$108,905.30 for the retrofitting of some 340 LED fixtures to replace the existing ceiling mounted lights in Bull's Head's multi-storey car park.

**Proposed:** Infrastructure Committee

**Unanimous**

**c. Finance Committee - 15 September 2016**

**RECOMMENDATION:** That the Board approve the write-off of the balance due from Belco in the amount of \$18,083.30 as it relates to paving reinstatements.

It was brought to the attention of the Finance Committee that there was a debt on the books of \$18K for some asphaltting as a result of some trenching that was done by Belco. Belco is refusing to pay the amount because there are no permits, signed documents, etc. available. As it relates to trenching, one (1) utility will come to the CoH requesting to put a trench in. The CoH will give that one (1) person the trenching permit but would also tell them to advise the other utilities that they are trenching the area and they might wish to come in with them. What has happened in this case is that this trenching permit was given to another company who then split up the trench and sold it off. When the CoH reinstated, they split the reinstatement costs amongst the other utilities. This goes back many years and Belco is claiming that they have no record of it and are not paying.

Councillor Tucker said that this bad debt has already been provided for but it does not stop the CoH from continuing to pursue the matter. He will leave it up to the technical officers to pursue. This is an exercise more for the Chair of the Finance Committee and the Finance Committee to be aware of the situation.

**RESOLUTION:** That the Board support the New Year's Eve event to be held on Court Street, to do the fireworks display and waive the application fees on the condition that Star Time will be able to raise funding by the middle of November 2016 and advise the CoH accordingly.

After considerable discussion of the New Year's Eve event to be held on Court Street, the Finance Committee agreed that they would support the event. The Event Project Manager said that she is in communication with the group in this regard and they are actively pursuing sponsorship, etc.

The group has raised some funding but they have not reached their target as yet. The CoH will not move forward on the events side until they have received information regarding the funding for the event.

Councillor Edwards asked if Councillor Tucker would like to arrange a meeting with the group to which he said that he did not necessarily need to meet with them but he could sit in on a meeting. Dialogue continued regarding the events of the last New Year's Eve event.

**ACTION:** The Event Project Manager to keep the Finance Committee updated on any/all information as it relates to the New Year's Eve event.

The Mayor said the group needs to state quite categorically that they have the funding by the middle of November 2016.

The Event Project Manager said that fireworks are normally displayed from White's Island and with the event being held on Court Street the fireworks will not be able to be seen from Court Street. She has already contacted Declan & Kip Froud to find alternative locations. She had suggested Fort Hamilton or Bernard's Park but they said "no". Fort Hamilton is too close to residential and with the seniors, the noise is too loud. Fireworks have been let off before in Bernard's Park and caused a fire there. They are the only persons who have a license to do fireworks so will have to wait on them to advise of a suitable location.

**ACTION:** The Event Project Manager will keep the Property & Safety Committee apprised of the location for the fireworks.

**Proposed:** The Finance Committee  
**Unanimous**

**Note:** Approval of Virements 2,3,4 and 5 as presented by the Treasurer.

The virements were approved as presented:

Virement 2 - \$375K for the liquidators

Virement 3 - \$221K for the QC

Virement 4 - for legal fees

Virement 5 - 2 small virements - (i) to do the Front Desk security and (ii) the demolition of Donleigh Cottage.

**d. Staff, Legislative & Governance Committee - 20 September 2016**

**RESOLUTION:** That the Board support the Secretary, Ed Benevides' candidacy for the IIMC Region XI Director Vacancy.

This Resolution has not been approved by the Minister, he has reserved his decision. Councillor L. Scott suggested that he and the Mayor meet with the Minister to discuss further. Councillor Tucker asked if there were any time constraints. The Secretary advised that there was one (1) vacancy this year and one (1) next year. This candidacy is for him to represent the rest of the world at a Director level.

**RESOLUTION:** That the Board approve the draft copy of the policy as it relates to Ethics and Conflicts of Interest.

Councillor G. Scott expressed his concern regarding **Section 3.0, Enforcement**. He commented on the sentence: **"If the Members, ...should recuse themselves from any discussion or vote..."** He agrees with the **"vote"** but not the **"discussion"**, i.e. a person cannot be told that they cannot speak on a matter but if they are conflicted, they will not be able to vote. That is the ruling in the House of Parliament and the document presented is more of a business model. The Secretary said the document is based on practises in the UK. Dialogue continued.

The Mayor reiterated that the Members of the Council are responsible for their actions 100% of the time and if there is a potential of a conflict, this draft policy is a form of protection as it relates to "Conflict of Interest".

Councillor G. Scott further commented on Section 2.7...**"Members who become or are members, directors of officers of companies or other organisations and will assume personal responsibility under the appropriate legislation."** He queried what is the **"appropriate legislation"** to which the Mayor stated as it would apply to every single company that is enacted in Bermuda by an Act of Parliament. These are members who are in their other life who are either a director, a member or an officer of a company which is totally separate from the CoH.

Amendment to the draft Ethics and Conflicts of Interest Policy, i.e. the second 2.7 changed to 2.8, 2.8 change to 2.9. Also in the first line of 2.7: **"Members who become or are members, directors of officers..."** should read...**"Members who become or are members, directors or officers..."**

**Proposed:** Staff, Legislative & Governance Committee

**Yes Votes:** 6

**No Vote:** Councillor G. Scott

**Motion passed.**

**e. Property & Safety Committee - 22 September 2016**

There are no recommendations.

**10. Any Other Business:**

**New Layout of King Street** - Councillor G. Scott said the street used to be two (2) lanes going south down King Street, now it is one (1) and is causing congestion from Victoria Street coming onto King Street. When proceeding past the stop sign on King Street, there used to be three (3) lanes, now there are only (2), causing a great deal of congestion going out of town in the afternoon. It was noted that this was developed so that the buses no longer need to cut across lanes, they can turn without having that dangerous maneuver of cutting over to another lane. Also removes the congestion that was caused with the third lane being occupied most of the time by illegally parked cars.

Councillor G. Scott suggested that the new King Street layout be looked at again by the Infrastructure Committee. Discussion continued.

The City Engineer explained the rationale for putting it to one (1) lane. There used to be two (2) lanes, one filtering in the left lane and one (1) crossing a lane and going into the other lane which is a dangerous maneuver. The CoH wanted to remove that dangerous maneuver of crossing over a lane and entering into another lane so that the motoring public would just enter in the one (1) lane, drive along and merge right as needed. Councillor Harvey suggested using a "Yield" sign instead of a "Stop" sign on King Street. The City Engineer said that "Yield" signs are not used in Bermuda very much and would be reluctant to use King Street as the first place to put it in. He further commented that the motoring public is still trying to do the cross the lane maneuver so instead of just pulling into the lane in front of them that is free and then merging over, they are waiting for that lane to clear up, etc. There was further discussion.

**Motion to Move to Restricted Session**

**Proposed:** Councillor J. Harvey

The Public Session adjourned at 1:40pm.

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**Date**

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**Mayor**

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**Secretary**