



**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 - 1 March 2017 - 12.30pm**

- Present:** Rt. Wor. Charles R. Gosling, JP, Chairman  
Councillor Dennis Tucker, JP  
Councillor George Scott, JP  
Councillor Nicholas Swan  
Councillor RoseAnn Edwards (part)  
Councillor Lawrence Scott
- Staff:** The Secretary - Edward Benevides  
The Treasurer - Tanya Iris  
The City Engineer - Patrick Cooper  
The HR Manager - Lindell Foster  
The Deputy Treasurer - Siobhan Fubler  
The Senior Events & Marketing Coordinator - Thomas Lightbourne  
The Communications Manager - Zoe Mulholland
- Apologies:** Councillor John Harvey, MBE, JP  
Councillor Carlton Johnson  
The Event Project Manager - Danilee Trott

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**1. Confirmation of Notice:**

The Secretary confirmed that the appropriate notices of the meeting and agenda were duly given according to the meeting guide.

**2. Role of the Chairman:**

The Mayor confirmed his role as the Chairman.

**3. Open Meeting:**

The meeting was called to order at 12.30pm.

**4. Apologies:**

The Secretary confirmed he had received apologies from Councillor John Harvey, Councillor Carlton Johnson and the Event Project Manager.

**5. Public Participation/Presentation:**

There were no public presentations.

**6. Correspondence:**

The Secretary confirmed there was no correspondence to discuss. The Mayor however mentioned that before he had left for his trip last Thursday, the Secretary had received a telephone call from the Police which the Mayor said he considered to be 'correspondence'. The Police had called to report an oil spill although it became apparent that the spill had occurred outside the City boundary and was not the responsibility of the Corporation. The Police's response to this had been that they informed the Corporation because they know the problem would be dealt with. The Mayor said the Corporation does not often get 'pats on the back' and he wanted to raise this incident so that it would be duly recorded in the Minutes.

**7. Minutes of Previous Board Meeting dated 1 February 2017**

**Proposed:** Councillor L. Scott

**Seconded:** Councillor N. Swan

The Minutes were accepted as read.

**8. Matters arising from the previous Board Meeting of 1 February 2017**

**The Secretary to do some further research on the article from The Economist relating to the programme called "Rent a Cop":** The Secretary confirmed that the article had been included in the Members packages'. The actual name of the programme discussed in the article was 'Buy One Get One Free' but there are several other 'Rent a Cop' programmes taking place in other countries.

**The Secretary to continue trying to arrange a meeting with Sen. the Hon. Michael M. Fahy, JP Minister of Tourism, Transport & Municipalities and other Ministers, to discuss the issue on vagrancy in the City of Hamilton:** The Mayor confirmed that approaches had been made but without success. The Secretary confirmed he had been attempting for just over a month. The Mayor mentioned that some additional meetings are also being sought to discuss the upcoming lease for the Bus Terminal as well as the yet to be resolved lease for the Fire Station which has been outstanding for approximately 7-8 years, plus several other matters.

**The City Engineer to circulate the Acceptable Use Policy and Procedure to all members to review with the view of having the Policy put forward at next month's Council meeting:** It was confirmed the Acceptable Use Policy and procedure had been circulated.

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

**a. Residents Advisory Committee - 2 February 2017**

**RESOLUTION:** That the Board approve the Calendar of Events as presented by the Residents Advisory Committee and a budget to be processed for these events.

Councillor Edwards joined the meeting at 12:40pm.

Councillor Edwards said the dates for the Calendar of Events had not been confirmed as yet and the proposed Walkabout on 5<sup>th</sup> March for the residents might not take place. All the other proposed events / dates are a work in progress and she welcomed any Board Members to participate.

The Mayor said that apart from the Walkabout and Clean-up he had not heard any discussions regarding any of the other proposed events or indeed seen anything minuted. Councillor Edwards commented that the Calendar of Events was discussed in the last Residents Advisory Committee and would be discussed further in the meeting scheduled for tomorrow 2 March 2017.

The Secretary said that from an operational prospective, staff would be challenged to accommodate further events because they are not part of the upcoming 2017 Events calendar. Also, some of the events require financing and will need to be presented to the Finance Committee. Although there is currently no budget available, it will be necessary to put forward virements to accommodate any additional events approved by the Council. Councillor Swan commented that there seems to be a disconnect between the Events Department and the Residents Advisory Committee as the Events Department has not been apprised of these proposed events. The Senior Events & Marketing Coordinator spoke on behalf of the Event Project Manager who was seeking clarity on whether the Events Department was planning these proposed events.

The Treasurer commented that the current listing of events is in the 2017 budget. These proposed events have just been brought to the table by the Residents Advisory Committee.

The Mayor felt that the Council should review the list of proposed events and decide whether they can agree on supporting some of the events listed. The City clean-up would certainly be something the CoH would consider because it would build neighbourhood camaraderie. The Christmas tree on the corner of Court and Dundonald Streets was already on the CoH's radar because it has been discussed.

The Mayor went on to say that Councillor Edwards had raised a very valid point some months ago regarding derelict buildings within the City and the impact they have, especially on the value of neighbouring properties. He felt that issues such as this have far more gravitas and are appropriate for discussion by the Residents Advisory Committee to see whether they can get a good critical mass of support for the CoH to take on actions which can assist the residents and property owners. It would almost be impossible for the Council to take on issues such as this single handedly because they would be blown away by both the Government and the Opposition.

Councillor Swan said while some of these initiatives might be worthwhile proper protocol would demand that the Residents Advisory Committee be in consultation with the Events Department, e.g. schedule dates that work with the City events, etc.

The Mayor said that the proposed events can certainly be reviewed by the Finance Committee but as he sits on that Committee he would not necessarily be in support of all the events.

Councillor Edwards said she has struggled to coordinate events for the residents with the Events Department but perhaps this can be discussed in another forum. She commented on the previous scheduled walkabout where invites were sent out to the Council Members with no acknowledgments received. The Mayor commented that he acknowledged the invite but nothing happened beyond that.

The Mayor said that he has undertaken numerous walkabouts personally in the City since coming into office and he felt that Members should not necessarily wait to join him on such walks but should in fact take it upon themselves to carry out similar walkabouts.

Councillor Tucker said there certainly needs to be more coordination with the Events Department and it was agreed that Councillor Edwards would meet with the Events Department with the view of what the CoH can support. He further commented on the conversations had with residents in the area who have expressed what they would like to see happen in North East Hamilton but there is no follow through. The Mayor said that everyone involved should agree on a successful outcome and then at least everyone would be aiming for the same targets and results.

**ACTION:** Councillor RoseAnn Edwards to meet with the Events Department to discuss the organisation of events for North East Hamilton as it relates to the proposed Calendar of Events presented by the Residents Advisory Committee.

The Recommendation from the Residents Advisory Committee was deferred.

#### **b. Infrastructure Committee - 8 February 2017**

**RESOLUTION:** That the Board approve that Councillor George Scott and the Treasurer, Tanya Iris, to act as signatories on the Bermuda Boat Parade Charity Committee and represent the Corporation of Hamilton on that Committee. That the Board also approve for Councillor John Harvey to act as a reserve signatory and sit on that Committee as deemed necessary.

The Secretary said he had checked to see whether there were any issues in this regard. One of the issues is that: "*Where a registered charity proposes to alter the composition of its charity trustees - in the case of an individual becoming a new charity trustee, that individual shall submit to the Registrar a signed statement, in such form and containing such particulars as the Registrar may determine, consenting to so act.*" (CHARITIES REGULATIONS - 2014 Section 73(a)). If approved, the request will then have to go the Registrar until it is final.

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

It was confirmed that the Minister had approved the Resolution for the Corporation of Hamilton to reimburse stevedoring Services Limited (SSL) for their costs of \$14,000.00 to fix the concrete slab at No. 7 and that it had been resolved by the Council at their meeting on 1 February 2017.

**RESOLUTION:** That the Board approve for the Corporation of Hamilton, in response to the Public Health (Fats, Oils and Grease Removal) Regulations 2017, identify and appoint five Officers who will have the title of Authorised Officers for the purposes of this Act. The Authorised Officers to act on behalf of the Corporation of Hamilton are: (i) Enforcement Officer; (ii) City Engineer; (iii) Senior Engineer; (iv) General Superintendent; and (v) Assistant Superintendent of Sanitation.

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

**c. Finance Committee - 9 February 2017**

**RESOLUTION:** That the Board accept the bid from Argus Insurance in the amount of \$296,304.00 for a three-year contract for Property Insurance for the Corporation of Hamilton.

Councillor Tucker confirmed that two (2) bids had been received and Argus certainly was the lesser amount of the two (2) and their coverage met the CoH's criteria. The Treasurer confirmed that four (4) bid packets had been sent out and only two (2) were returned.

The Secretary said Argus is the CoH's current insurance provider and the appropriate tender policy had been followed. Argus was chosen based on their bid and had not been reinstated purely by default. Also, the amount proposed by Argus was less than the amount the Corporation paid last year. By going out to tender, a better deal was obtained.

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

Councillor Edwards left the meeting at 1:00pm.

It was confirmed that the Minister had approved the Resolution for the Purchase Order limit of \$5,000 for the Senior Events Marketing Coordinator and the Communications Manager and that it had been resolved by the Council at their meeting on 1 February 2017.

**d. Staff, Legislative & Governance Committee - 14 February 2017**

Councillor L. Scott referred to the Acceptable Use Policy and Procedure and said that the areas the Committee were concerned with are highlighted in the handout.

One of the major concerns is cellphone usage by staff and the Committee is looking to put some controls in place in that regard. Councillor G. Scott declared his interest as he does work at the BIU.

He agrees with the document and the controls being proposed but felt that the Unions should also be involved because they represent the employees.

The Secretary said most of the policy has been in place for some time and the only approval the Committee is looking for is the proposed amendments as suggested by the Committee. The City Engineer commented that this Policy predated the Collective Bargaining Agreement (CBA). Councillor L. Scott asked Councillor G. Scott what the advantages / disadvantages would be in involving the Unions. Councillor G. Scott referred to the last page and read the **Declaration: "I have read, understood and acknowledge receipt of the Policy. I will comply with the guidelines set out in this Policy and understand that failure to do so can result in disciplinary action."** The Unions would have to be involved because they are the sole representatives of the employees. The Mayor said this issue had been discussed by the Staff, Legislative & Governance Committee and it had been felt that one of the Unions would be instructing its members not to individually sign the policy and that it was going to be posted as an operational issue, one which would be outside of the CBA. Essentially this Policy would probably be for the blue-collar workers and they would not be individually signing but it would be a posted Policy.

Councillor Swan queried when the CoH adjusts a Policy involving the workers, would they normally have to take it to the BIU. The Secretary responded only if it affects an Article in the CBA which may require consultation or approval and if not, the CoH just gives the Union notice. It is an internal Policy and it is outside the CBA so it is courtesy to ensure that the Union is kept aware of what the CoH is doing.

Councillor L. Scott suggested that the Corporation writes to the Unions to advise them of the proposed amendments to the policy and ask for their input and see whether we can get it resolved without it being part of the CBA initially. Councillor N. Swan said he wondered whether this would be setting a precedent but Councillor L. Scott said it would encourage good industrial relations. There was continued dialogue.

The Mayor then proposed an amendment to the recommendation that had been brought to the Council by the Staff, Legislative & Governance Committee.

**RESOLUTION:** That the Board approve the Acceptable Use Policy and Procedure with amendments.

Proposed: Mayor, Charles Gosling  
Unanimous

Seconded: Councillor L. Scott

The Mayor recommended that the Unions are sent a copy of the Policy and ask to put any concerns in writing and if the Corporation does not hear anything from them then the policy will be put into effect on 1 May. The amendment was unanimously agreed.

**AMENDED RESOLUTION:** That the Board approve the Acceptable Use Policy and Procedures with the amendments which will go into effect on 1 May 2017 unless the Secretary receives in writing a letter from either Union raising concerns on any of the amendments so set in the new Policy.

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

**Seconded:** Councillor L. Scott

It was brought to the Mayor's attention that two of the sub-points in the following recommendation cannot be resolved because they would be against the Municipalities Act. The Secretary confirmed that point number (iv) would be repugnant to the substantive Act of the Municipalities Act. Article 7.11 of the Municipalities Act specifies very clearly how the vote is carried out in a CoH meeting.

The Secretary said that the other issue which is not part of this recommendation but one that was approved previously was to amend the Meeting Guide to five (5) business days. That is also repugnant to the Municipalities Act which specifies very clearly no later than seven (7) business days before a meeting. Therefore, the previous approval is void.

**RESOLUTION:** That the Board approve the four (4) changes as presented: (i) Paragraph 1.5 of the Meeting Guide, to replace COO with Mayor, (ii) to establish the Mayor as ex-officio of all Committees, (iii) ex-officios will have only a positive impact on quorum requirements of the Committee; and (iv) the Mayor has the right of veto of any Resolution of the Council but can be overridden by a super majority and the motion can be re-tabled no earlier than three (3) months. The changes to be presented to the Minister to approve and change the Meeting Guide.

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

**AMENDED RESOLUTION:** That the Board approve the three (3) changes as presented: (i) Paragraph 1.5 of the Meeting Guide, to replace COO with Mayor, (ii) to establish the Mayor as ex-officio of all Committees, (iii) ex-officios will have only a positive impact on quorum requirements of the Committee. The changes to be presented to the Minister to approve and change the Meeting Guide.

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

**Seconded:** Councillor L. Scott

The Mayor said that essentially what this Resolution does is that it allows Committees which are occasionally having issues with a quorum, is that when the Mayor is in attendance his presence is seen as helping to meet the quorum. But if the Mayor is absent then it does not have a negative impact on the quorum members. The Mayor then commented on ex-officios. The Secretary clarified that in (i) Paragraph 1.5 of the Meeting Guide, currently it is the Council and the COO who appoints people to committees, hence the change to the Mayor and Council appointing members to a committee. In point (ii), there are no ex-officios. Traditionally, the Mayor's position has always been that of ex-officio of every Committee.

There would have to be the creation whereby the Mayor becomes ex-officio of all Committees and the conditions under which he would become ex-officio.

**10. Any Other Business:**

(i) **Hamilton Princess / Super Yachts:** Councillor G. Scott gave an update on the request from the Hamilton Princess to put more Super Yacht moorings on the eastern, western and southern seawall of the hotel.

The Marine & Ports Board objected to them putting yachts on the Southern seawall but they appealed to the Minister who subsequently approved the request for special events. Councillor Tucker pointed out that the CoH had objected because Super Yachts on the Southern side would hinder access by cargo ships, etc. into the harbour. Councillor G. Scott said the pilots had voiced their concerns and the property owners appealed to the Minister who overturned the objections.

The City Engineer said it would not necessarily impact cargo ships coming into Hamilton and it probably will not impact the current size cruise ships coming into Hamilton. Where it would affect is when a very large vessel is in the harbour and it would need to spin in that basin to the west of White's Island. The pilots would not allow this to go ahead if it impacted current marine traffic. Councillor G. Scott advised that the pilots objected to moorings on the southern seawall, the eastern and western sides are not the issue. The concern of the pilots is the wake because normally that is not an area where a mega yacht would moor. The Secretary said it is clear by the Minister's action and the Government's action that by allowing this to happen there is no intention whatsoever of Hamilton ever getting a decent size cruise ship in its harbour. He went on to say that the CoH wrote to Government outlining its objection.

The Mayor recalled that last year when the Council had a visit from RCL or NCL where they showed a willingness to dredge through to the harbour to allow for post Panamax ships into Hamilton Harbour. Marine & Ports were fully aware and yet nothing was done and neither was the CoH brought into the consultation. The CoH's lack of involvement in the process unfortunately ties our hands in terms of any future planning processes for the waterfront.

**(ii)RESOLUTION:** That the Board approve the draft Hamilton Traffic and Parking Ordinance 2017 or in lieu of a final document with the amendments as highlighted.

The Secretary discussed the draft and said there is very little change to the 2016 version except for an appeal section and the inclusion of some of the remaining paragraphs of the '81, '88 and '95 Ordinances which are being consolidated and included.

The appeal process allows people to appeal being clamped and the inclusion of two sets of paragraphs which allows the CoH to remove vehicles from either the road or car park. The Secretary confirmed that a copy of the draft will also be sent to the Minister.

The Mayor said in order for the Ordinance to be considered by the Minister and the AG, it needs to have been already approved by the Council.

**ACTION:** The Secretary / Recording Secretary to forward to the Council an electronic copy of the draft Hamilton Traffic & Parking Ordinance 2017.

The Mayor said that there was still the issue with Government regarding the definition of permits. The City Engineer confirmed that this has now been sorted out and he has shown R. Myers all the permits that the CoH issues, the website and a copy of all the corresponding application forms.

The proposed resolution was deferred until all Council Members had the opportunity to review the draft Hamilton Traffic & Parking Ordinance 2017. The Mayor suggested that an official Special Council meeting be called to have the draft Ordinance approved as soon as possible.

The Mayor said he would like to start on a trimester basis an official meeting of the Council with a view to looking at Strategic Planning for the CoH and to start having a multi-year budget process rather than just a single year. This would not stop the budget from being approved on an annual basis. The meetings would allow the Council to have a longer vision for the Corporation's strategy and a better sense of continuity. They would not necessarily be structured with an agenda.

The Secretary said the idea of these meetings had been discussed at Executive level and it was proposed that the meeting would take place on a Thursday afternoon starting at noon and a light lunch would be provided (either 16 or 23 March 2017). The meeting would not be a proper called meeting but would have to institute a part of the meeting to be proper called, i.e. with Minutes and then can move into the strategic meeting.

The Mayor went on to say that the strategic meetings would allow the Executive team to introduce items which might be at an early stage but to make the Board aware of any issues that have been identified and the various ways in which the issues can be addressed.

**11. Motion to Move to Restricted Session.**

**Proposed:** Councillor G. Scott

**Seconded:** Councillor L. Scott

The Public Session closed at 1.35pm.

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**Date**

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**Mayor**

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**Secretary**