



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 - 7 June 2017 - 12.30pm

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

Staff: Secretary - Edward Benevides
Treasurer - Tanya Iris
City Engineer - Patrick Cooper
HR Manager - Lindell Foster
Deputy Treasurer - Siobhan Fubler
Event Project Manager - Danilee Trott
Communications Manager - Zoe Mulholland

Apologies: Councillor Carlton Johnson

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 12.35pm.

4. Apologies:

The Secretary confirmed that apologies had been received from Councillor Carlton Johnson and the Event Project Manager.

5. Public Participation/Presentation:

(i) **Complaint and Concerns from Mrs. Esme Williams:** a letter was received by Mrs. Esme Williams and was now being distributed to all Council Members.

Mrs. Williams: commented on not seeing any response from the Corporation of Hamilton regarding Mr. Rick Olson and his posting to social media depicting barbaric, inhumane punishment which was carried out in the UK in the 1300's and which he associated with the December 2, 2016 protest demonstration outside of Bermuda's House of Assembly.

Mrs. Williams then greeted the Mayor and the Council. She introduced Ms. Peggy Burns who proceeded to read out the letter presented on behalf of Mrs. Williams. Mrs. Williams is looking for some sort of public response from the Corporation of Hamilton.

Ms. Burns: continued with her submission as it relates to the imbalance of the scales of justice/racial equality. Ms. Mienzer then spoke to the boycotting of Mr. Olson's establishments and a definitive resolution to the matter.

Councillor Harvey expressed his views on this issue and his non-support of such behaviour.

The Mayor suggested for the presenters to take their concern to their Members of Parliament as it is more appropriate to be discussed in Parliament, the Senate and an objection should be done with the Human Rights Council.

Councillor Swan expressed his opinion on the matter.

The Mayor thanked Mrs. Williams for bringing this concern to the CoH and advised that he would have to confer with the Council Members on a way forward.

ACTION: The Secretary to contact Mrs. Esme Williams once the Mayor has had the discussion with the rest of the Council as it relates to the Rick Olson matter.

Mrs. Williams et al left the meeting at 1:00pm.

(ii) **Presentation by Mr. Dale Butler and Mr. Irvin Hendrickson:**

Mr. Butler: thanked the Council for providing a brief opportunity to explain a concern that they have. He lives at 35 Angle Street and Mr. Hendrickson resides at 18 Angle Street. He further thanked the CoH for beautifying the City and the resolutions of numerous issues within the City.

He then thanked the City Engineer for when first contacted came immediately along with Mr. Benevides. The main issue is to ask the CoH to try and resolve as quickly as possible, the recent land issues at 35 Angle Street. The area was surveyed and it was discovered that in an effort for the CoH to secure their piece of property that borders his where the land was very soft, 8 ft. over to the wall where some hard rock was found. There was no mention of him securing legal permission to own that area of 8ft x 40ft.

Most recently, while the survey was taking place, a significant portion of that land started to collapse. In addition, Mr. Hendrickson had written to the CoH years ago to find out whether a portion of that land could be straightened so that he could have a decent car park for his business. He is asking that the CoH make every effort to resolve the matter in an amenable fashion. He further recited the CoH's Vision and Mission Statements and advised that he wanted to assist the CoH in resolving this dispute.

The Mayor commented that the CoH is looking to resolve the matter so that it is amenable to everybody. The letters are in the process of being complied and going out to the residents involved and that it would be of great assistance if Mr. Butler would go out to his neighbours after being in receipt of his letter to advise of establishing a common boundary and tidying up the whole issue of proper land ownership.

Mr. Hendrickson echoed Mr. Butler's sentiments in acknowledging all the assistance he has received from the CoH. He further commented on the possibility of having some free parking spaces for his business. Dialogue continued.

The Mayor thanked Messrs. Butler and Hendrickson and they left the meeting at 1:10pm.

(iii) **Presentation - Mr. Simon Hodgson:** commented on two (2) agenda items for Traffic Lights at the junctions: (i) Victoria Street and Parliament Street and (i) Victoria Street and Court Street and queried with the proposed designs would street trees have to be cut down and if so, how many.

The Mayor advised that one of the intersections had been approved back in 2012 for the work to be done and the other one was approved by the previous administration, sometime between 2012 and 2015. These have been budgeted items since then and this has been the first time for any realistic opportunity to have this work done.

The City Engineer said at the Victoria/Court Street junction there is a large White Cedar and the design has had to be reworked so that tree does not get affected. There are two (2) trees on the western side of Victoria Street outside of Sing Sung, one (1) being a Scarlet Cordia which is within about 4ft. of the traffic light head and obstructs the view of the traffic light head and is scheduled to be removed. There is another one (1) to the west of that that has a huge bow in it and will look to remove/replace that. On the Parliament/Victoria Street junction, on the west side, there is another Scarlet Cordia that obstructs the view of the traffic light within 3ft. or 4ft. of the pole which has to be removed and hopefully replaced. There is a small palm tree that is in the way of the pedestrian rand.

The Mayor said there is the opportunity on the sidewalk outside of Weir Enterprises where there are no trees, to be able to plant a tree of a suitable size there. BMA has a couple of palm planters that are back from the edge off the sidewalk and might be able to plant something there as well.

S. Hodgson: commented on a submission that he had presented in 2013 regarding the Victoria/Court Street junction as it pertains to 40ft. containers turning west.

He suggested that this was the opportunity to design that junction to prohibit 40ft containers turning west.

The Secretary commented on a Resolution that was passed to restrict any container trucks going between Cedar Avenue and Parliament Street. There was continued discussion of designs being posted, 40ft containers entering and leaving the docks et al, etc.

The Mayor thanked Mr. Hodgson and he left the meeting at 1:25pm.

6. Correspondence:

There was no correspondence.

7. Minutes of Previous Board Meeting dated 3 May 2017

Councillor Harvey commented on:

Page 4 of 9, 3rd paragraph from the bottom:

"concurred that it should be kknown" ...should read... "concurred that it should be known".

Page 6 of 9, last paragraph:

"This event would also bring additional revenue to the establishments later in in" ...should read... "This event would also bring additional revenue to the establishments later in..."

The Mayor commented on:

Page 5 of 9, 3rd paragraph, last sentence:

"The Mayor feels that there is a direct distinct link between the first World War and the continuation of colonial powers and civil rights" ...should read... "The Mayor feels that there is a direct distinct link between the first World War and the decline of colonial powers with the growth of the independence movement and civil rights".

The Mayor commented on the length of the Minutes and suggested that they capture the main points in the discussion.

Proposed: Councillor N. Swan

Seconded: Councillor G. Scott

The Minutes were accepted as read with the amendments.

8. **Matters arising from the previous Board Meeting of 3 May 2017:**

(i) **Contact the Employers' Council as well as a labour consultant to see what information is out there in terms of writing an MOU as it relates to employees and conflicts of interest:** The Secretary confirmed that a draft MOU will be forwarded to the Committee before the next Staff, Legislative & Governance Committee meeting.

(ii) **Forward a copy to the Council Members, the Minutes from the CoH's former Homelessness in the City Committee:** Council Members received the documents.

9. **Resolutions Approved by the Minister:**

RESOLUTION: That the Board approve to endorse the proposal from the HI Group of Companies as presented.

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

RESOLUTION: That the Board approve Edible Creations as the food concession for Victoria Park

RESOLUTION: That the Board accept the bid in the amount of \$30.00 per hour from Granite Enforcement Team (GET) for City Hall Security.

RESOLUTION: That the Board approve the restriction of tractor trailers on Victoria Street between Cedar Avenue and Parliament Street.

RESOLUTION: That the Board approve to amend the Resolution of 2 December 2015 as presented. **Resolution:** That the Board approve that any projects estimated to be over \$500,000.00 over the life of the contract, to be sent to the auditors before contracts are signed to ensure that Financial Instructions and policies are upheld.

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

RESOLUTION: That the Board approve to add Councillor Larry Scott to the Finance Committee.

RECOMMENDATION: That the Board approve the Recommendation from the Residents Advisory Committee for the financing of \$5,000.00 for a "picnic/gathering" for the residents in the City. **(Recommendation deferred)**

10. Recommendations for Review:

Residents Advisory Committee - 4 May 2017

There are no recommendations for review.

Infrastructure Committee - 10 May 2017

RESOLUTION: That the Board resolve not to support the proposal received from Mr. James Cooper for his art installations around the City.

Proposed: Infrastructure Committee

AMENDED RESOLUTION: That the Board resolve to decline the proposal received from Mr. James Cooper for his art installations around the City.

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

Abstained: Councillor R. Edwards

Motion passed.

RESOLUTION: That the Board approve the partnership request from the Farmer's Market to waive the rental fees for the venue at Bull's Head.

Proposed: Infrastructure Committee

AMENDED RESOLUTION: That the Board approve the partnership request from the Farmer's Market to waive the rental fees for the venue at Bull's Head subject to the conditions as set out in the Memorandum of Understanding (MOU).

Proposed: Councillor D. Tucker

Seconded: Councillor L. Scott

Unanimous

RECOMMENDATION: That the Board approve the request from America's Cup to place one of their banners on the side of the bathroom wall at No. 1 Car Park to be used as a photo-op.

The Secretary advised that the request had been withdrawn by America's Cup. Discussion continued.

RESOLUTION: That the Board approve the bid from Horsfield Landscaping in the amount of \$107,340.75 for Traffic Lights - Victoria Street and Parliament Street junction.

Proposed: Infrastructure Committee

Abstained: Councillor R. Edwards

Motion passed.

RECOMMENDATION: That the Board approve the bid from Brown & Co. Landscaping in the amount of \$98,063.00 for Traffic Lights - Victoria Street and Court Street junction. **(Take Note as bid is under (100K).**

Proposed: Infrastructure Committee

Unanimous

Matter of bids under \$100K to be discussed in the next Finance Committee Meeting.

RESOLUTION: That the Board approve to give the City Engineer permission to explore the options presented in the proposal for Wastewater Effluent Improvements.

The City Engineer gave the details of the proposal. The Mayor commented on the opportunity of making considerable progress in the treatment of sewage in the City. Extensive discussion ensued.

Proposed: Infrastructure Committee

Unanimous

Finance Committee - 11 May 2017

TAKE NOTE RECOMMENDATION: That the Finance Committee provide the Residents Advisory Committee with guidance on funding requests. Whilst there will be no upper limit applied to the amount of money requested, each request submitted to the Corporation of Hamilton will be reviewed individually.

ACTION: The Finance Committee and the Residents Advisory Committee to meet with the view of going through the budget process and create a structure for their funding requests.

RESOLUTION: That the Board approve for all past Premiers to be provided with the same car park access passes as those given to past and present Members of the Council of the Corporation of Hamilton. These passes will be issued once the car park barrier systems are in place.

Proposed: Finance Committee

Unanimous

c. Staff, Legislative & Governance Committee - 16 May 2017

RESOLUTION: That the Board approve the amendments to the Awnings and Signage Policy as presented.

Proposed: Staff, Legislative & Governance Committee

AMENDED RESOLUTION: That the Board approve the amendments to the Awnings and Signage Policy as presented: **Point #6 to read:** "Awnings and signs must comply with the Advertisement Regulations Act 1911, Amendment Act 1996". **Point #10 to read:** "Any encroachment of an awning or sign over Corporation of Hamilton property will require a signed encroachment acknowledgement, confirming that there is an encroachment and that given reasonable notice, the owner will remove to allow the Corporation of Hamilton to carry out their duties.

There was lengthy discussion regarding the control of awnings and signage in the City.

Proposed: Mayor, Charles Gosling

Seconded: Councillor L. Scott

Unanimous

11. Any Other Business:

- (i) **RECOMMENDATION:** That the Board approve the Audited Financials of 2016 and to accept the Audit Report.

The Treasurer advised that amendments were being made to what was previously presented so a Special Board meeting would have to be called to approve the Financials and suggested 21 June 2017 at 12:30pm as the auditors had requested additional time. The Mayor suggested having the meeting just before or after the Finance Committee meeting on 15 June 2017. The issue is to do with the wording about the \$18 million and the last ruling by the courts. MIF have given notice that they will be going to the Privy Council.

ACTION: The Treasurer to check with Steve Woodward of KPMG with regards to his availability to attend a Special Board meeting for 15 June 2017 after the Finance Committee meeting.

Dialogue continued.

(ii) **Request to have new park areas on Reid Street between Burnaby Hill and Queen Street declared "No Smoking":** A member of the public raised concerns regarding smokers using the outdoor spaces and asked for the CoH to consider making then "No Smoking" zones. Discussion continued regarding the enforcement of such consideration.

(iii) **Top of Parliament Street and Reid Street:** When motorists try to cross that junction, they have to inch out so much that they block the pedestrian crossing. Matter to be addressed in the next Infrastructure Committee meeting.

12. Motion to Move to Restricted Session.

Proposed: Councillor N. Swan

Councillor Edwards commented on the junction at Princess and Angle Streets and the wall that restricts the view of traffic. Further discussion to be had in the next Infrastructure Committee meeting.

The Public Session closed at 2.50pm.

Date

Mayor

Secretary