

Corporation of Hamilton Board Meeting, City Hall, Hamilton - 6 January 2010

- Present:** Rt. Wor. Charles R Gosling, JP, Chairman  
 Alderman Glen C Smith, JP  
 Alderman Pamela G Ferreira, JP  
 Alderman John W Harvey, JP  
 Councillor Marshall E Minors  
 Councillor Pamela Quarterly  
 Councillor Nicholas Swan  
 Councillor Dennis G Tucker, JP
- Staff:** The Secretary - Ed Benevides  
 The Treasurer - Gary Edwards  
 City Engineer - Patrick Cooper  
 Port Operations Manager - Kevin Hollis  
 Human Resources Manager - Sakina Darrell  
 Events Project Manager - Danilee Trott  
 Communications Manager - Aderonke Bademosi
- Apologies:** Councillor Walter F Cross, JP

**1. Review of Corporation Minutes of 3 December 2009**

The minutes of the meeting held on 3 December were accepted as amended.

**Proposed:** Councillor Tucker                      **Seconded:** Councillor Quarterly  
**Unanimous**

**2. Matters Arising**

Letter to newly elected St. George's Corporation - this matter is in progress.

Letter of thanks to Steven De Silva and his team - this letter has been sent.

Alderman Smith commented on the progress of the work to alleviate the flooding on Dundonald Street and he said that unfortunately the pump has been delayed. It is hoped that work will now commence sometime in February.

The minutes of the Corporation 2010 budget Board meeting held on 9 December 2009 were accepted as amended.

**Proposed:** Alderman Smith                      **Seconded:** Alderman Harvey  
**Unanimous**

The Mayor mentioned that he has asked the Secretary to provide a calendar schedule of budgetary items.

### 3. Review of Committee Minutes

#### a) Property Committee - 10 December 2009

No recommendations

#### b) Infrastructure Committee - 14 December 2009

Alderman Smith said that the Infrastructure Committee had been given a presentation by PC Beary and Sergeant Glasgow of the Bermuda Police on their Increased Penalty Zone (IPZ) initiative. The police are proposing that the Corporation works with them to put up signage in the City in an IPZ. This would mean that anyone apprehended within the zone will receive double penalty for their crime. The public will be advised of the IPZ via the media. The Infrastructure Committee fully supported this initiative.

Alderman Ferreira asked whether the zones would be marked just by signs or would it include road markings as well. Alderman Smith said that the police presentation only included marking by signs and that the Infrastructure Committee had also suggested to the police that the signs include part of the Act.

Alderman Ferreira asked which areas would be covered by the IPZ and it was confirmed that in the first instance, the IPZ will cover almost all areas within the City of Hamilton and police are talking with Government to extend it to other areas outside of the City.

**RESOLUTION: That the Board approves to move forward, in partnership with the Bermuda Police Service, on the proposed Increase Penalty Zone initiative.**

**Proposed:** Alderman Smith **Seconded:** Alderman Ferreira

**Unanimous**

Alderman Smith also mentioned that the Infrastructure Committee will be working with The Events Project Manager to look at reorganising Harbour Nights and also revamping No. 6 Shed for the arrival of cruise ships in 2010.

#### c) Staff, Legislative & Governance Committee - 15 December 2009

No recommendations

The Human Resources Manager gave a brief update. It was reported that salary negotiations with BPSU will take place on Wednesday 13<sup>th</sup> January. Job Descriptions are now nearing the completion stage and The Secretary, Human Resources Manager and City Engineer will be meeting with Mr Colin Blades to formalize these in due course.

#### d) Finance Committee - 16 December 2009

Councillor Tucker said that a meeting had been held between the Finance Committee and the auditors, KPMG, with reference to their audit plan for the 2009 audit. Part of the plan was to agree the audit fee which has been proposed by KPMG at \$115,500, which is the same as the fee for 2008.

**RESOLUTION: That the Board approves the KPMG proposed 2009 audit fee of \$115,500.**

**Proposed:** Councillor Tucker **Seconded:** Alderman Ferreira

**Unanimous**

Councillor Tucker said that in keeping with the mandate to appointment additional Committee Members, that Ms Anne Kast was approached to serve on the Finance Committee and she has accepted. The Finance Committee looks forward to welcoming her to their next meeting on 20<sup>th</sup> January.

**e) Development Committee – 21 December 2009**

Alderman Ferreira gave two updates from the Development Committee:

Cavendish Development - The Board should note from the minutes that we have received the feasibility study from Navigant. It is a substantial report and will take some time for the technical staff to review and make recommendations. As we have deferred any work on this project for this financial year and we have a number of more pressing projects, the Committee has agreed to defer the review of this study and accompanying recommendations until our May meeting. Alderman Ferreira went on to say that the Committee Members have received a copy of the Executive Summary of the Navigant report and that she will be forwarding this on to all the other Members to read in due course. It was also noted that Navigant have recently gone out of business in Bermuda and other countries overseas.

**ACTION:** Alderman Ferreira to forward a copy of the Navigant Executive Summary to those Members who do not sit on the Development Committee.

Waterfront Project - As the Board would have noted from the Development minutes, we had scheduled a number of public meetings to present an update on the project in February. Upon review, it is felt that as the transportation hub is central to the project, we need to confirm with the Ministry of Tourism and Transport that the hub is still a major part of their strategy. Until confirmation is received from the Ministry that this is the case and that the Ministry supports the reclamation to create the transportation hub and associated services, the project will have to be put on hold in the very near future. The Committee feels that we should write to the Ministry in an effort to establish their confirmation and support of the project before we can plan the next phase. It was felt that we should delay the public presentations until we have this confirmation. The next scheduled trip to Bermuda by Sasaki, which had been planned for the first week in February, has therefore been cancelled.

The Mayor said that we are at a stage in the project right now that following public consultation, we could move into the planning approval stages and start to seek funding etc. The subject of reclamation is such a strong issue, that it is very important we get the approval from the Ministry. It also does not make sense for us to continue to hire consultants at their high charge-out rates and we are at a very convenient point in the project right now where we can put everything in abeyance. So in summary, the Corporation is not cancelling the project but just postponing. We hope that the project will continue to receive full support from the Ministry and the Corporation will be able to continue as planned.

Alderman Ferreira went on to say that the purpose of the hub is to alleviate the issue with large numbers of passengers from the cruise ships coming into Hamilton in a short period of time. So the transportation hub is vital. Alderman Ferreira said that she will make every effort to try and get a response from the Ministry as soon as possible.

Following the updates, Alderman Ferreira went on to say that the Development Committee would like to bring five recommendations for approval to the Board. These take the form of planning applications and the City Engineer ran through each proposal:

P0604/09: 24 Union Street - An application for a change of use of the property from residential to commercial. There are no technical issues with this request.

**RESOLUTION: That the Board approves planning application P0604/09: 24 Union Street - an application for a change of use of the property from residential to commercial.**

**Proposed:** Alderman Ferreira                      **Seconded:** Alderman Smith  
**Unanimous**

P0486/09: 49 Ewing Street - An application to demolish existing and construct proposed new five storey apartment house building consisting of sixty five dwelling units with multi-purpose basement level with car parking for cars and cycles and storage. This application meets with all the policies of the City Plan except for two, which the Corporation can apply discretion on. One is the allowance of access to the parking garage. The second one is the upper storey setback. The plan will also need to provide for garbage facility and BELCO facilities.

**RESOLUTION: That the Board approves planning application P0486/09: 49 Ewing Street - An application to demolish existing and construct proposed new five storey apartment house building consisting of sixty five dwelling units with multi-purpose basement level with car parking for cars and cycles and storage.**

**Proposed:** Alderman Ferreira                      **Seconded:** Councillor Quarterly  
**Unanimous**

P0605/09: 5 Court Street - An application for a proposed ten storey (above grade) mixed use development comprising commercial/retail use at ground floor level and residential use on all upper level floors - thirty one dwelling units. This application is for final approval. The City Engineer said that there are multiple issues with this application and it is recommended that it is put forward for refusal.

**RESOLUTION: That the Board refuses planning application P0605/09: 5 Court Street - An application for a proposed ten storey (above grade) mixed use development comprising commercial/retail use at ground floor level and residential use on all upper level floors - thirty one dwelling units. The refusal is due to multiple issues with the application.**

**Proposed:** Alderman Ferreira                      **Seconded:** Councillor Quarterly  
**Unanimous**

P0479/09: 14 Wesley Street - An application to erect two telecommunications antennas on the roof of the building. The City Engineer said that it is recommended this application is refused on the basis that the antennae would not be sited to minimize visual impact and that they will detract from the amenity / environment of the neighbouring properties.

**RESOLUTION: That the Board refuses planning application P0479/09: 14 Wesley Street - An application to erect two telecommunications antennas on the roof of the building. The refusal is due to the fact that the antenna does not fit with the City Plan.**

**Proposed:** Alderman Ferreira **Seconded:** Councillor Tucker  
**Unanimous (Alderman Smith abstained from the vote)**

P0640/09: 5 Trott Road - An application to construct a surface parking lot for 54 cars and 47 motorcycles. (Councillor Quarterly left the meeting as she has a conflict of interest). The City Engineer said it is recommended this application is refused due to the impact of vehicular traffic on pedestrians in the area.

**RESOLUTION: That the Board refuses planning application P0479/09: 5 Trott Road - An application to construct a surface parking lot for 54 cars and 47 motorcycles. The refusal is due to the impact of vehicular traffic on pedestrians. The Hamilton Plan 2001 also discourages both private car parks and surface car parks.**

**Proposed:** Alderman Ferreira **Seconded:** Councillor Minors  
**Unanimous by remaining members**

Councillor Quarterly returned to the meeting.

#### 4. North Hamilton Development Update

The Mayor reported that now that the budget has been approved, there will be underground cabling on Court Street / Ewing Street.

**ACTION:** The City Engineer to report at the next Board meeting when the cabling work on Court Street / Ewing Street will commence.

#### 5. Waterfront Project Update

This item was covered in agenda item 3e above.

#### 6. We Arrive

This event had originally been set for beginning of December but it was decided to move it to February 11<sup>th</sup> which is the 175<sup>th</sup> anniversary of the arrival of the slave ship "Enterprise".

The Events Project Manager gave an update. The unveiling will take place at 5.30pm on 11<sup>th</sup> February at Barrs Bay Park. The final schedule is not complete but will be by the end of next week. The unveiling will include a 30 minute film, live band + tents (in case of inclement weather), lighting and appropriate sound system will be set up. The Events Project Manager has met with Mr Ross Smith to arrange for descendants of The Enterprise to attend. There will also be a re-enactment of the arrival of the ship using The Spirit of Bermuda. A plaque is being made for the base of the statue which includes the names of the people who arrived on the ship. Invitations will be sent out shortly. The 50<sup>th</sup> anniversary of City Hall Open House will also take place during the day on 11<sup>th</sup> February.

Councillor Tucker asked whether there was going to be any publicity on the history of the event. The Events Project Manager said she would work with the Communications Manager to produce some sort of historical information / handout / publicity on the event.

Alderman Ferreira asked who would be doing the unveiling and the Mayor said that this is something to be discussed and confirmed. It was also confirmed that the end time of the event would be approximately 7.00pm.

The Mayor asked the Events Project Manager to give a brief review of the New Year's Eve party which took place on Front Street. The Events Project Manager said that overall the event ran very well. There were some initial technical issues with sound and this resulted in the movie starting 40 minutes late. Everything else ran to schedule. A wrist banding system was used at the security entrance to the event and over 4000 wrist bands were distributed to people over the age of 18 (for those consuming alcohol) with approximately 6,500 attending in total. There were no security issues. The Marketplace donated a large scale replica onion to drop at midnight and this has now been donated to the Corporation for future use.

The Mayor said that next year we should try and ensure that the disruption caused by the set-up of the event is kept to a minimum ie: minimise the disruption to retail business and to the traffic flow.

The Events Project Manager will be producing a full report of the event which will be available in due course. Councillor Quarterly congratulated the Events Project Manager and her team for all their hard work in putting such a successful event together. The Events Project Manager said that thanks should also be given to The City Engineer and his team for the clean up process.

## **7. Any Other Business**

Tax Rates - Councillor Tucker said that the Land Valuation Office has completed its 2009 revaluation of properties. The exercise is carried out every five years with the previous revaluation being carried out in 2004. The Corporation of Hamilton uses the ARV (annual rental valuation) as a component of its billing mechanism to levy taxation on individual properties - both commercial and residential.

We have made a commitment at the Corporation to keep our taxation income base for 2010 neutral ie: as it was in 2009. Based on the revised valuations produced by the Land Valuation Office, we have proposed that in order for the Corporation and its income/revenues to remain tax neutral that a new billing rate will be applied to commercial and residential properties.

Commercial billing rate will increase from 4.8% to 4.98% which represents an increase of 0.18% which we feel is in keeping with our proposal to keep our revenue base neutral. The Mayor commented that obviously the increase will not be 100% equal for everyone but essentially the revenue that the Corporation receives from taxes for commercial properties will remain the same as last year.

The residential tax rate will decrease from 0.68% to 0.59%.

The Treasurer said that we have to be very careful to make sure that everyone realises that they will not all be neutral as this is very dependent on the results of the land valuation revisions. Some commercial properties have gone up in value but the majority have come down. Therefore some properties will see a slight increase in taxes but the majority will remain the same.

**RESOLUTION: That the Corporation of Hamilton tax rate for commercial properties is increased in 2010 from 4.8% to 4.98% and the residential rate is decreased from 0.68% to 0.59%.**

**Proposed:** Councillor Tucker

**Seconded:** Councillor Minors

**Unanimous**

The Mayor asked the Members if they had any further business they would like to discuss:

Councillor Harvey asked what the situation is with the City Rangers. The Secretary said that he has a meeting planned with Minister Burch on 14<sup>th</sup> January to update him on our proposal and go through the final draft before it is sent to the Commissioner.

Alderman Ferreira said that with regards to the Members' team mandate, they had agreed to stay engaged with the Bermuda Government and she asked whether there are any forthcoming meetings planned with the principals of the Government. The Mayor said that he will be meeting with The Premier on 20<sup>th</sup> January. In terms of the Municipalities Act, documentation will be finished this week and will be presented to the Board - most probably at a special meeting so this is not delayed by having to wait for the next scheduled Board meeting at the beginning of February.

Alderman Smith suggested that a letter of congratulations is sent from the Corporation to the new Commissioner of Police, Michael De Silva, and that we look forward to working with him on the initiatives the Corporation has agreed to in partnership with the police. The Mayor will send a letter on behalf of the Corporation.

**ACTION:** For the Mayor to send a congratulatory letter to the new Commissioner of Police.

Town Hall Meeting - The Mayor asked Members their availability in January for the next Town Hall Meeting. It was agreed that the meeting would take place on Tuesday 26<sup>th</sup> January at 5.30pm.

Corporation Board Minutes - The Mayor asked the Members how they would like to deal with the public disclosure of Board minutes. The Mayor's personal feeling is that the minutes should be made available to the public. After some discussion, it was felt that a paper copy of the approved previous month's Board minutes should be made available for public review in City Hall reception and previous minutes should be available on the City Hall website.

**RESOLUTION: That the Corporation of Hamilton Board meeting minutes are made available to the public via the City Hall website and printed copy available for review at City Hall reception desk.**

**Proposed:** Alderman Harvey

**Seconded:** Councillor Minors

**Unanimous**

Ordinances - The Secretary gave an update on ordinances. About a year ago the Corporation met with the Assistant Finance Secretary to discuss the best way for the Corporation to deal with submissions of ordinances to the Ministry for changes. He gave us a very strong recommendation that we should look to combine as many of our ordinances together that are appropriate and then make changes once, which is easier than trying to manipulate various ordinances. We took the task of starting off with the Streets/Parking and there were a number of ordinances to do with that. We have now combined all of those ordinances and have gone out to stakeholders to get feedback which has also been incorporated. It is anticipated this will be submitted to the Ministry before the end of January.

The other ordinance, which was actually submitted earlier, was to increase and change some of the fees on the wharfage. That was submitted earlier in 2009. Unfortunately it has not been dealt with at this time but we have the opportunity to revamp it. The Secretary is therefore going to review this again and make appropriate changes to it and resubmit it back to the Ministry. It needs to be presented to Parliament as a negative resolution before we can move it forward.

Alderman Ferreira said that the Development Committee had asked the Port Operations Manager to produce a report on wharfage fees. This very thorough report was provided to the Committee recently and showed clearly the discrepancies between what the Corporation is charging on wharfage fees etc and what the Government perceives the Corporation to be charging. The Corporation is actually losing money in certain areas. Wharfage fees are a very important revenue stream for the Corporation and the Development Committee is trying to iron out the anomalies.

**ACTION:** The Secretary to forward a copy of the Port Operations Manager's report on wharfage fees to the Infrastructure Committee Members who will follow up on the Ordinance and fee issues.

This concludes the open part of the Board meeting. The public were asked to leave and the Members took a brief break.

Meeting adjourned 3.10pm (following restricted session)

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**Date**

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**Mayor**

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**Secretary**