



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 - 2 December November 2015 - 12:30 pm

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
Councillor Carlton Johnson

Staff: The Secretary - Ed Benevides, JP
The Treasurer - Tanya Iris
The City Engineer - Patrick Cooper
The Deputy Treasurer - Siobhan Fubler
The Human Resource Manager - Lindell Foster

Apologies: Councillor Nicholas Swan
The Event Project Manager - Danilee Trott

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- 1. Confirmation of Notice** - the Secretary confirmed that the appropriate notice of the meeting and agenda were posted according to the meeting guidelines.
 - 2. Role of the Chairman** - falls to the Mayor unless he is absent due to illness or off Island.
 - 3. The Mayor called the meeting to order at 12:32pm.**
 - 4. Apologies** - the Secretary confirmed that apologies were received from Councillor N. Swan, Councillor R. Edwards and the Event Project Manager. He also confirmed that the Ministry of Home Affairs will not be attendance.
 - 5. Public Participation** - the Secretary confirmed that he had not received any requests for public participation.

6. Correspondence:

There is no correspondence.

7. Minutes of Previous Board Meeting dated 7 October 2015

Proposed: Councillor J. Harvey
Unanimous

Seconded: Councillor H. Ming

The Minutes were accepted as read.

8. Matters Arising from Board Meeting dated 7 October 2015

- (i) **Invite to Prep Rally to Council Members re: America's Cup** - action item completed.
- (ii) **Notification to Moore Stephens & Butterfield re: the Formal Completion and Submission of the Management Letter** - action item completed. The Management Letter was received by the CoH on Monday 30 November 2015.

9. Minutes of Previous Board Meeting dated 18 November 2015

Proposed: Councillor L. Scott
Unanimous

Seconded: Councillor J. Harvey

The Minutes were accepted as read.

10. Matters Arising from Board Meeting dated 18 November 2015

(Action item from the Restricted Session of the Board meeting dated 18 November 2015).

- (i) **Dialogue with PS Randy Rochester re: Urgency of the Matter of Legislation** - the Secretary forwarded a Memo to the Minister and the PS to which an email was received confirming that the legislation that had been outlined for the changes in the Traffic Act would be tabled this Friday 4 December 2015. No other confirmation was received relating to any other legislation.

11. Status Update:

- (i) **Current Litigation** - the Secretary confirmed that there was no change in the litigation matters noted in his memo of 28 October 2015. It was suggested to list all of the outstanding litigation items and make notations against them, e.g. no change, no action, ongoing, etc.

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

It was further suggested to list the folders on the home screen and the folder can be updated accordingly. It is also placed in the Members' folder for access.

12. Recommendations for Review:

a. Finance Committee – 30 October 2015

RESOLUTION: That the Board approve the appointment of KPMG as auditors for the Corporation of Hamilton for the period December 2015 to December 2018. **(approved in 18 November 2015 General Council Meeting)**

b. Finance Committee – 3 November 2015

There were no recommendations.

c. Special Finance Committee – 5 November 2015

RESOLUTION: That the Board approve the application fee of \$1000.00 for 40'containers. **(approved in 18 November 2015 General Council Meeting)**

Councillor R. Edwards joined the meeting at 12:50pm even though apologies had been received and noted.

d. Infrastructure Committee Meeting – 10 November 2015

RESOLUTION: That the Board approve that adequate training be provided for the Council members and/or staff on the use of the tablets.

Councillor Harvey commented that the Council members should have the benefit of having adequate professional training on the use of the tablets. It was requested to commence some training in the New Year. The Secretary commented on trying to locate a source to provide the training. Most vendors provide technical training which is not suitable for the needs of the CoH. There is a company that could provide the training required but they are not available until the New Year. Dialogue is being had with the current vendor who provides maintenance to the CoH's network to see if a less technical approach could be done in the meantime.

Proposed: The Infrastructure Committee
Motion passed.

ACTION: Councillor Johnson to provide the contact information to a software presenter at Gateway with a view of contacting the Secretary to ascertain if she would be able to assist with any training on the tablets.

e. Staff, Legislative & Governance Committee - 17 November 2015

RESOLUTION: That the Board approve that any projects estimated to be over \$500,000.00 or over multi-years, to be sent to the auditors before contracts are signed to ensure that Financial Instructions and policies are upheld.

Proposed: The Staff, Legislative & Governance Committee

Abstained: Councillor R. Edwards

Motion passed.

Currently any projects over \$100K have to be approved by the Secretary, the Treasurer as well as the Minister. Some of the capital projects will span more than one (1) year and this is to ensure that the contracts would be in order and would act as an added measure. This is over and above what the Financial Instructions require. This would also be an additional task for the auditors of the CoH and the Secretary will sit with them in this regard if the Board is minded to approve the recommendation. The recommendation came from the Ombudsman in her report and it related to the Waterfront Project. There was further discussion.

RESOLUTION: That the Board approve that the auditors review the CoH Tendering Policy to ensure that the policy is upheld as part of their audit.

There was a query on the current Tendering Policy to which it was noted that a great deal of the CoH's policy had been integrated into the Financial Instructions. Another query pertained to the reasoning behind the auditors reviewing the policy if it is in the Financial Instructions. A response was given that the auditors could have within their audit notes whether or not the CoH is following the expressed policies. Dialogue continued.

Proposed: The Staff, Legislative & Governance Committee

Abstained: Councillor R. Edwards

Motion passed.

f. Property & Safety Committee - 19 November 2015

Discussion commenced with the focus on the Lemon Tree and the Barr's Bay Park buildings of which there were several submissions:

(i) **Barr's Bay Park Building** - it was noted that the RFP might not have been clear enough for those persons that responded to the RFP. One of the persons submitting felt that the CoH was looking for just a restaurant or a facility that would complement the park. The RFP was read in the presence of the applicant and after reading it was thought to bring it back to the Council with a view to either re-word and re-issue the RFP or let it stand as is. The Property & Safety Committee recommended that the RFP be brought back to the Council.

One of the applicants was looking at terracing decks, etc. for a restaurant which would lead out towards the dock itself. It was pointed out to them that the rent was based on a square foot basis just for the building and not for the property surrounding it. They would have parking but it did not mean that they would have use of the grounds in front of the building. To that end, with the RFP as it stood, there is the potential for erroneous interpretation of what the CoH was looking for.

The committee would have to go over the scope of the RFP again and provide that information to the City Engineer. Discussion continued.

The City Engineer advised that the tender package included a plan of the park and it red-lined the area for rent which included all of the asphalt area outside of the building. It was perfectly clear of what area was for rent. There was continued dialogue.

The thought for re-issue of the RFP came after the final applicant's comment that if the RFP was not just for a restaurant he would re-submit for something totally different. The Mayor looked at the various proposals and none of them were anywhere near fair rent for the property. If the CoH was a little less officious in terms of the purpose of the building and open it up more, it might encourage more competition. If it is a retail space the CoH should be looking at other ways of securing rents instead of dollars per square foot, i.e. a guaranteed minimum plus a percentage of the gross revenue for the property. The reason for getting low rents offered on that building is because it does not suit the purpose of what people want. The proposals were including putting in a \$1M worth of renovations to the property and the building so that has to be factored in as well in terms of the low rents. Once the infrastructure is put into place then the CoH could look at for higher rents. There was further discussion.

RESOLUTION: That the Board approve that a new RFP be issued due to certain language in the original RFP that limits the use of the property to Hospitality/Recreation. New RFP to allow for broader proposals concerning the use of the space.

Proposed: The Property & Safety Committee
Unanimous

Councillor G. Scott commented on the aforementioned Resolution in that it does not mention Barr's Bar Park.

AMENDED RESOLUTION: That the Board approve that a new RFP be issued due to certain language in the original RFP that limits the use of the property to Hospitality/Recreation. New RFP to allow for broader proposals concerning the use of the space at Barr's Bay Park.

Proposed: Councillor G. Scott
Unanimous

Seconded: Councillor L. Scott

(ii) **Lemon Tree Building** - there were four (4) applications and the rents varied. There was a leaning from the Engineers that one (1) of them be recommended. This item is deferred back to the Property & Safety Committee for further discussion.

13. Any Other Business

There was no further business to be discussed.

The Mayor requested that approval of the 2016 Budget be moved to the Public Session to which there were no objections from the Council members. The 2016 Budget should be public information.

Page 2 - Budget Summary and Assumptions:

There were a number of Assumptions included in the email that was forwarded by the Secretary 30 November 2015: After the last draft budget review by the Council, it was realised that there were certain things that were not going to come to fruition.

Assumptions (items that have to be removed from the Budget):

- **Car Park Revenue**
- **Clamping Revenue**
- **Expanded Zone Revenue**
- **Bike Parking Revenue**
- **Increase in Parking Rates**

There may be some revenue from tickets but that would not commence until April 2016. The legislation that is being tabled on Friday 4 December 2015 is that both Municipalities will receive the revenue that the courts receive from people that actually go in and pay tickets. Government is only collecting 16% of the tickets issued (\$191K). This demonstrates the CoH's argument for enforcement.

- **Ticket Revenue** - \$1.3M has to be removed - no guarantee of receipt of those funds.

The issue with the parking tickets is whether or not the CoH believe that they will be able to clamp as part of enforcement in the February/March timeframe. Then those people with outstanding parking tickets will be clamped and would have to pay those outstanding parking tickets. If the CoH does not receive clamping for on/off street parking as part of the legislative change, all revenue for parking would have to be completely removed. The Attorney General (AG) has to confirm in writing to the Council what authorities his Chambers is going to put in the new Traffic Act that will empower the CoH. On/off street clamping enforcement is one of the authorities the CoH is asking the AG to confirm that will be in that Act. Further dialogue ensued.

The Mayor commented that with the approval of the Minister, suggested that when this legislation goes through, that the CoH make it very clear to the public that under this new change, anyone that does not pay their parking tickets, their car will be clamped and will not be released until they have paid all of their previous parking tickets plus the clamping fee.

If the CoH is allowed to clamp and tow and if the vehicle is not moved in a particular timeframe, it will be towed and stored in a location that will not impede on the general public. There was further discussion.

Councillor Harvey commented that the 2016 Budget is currently based on unknowns.

The Budget must be approved by the end of the year as well as being approved by the Minister. MIF is looking to get paid by the end of the year, if not at the earliest opportunity in January 2016. The bank term sheets would have to be approved, subject to the approval of the legislation (timeline now moved to February 2016).

The Mayor suggested adjourning this meeting until such time that the Minister or the PS can attend. There are too many unknowns and the CoH is trying to present a Budget with some comfort to allow the CoH to run for the next year.

There is also a Tax Rating Ordinance which was forwarded to the Council members for review and would have to get passed through the AG's Chambers and the Minister to be in effect 1 January 2016.

RESOLUTION: That the Board agree to adjourn this Council meeting of 2 December 2015 (Public Session) until such time that the Minister and/or the PS can attend to further discuss the 2016 Budget.

Proposed: Councillor J. Harvey
Unanimous

Seconded: Councillor D. Tucker

Hamilton (Rating) Ordinance 1972 - has one difference in the Municipalities Act in that it can be done by Negative Resolution. With the 2013 Amendment it still has to go through the Minister and the AG's Chambers. In previous years it could be approved by the Council and published as long as it was less than the 10% of the ARV. The increase in the ratings generally went up by 2% and the resident premises were then tiered. The change is to amend the Rating Ordinance:

- To insert the tier structure.
- charge both business and residence owners the full rate of the tax.
- Owners can reclaim the charge levy of the occupier portion of the tax.
- In the event the valuation unit is not occupied, the owner may apply to the CoH for a refund of the occupier rate for the current rate period.
- Remove the reference to owner/occupier in Paragraph 6.
- Paragraph 7, the demand note will only be sent to the owner.
- Add the ability to send the demand notes via email.

Benefit to the CoH:

- Lessen the number of persons that the CoH would have to follow-up with re: obtaining information and the collection of taxes, putting the onus back on the owner.

RESOLUTION: That the Board approve the Hamilton (Rating) Ordinance 1972 Amendment Ordinance 2015.

Proposed: Councillor L. Scott

Seconded: Councillor H, Ming

Abstained: Councillor R. Edwards

Motion passed.

The Mayor asked if there were any other items to be taken out of the Budget to be looked at separately. It was noted that the other increases, i.e. Residential Parking, Sewage Tax, Handicap Parking, Doctors' Parking, Concession Stands, Earl Cameron Theatre, Street and Park Rentals and Banners were still included in the Budget and they were not considered time-sensitive. The Treasurer commented on the new Residential Parking Permit fee which was proposed to commence 1 January 2016. The Mayor commented that if the parking is not going to be extended and parking tickets are being ignored, it does not make sense to charge for something that the residents could use without being charged.

ACTION: The Secretary to invite the Minister and/or the Permanent Secretary of the Ministry of Home Affairs to a Corporation Board meeting (time and date to be determined, dependent of the availability of the Minister and/or the PS) to discuss the 2016 Budget further.

The public session of the meeting adjourned at 1:55 pm.

Date

Mayor

Secretary