



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.

City Hall, Hamilton
Infrastructure, Development & Future Committee

15 June 2016

10:00am

Present: Councillor John Harvey, MBE, JP (Chair)
Rt. Wor. Charles R. Gosling, JP
Councillor George Scott, JP
Councillor Nicholas Swan
Councillor RoseAnn Edwards

Staff: The Secretary - Ed Benevides, JP
The City Engineer - Patrick Cooper
The Event Project Manager - Danilee Trott

In Attendance: Ms. Rachel Bailey - IHOPE Global

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1. **Confirmation of Notice** - the Secretary confirmed that the notices for the minutes and the agenda were posted and sent out in accordance with the new meeting guidelines.
 2. **Role of the Chairman** - Councillor Harvey acknowledged his role as Chair of the committee.
 3. **Open Meeting** - Councillor Harvey called the meeting to order at 10:00am.
 4. **Apologies** - The Secretary confirmed there were no apologies.
 5. **Public Participation:**
 - (i) **Presentation from IHOPE, Ms. Rachel Bailey: Proposal for Potential New Revenue Source** - Ms. Bailey asked to defer the presentation until another meeting as she is having some conversations with the relevant ministries concerning the current legislation. She is here for another proposal which is listed later on the agenda under Any Other Business.

6. Correspondence:

There is no correspondence.

7. Minutes of Previous Meeting dated 11 May 2016

Proposed: Councillor G. Scott

Seconded: The Mayor, Charles Gosling

The Minutes were accepted as read.

8. Matters arising from the Previous Meeting dated 11 May 2016

(i) Pass on Information to the Secretary re: the Owners of the Property at the bottom of Spurling Hill and the beginning of Front Street - Councillor Harvey has not made any contact with Ms. Leseur but will do so at the conclusion of this meeting.

(ii) Invite to Persons to Submit Drawings re: Changing and Edifying the Entrance to the City - Councillor Swan had offered that perhaps private entities could be persuaded to make a submission of what they thought the entrance of the City should look like.

(iii) Follow-up Letter to Mr. Branco of Innovation Ltd. re: his Request for Residential Parking Spaces for Ram Re House - the letter has not been mailed. This request is on hold pending a review of the residential parking spaces within the City.

(iv) Review of the Current Residential Parking Permits Policy - a joint committee will be formed including members from the Infrastructure and Residents Advisory Committees to review the current policy with a view to implementing submissions from any new applications. Councillor Harvey commented that a Council member had requested residential parking considerations. The Secretary advised that the Councillor had requested to have the permit fee waived for sitting Councillors which is not a parking issue but a finance matter. The request went to the Finance Committee but there was no support in that regard. There was a review of the policy a couple of years ago when the fee was implemented making point #3 of the current policy not applicable - **"There is no charge for residential parking permits"**.

ACTION: A joint committee is to be formed consisting of members of the Infrastructure and Residents Advisory Committees to further review the Residents Parking Permits Policy with a view to making a recommendation to the Board. The members from the Infrastructure and Residents Advisory Committees will include Councillor C. Johnson, Councillor G. Scott and Councillor N. Swan.

(v) Invite to the Residents and the Residents Advisory Committee re: Comments for a New Policy for Residential Parking Permits - discussed previously.

(vi) Note to Residents re: Review of Residential Parking Permits Policy - discussed previously.

(vii) **Follow-up with Inspector Scott Devine re: Liquor Licenses for Events** - the Event Project Manager said a joint organisation liquor license meeting was held a couple of weeks ago with BTA, the Chamber of Commerce, Liquor License Authority, Bermuda Hotel Association, Bermuda Restaurants plus others. The Liquor License Amendment Act went through the House and was approved. The amendments passed should support and assist in liquor license granting for large major events on the Island. There has to be a letter of support from the Chairman of the BTA stating that the event has a national or tourism connection in order to receive the license. The Liquor License Authority still has the authority over whether liquor licenses are issued but this letter is supposed to expedite the process. The way the Act is written is still not very clear. If all of the details of what is required is still going to be required even if you have the letter from BTA, i.e. the number of security officers per guest, number of bartenders per guest, all bartender have to be tip certified, etc. are all in the Act but there is no clarity as to whether they will have to be required if an entity has this letter of support from BTA.

Councillor Edwards joined the meeting at 10:10am.

(viii) **Follow-up with Marking Out of the Turning Lane for Traffic Travelling East along Front Street, turning into the car park** - the City Engineer looked at the street and it appears that there is not enough room to put in a filter lane. To put in a filter lane, would have to gain road width and to gain road width parking would be lost. A turning lane needs to be 10' or 11' wide.

(ix) **Proposal re: Parking in the Car Parks** - there was a discussion in the last meeting concerning a possible option of charging one (1) fee for all day. The CoH was advised by the AG's Chambers that charging the one (1) day fee would have issues because the Ordinance did not specifically state that. Giving retail's objection to that option, the staffing requirements to do so plus the interaction with the public, the barrier system seems to be the way to move forward at this time. The other piece that needs to be evaluated is whether the CoH could lease the property to other people and they can operate it and pay the CoH.

The Mayor commented on the barrier system being the secondary choice and it will take at least 2-3 years to pay off. Those who are now paying in City Hall car park will now move to another car park until the barriers are put in place. The efforts should continue to decriminalise parking offences as well as move towards regaining clamping. Councillor Harvey said that perhaps the matter should be placed in the public arena for feedback. Clamping is something that everybody does in terms of municipalities and private parking, etc. Councillor Swan asked about the Chief Justice's ruling with regards to clamping. The Secretary advised that clamping was not the issue it was the process in how the Ordinances were not appropriately processed. The 2007 Ordinance was not properly published and the 2013 Ordinance was invalidated by the Government. Councillor Harvey said mistakes were made in the past but should now create proper legislation to cater to this matter.

It appears that there are persons who are vehemently opposed to what they consider "the barbaric act of clamping." Under the new law, Ordinances have to be approved by the AG as well as the Minister and as long as the AG says "no", it is "no". The Mayor advised that in January the Council re-affirmed a new 2013 Ordinance with the appropriate changes made to it to address all of the concerns that had been raised previously. While the Minister approved it and when it went to the AG's Chambers, the CoH has not heard anything officially from them other than the Minister saying that clamping will not happen. A lengthy discussion continued on the decriminalisation of parking offences.

The City Engineer said there is another advantage to decriminalising parking. It has been said that tickets should be tied to the licensing of one's car. That cannot be done while it is a criminal offence because there is a legal process of arguing the case in court. If it is turned into a civil penalty, that whole argument falls away and then the two (2) can be tied together. Dialogue continued on clamping.

The Mayor asked that if any of the members/staff have any particular issues/benefits regarding decriminalisation to forward them on to him. Then the BPS would not have to have the traffic wardens on their payroll; they would be able to concentrate on proper criminal offences. He is leaning towards the public opinion suggestion. Dialogue continued.

Councillor Swan said that this has been challenged in the courts but what is to stop the CoH from proceeding and forcing the issue of clamping. The Secretary said there is currently a ruling that clamping is unlawful on the Island. The CoH has an appeal that is still deferred on the Chief Justice's ruling. The action that the CoH should be doing is appealing that ruling and move forward. The Minister has asked the CoH to drop the appeal and he would work out an amicable process in which Ordinances can be passed in a timely manner. Discussion continued.

The Mayor said the only concern is that if the car park is leased out, the CoH would want to lease at it at the potential revenue stream that they would be getting from it. That would be part of the argument moving forward whereby if they are not giving the CoH one choice, the CoH would be forced into another choice which may have an inflationary effect upon the user. The Secretary said the CoH could not do that right now because most of the properties are being used to do the loan. Councilor Harvey suggested to the Mayor that when he is doing another PR exercise to just casually mention the challenges that the CoH is currently facing. There was continued dialogue on different options for PR.

(x) **Pursue Discussions with Clarien Bank re: Logistics and Costs to the Car Park** - Clarien Bank has a list of properties for collateral and most of them are the CoH's car parks. This discussion was about whether the CoH would be able to lease the property if it was part of the loan and the guarantee. What Clarien did say was that if the CoH leases the car parks and the agreement was that the revenue would come to the CoH, they would not have an issue with that.

(xi) **Letter to Mr. John Wight re: Attendance to Liquor Licensing Meeting** - the letter was not sent but the attendance to the liquor license meeting was addressed earlier in the meeting. The Event Project Manager confirmed that persons from the Chamber of Commerce were in attendance - action item completed.

9. Status Update:

There are no status updates.

10. Recommendation for Review:

(i) **RECOMMENDATION:** That the Board agree to allow ACBDA to install whatever they need for the safe mooring of Super Yachts on Front Street. All discussions on what infrastructure is going to be left behind can be had afterwards.

AMENDED RECOMMENDATION: That the Board agree in principle to allow ACBDA to install the necessary infrastructure and utilities for the safe mooring of the Super Yachts on Front Street. Final approval will not be unreasonably withheld. The removal of the infrastructure and utilities will be agreed upon by a Memorandum of Understanding (MOU) between both organisations. **(approved in Corporation Board meeting dated 4 May 2016).**

The conversation regarding the Super Yachts has not finished but the information has been passed on to America's Cup and are now waiting to hear from them.

11. Any Other Business

(i) **IHOPE Omega-City Tent** - the Secretary introduced Ms. Rachel Bailey of IHOPE Global to the committee. Ms. Bailey then distributed information pertaining to the Omega-City tent which she requested to be returned at the end of her presentation because of the confidential information contained in the information. She is presenting on behalf of her client Omega direct from Switzerland. IHOPE Global is an out-of-hand advertising company who manages end-to-end advertising services throughout the Island, i.e. for the Government, grocery stores, airports, etc. They do everything from gross revenue collection to commission distribution right along to managing their placement. They create infrastructure within entities to provide revenue. She continued speaking about the 106 year old advertising law in Bermuda that restricts and needs to be addressed. There was dialogue relating to the Advertising Act and its restrictions. In Omega's approach to the America's Cup 2017, and as they are one of the timekeepers, have put forth different interests around the Island for branding. In Omega's initial query regarding the City she told them "no" without questioning or approaching the City. Then the question was posed to her to do the tent on Front Street at the Flag Pole. She contacted the CoH's Communications and Rental Coordinator, V. Abraham, received and reviewed the package as it relates to logos, etc. within the City.

During the 24th May, when walking off of Burnaby Hill noticed the topless tent at the bottom of the hill and thought maybe if they are offering to do it, it might be something that the City might embrace. She then set up a meeting with the Secretary, Mr. Benevides to see if they would be able to brand the tent at the Flag Pole. Omega would be willing to finance the project and any subsequent brandings. She has spoken with them with regards to the materials to be used, e.g. wood, canvas, PVC, etc. and they would agree to whatever the CoH wants as long as the structure is within the guidelines. She has proposed to Omega that while they are willing to finance the actual branding, they would have to pay a rental fee because the revenue stream has to assist the entity. Other entities, e.g. Dockyard, the airport has already been put within their budget. They are waiting to solidify, if this was to be considered, how they could proceed.

This branding would not just be for the America's Cup but could be all year round. The CoH would have input into what the final product would look like. If an entity wants to put up anything with the America's Cup logo or trademark symbols, it has to be approved by them. Further discussion continued.

Ms. Bailey advised that the official carriers of Omega in Bermuda is A.S. Coopers and they have a specific budget for local. She further commented on the CoH's guidelines where it states no logos. But when watching the branding around the Island some of the City's canopies have logos and some don't, some of the pole banners do have logos, e.g. Bermuda Heroes Weekend. She queried how does one differentiate on what logos can be displayed. The Event Project Manager said in the guidelines it states that the only way that a logo can be used is if it is part of the name of the event. The main specifics for the logos are that a corporate branding cannot be promoted. Dialogue continued on the concept of the IHOPE Omega-City Tent proposal and the America's Cup 2017.

Councillor Swan left the meeting at 10:55am.

Councillor Harvey commented on the America's Cup and the considerations made to ensure that this event is done in a tasteful first-class setting. There was continued discussion on the current Advertising Act.

Councillor Harvey thanked Ms. Bailey on behalf of the committee and she left the meeting at 11:00am.

(ii) **Tent in #1 Car Park** - the proposal for the Fashion Festival was to have an alternate site established for one of the events that would prevent any weather impact on the Evolution and the Designer Shows (3 fashion shows). The request from the Council was that all of the events were to be held within the City. The way to have that would be to have a covered venue and it would have to be of a certain size. There is a local tent that requires some major repairs in excess of \$60K, this cost not borne by the CoH. A proposal has been put forward by the owners of the tent which would allow the CoH to have the events in the City but due to the cost, it requires a longer term return on that investment. The proposal is to have the tent up for the maximum period of a temporary installation until the money is paid for and to also become a potential revenue stream for both parties.

The tent is going to cost at least \$10K for the installation, some car park revenue will be lost during the installation and would be also paying for the rental of the tent, a minimum of \$15K. The tent will stay up for just under six (6) months which is the Planning Department limit before having to obtain a temporary permit. The CoH will manage the rentals and pay the owners back the funds that they have spent out. There was continued dialogue regarding the MOU and events already booked. It is a clear span tent, 100' x 100' (1000K sq. ft.) and 25' high. The tent would go over the light poles, etc. Once it is erected it will not impede on any parking at all. There are no poles, etc. underneath except for the outside legs which fall on either side of the parking extremes. Parking will continue once it is installed and it will be an approximate 3-day installation period.

RECOMMENDATION: That the Board approve for the Infrastructure Committee to move forward with the Memorandum of Understanding (MOU) to agree with the owners of the tent that the tent would be up for the 6-month period. In that agreement the City would have use of the tent for their events, rent the tent and the revenue generated will pay back the installation as well as the group's expenses.

All three (3) fashion shows will move to Front Street. The Event Project Manager had received a quote from the audio visual group and sponsor, Great Sound on what it would cost to do both locations. Initially the CoH was going to have the Designer Shows on Front Street and the Evolution Fashion Show in the City Hall car park. The infrastructure to do both is way out of the Events budget whereas if all of the events are held in the same location, it would be more financially feasible.

The Mayor expressed his concern in terms of the tent being erected for a series of six (6) months at a time. The Event Project Manager stated that the Events Department would love to see the tent erected every year for six (6) months because it would provide a covered venue for all of the large outdoor events. It would also give the CoH the opportunity have a large scale event such as the America's Cup event held last year. At the moment the cost makes it prohibitive but if the CoH had a tent where under an agreement they would not have to pay for when having those large events, it makes those events more feasible to host. In addition it is a revenue stream. The tent has its wind capacity, etc. as to what winds the skins need to come off and the intention is to use the timeframe when it is not hurricane season. Councillor Harvey commented on having indemnification included in the MOU. There was continued discussion.

Councillor Edwards commented on a previous discussion regarding the installation of a tent and using concrete footings. It was noted that the Senior Engineer has worked out a different method for installation for this year, i.e. using concrete stakings as opposed to concrete footings, a less expensive method. Initially the CoH was looking at \$15K - \$20K but now looking at \$5K - \$10K.

The Event Project Manager said that they are not asking for any additional funding. The payment that they will make is already approved in the Fashion Festival budget. Dialogue continued.

The Mayor expressed his support of the Event Project Manager but said that the tent would not necessarily be an attractive addition down on Front Street, it would be like putting #1 shed back there. The Event Project Manager said the tent is being repaired to be installed so for the first six (6) month period, the budget is going into repairing the tent and installing it. There may not be any excess budget to make it look any different; it will be a white tent. It is a clear span so will not be intrusive. Moving forward the aesthetics could be improved, i.e. fabric draping, lights, sleeves for the poles, etc. The Mayor said moving forward has there been any thought of having the event more available in the City Hall car park as a more permanent spot. The Event Project Manager said that one of the advantages with Front Street is that it does not impede on any parking bays. She has no issues with the event moving to another location as long as it is kept within the City. In the City Hall car park it will not be exposed to the elements of wind and water and it will be just as easy to secure for events. The City Engineer said that the City Hall car park is being designed as an event space because it is going to be without trees, etc.

Proposed: Councillor G. Scott
Unanimous

Seconded: Mayor, Charles Gosling

The City Engineer said the CoH did not have a good experience with the tent at Pier 6 so the CoH needs to be very careful how this MOU is worded. The Event Project Manager said the tent has to come down at six (6) months regardless. The Mayor asked if there would be any reason why the Chamber of Commerce could not use the tent facility on a Wednesday night as a rain venue for Harbour Nights. The CoH needs to come up with as many positive events that could be held under the tent, e.g. the Farmers Market and other activities on a regular basis, rather than the public seeing an empty area on an ongoing basis.

Note for the Finance Department when discussing the rental rate of the tent: the Event Project Manager said that the existing clear span tent at the National Stadium for comparison's sake, is a 1000K sq. ft. and it rents for \$10K per day. She does not want to have this tent at that price and would want the rental rate to be more user-friendly. Councillor G. Scott commented on the tent at Pier 6 because at the time Hamilton Princess was under renovation and lost their convention space. Targeting hotels and persons accommodating large groups, the tent at Front Street would be another option for them. The Event Project Manager said that she has already made contact with the hotel in that regard. The Mayor suggested contacting the customers that rented Pier 6 and advise them accordingly.

(iii) **Bermuda Fashion Festival, Road Closures and Car Park Interruptions** - half of the the #1 car park that will be under the tent will be closed for five (5) days. The loss of car park revenue would be approximately \$5K in total.

Discussion continued on the fun Golf Classic during Fashion Festival week.

The Event Project Manager advised that the Hamilton Princess pulled out about a week before they were supposed to sign the contract.

The host hotel is now the Elbow Beach and that is where all of the international guests will be staying with the exception for the models that will be staying at a house rented by the CoH. Hamilton Princess forwarded an email asking to please use them next year. This all happened between the transition of the last Conference Manager leaving and the new one coming on board. All of the negotiations were done but the contract had not been signed. With the change it impacted costs, i.e. transportation, etc. Elbow Beach has sponsored 70 free room nights for the international guests. Coach is also coming to Bermuda for their conference during the Fashion Festival and because they booked 70+ room nights as well, Elbow Beach gave them a reduced rate and the CoH was able to book the last few guests there.

Councillor Harvey suggested that the Event Project Manager consider writing a letter to Mr. Allan Federer of the Hamilton Princess indicating her disappointment with the hotel cancelling the contract and that she was confident in their ability to work with her but at the last minute they put the reputation of Bermuda at risk. Also if she has experienced any other costs that they might consider addressing that as well. Hamilton Princess also cancelled the Coach Gala at the hotel and said that since they were no longer a sponsor; the space for the Gala was no longer available. The Gala is now at the Fairmont Southampton Resort. Tickets for the Fashion Festival events will be forwarded to the members and would need a response as quickly as possible. Councillor Harvey also suggested that the Secretary and the Event Project Manager arrange to have lunch with Mr. Federer to discuss the matter further.

(iv) **Bermuda Grocery Box, Refrigerated Grocery Container in Bull's Head** - the City Engineer received a request from the Bermuda Grocery Box who wished to lease at least two (2) spaces in Bulls Head car park in order to put in refrigerated lockers. The concept is that the groceries would be ordered online and the lockers would be stocked with the order. The customers would then collect their orders from these lockers on their way home. The City Engineer said that he does not think it is a great idea because of getting the electricity there, etc. Also when the barrier system is installed, how will this work for the customers if they are not parking in there. Financially the CoH will not be making any revenue with this concept. The Secretary suggested a different location, a drive-through type location. Councillor G. Scott suggested outside by the Works Depot on Canal Road. The City Engineer suggested underneath the ramp on Jackson's Way.

The Mayor commented that the argument about the barrier system is a valid one. Hopefully the court case will go favourably for the CoH and they could be looking at entering into a reduced loan with Clarien Bank enabling the CoH to get the barrier system in place for all of the major car parks. Discussion continued.

(v) **Residential Parking within the City** - Councillor Harvey gave a brief overview of the discussion held earlier in the meeting in item 8 (iv) to Councillor Edwards who had joined the meeting after the discussion was held.

(vi) **National Heroes' Plaques Installations** - Councillor Edwards commented on the installation of the plaque in the sidewalk at E. F. Gordon Square, corner of Court and Dundonald Streets. Some of the residents and area businesses have been complaining that they would like to have it placed in the stone structure there.

The Event Project Manager commented that she had not received any complaints about any of the other plaques and there are quite a few of them placed all around the City. The City Engineer said the CoH was told where to place these plaques by Government. Councillor Edwards showed a photograph of the plaque indicating the poor quality of the product and the workmanship. The Bermuda Government purchased the plaques and the CoH installed them. The CoH is not on the committee for the National Heroes Day celebrations. There are ten (10) plaques from the beginning of Court Street at Front Street all the way up to Alaska Hall. The CoH had discussions with Government on where to place the plaques, where it was suggested to place them along the wall of Parliament but the Government gave a negative response in that regard. There was continued discussion.

(vii) **Benches on the Corner of Court and Dundonald Streets** - a note was sent to the engineering department, part of one foot is broken on a bench. The seated surface is still intact.

(viii) **Parking Sign on Angle Street** - "No Parking Reserved for Residents" sign was removed from a red house on Angle Street on the north side of the street and has to be replaced. It would have to be determined why the sign was removed and if the resident still wants the sign posted on their house. Further dialogue continued.

Councillor Edwards commented on two (2) additional parking spaces on Angle Street near Ashley Raynor's building where BMA workers park all day and are never ticketed. There is no signage there.

(ix) **Mr. Armstrong, Barber on Dundonald Street (E.F. Gordon Square)** - Councillor Harvey queried if the matter regarding parking in front of his business had been resolved. With people parking there all day, his business is suffering as a result. Mr. Armstrong has approached the people who park and has been threatened as a result of that approach. The Mayor said that he spoke with the Secretary in this regard as well as having a conversation with the Police Commissioner. The Mayor said that he would like to see that car park with a barrier system, not necessarily as a revenue generator, but one that will get the message across that the car park is there as a resource for the businesses in that area. The CoH is just as supportive with those businesses as elsewhere. The Secretary said that car park would have to be added to the Car Park Ordinance. There was continued dialogue.

(x) **Parking Spaces on Parliament Street near the BIU Gas Station** - there are two (2) Government parking spaces there across from Atlantis but there are private cars parking in those spots. The City Engineer said the only spots rented to Government are on Parliament Street outside of the old police station.

ACTION: The City Engineer to do a comprehensive review of the parking spaces within the City, e.g. for doctors, residential, Government, etc.

The Event Project Manager left the meeting at 12:05pm.

(xi) **Tipping on Ewing Street** - Councillor Harvey suggested that a resident get a picture/evidence of the culprit for which he will give a reward. The Mayor commented on Minister Cannonier's comments on tipping throughout the Island.

ACTION: The Secretary to write a letter to Minister Cannonier on behalf of the Infrastructure Committee regarding the current situation of tipping within the City. The Minister is looking for an example to show to the Island of how serious to take this behaviour. Tipping is happening under CCTV cameras and the CoH would appreciate the Minister's assistance, now that it has been brought to his attention and would be looking to see if they can have a successful prosecution of the person (s) that are offending. The CoH has been totally unsuccessful in this regard.

The meeting was adjourned at 12:10pm.