



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

9 March 2016

10:00am

Present: Councillor John Harvey, MBE, JP (Chair)
Councillor George Scott, JP

In Attendance: The Treasurer - Tanya Iris (Acting Secretary)
The City Engineer - Patrick Cooper
The Event Project Manager - Danilee Trott

Apologies: Rt. Wor. Charles R. Gosling, JP
Councillor Nicholas Swan
The Secretary - Ed Benevides, JP

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1. **Confirmation of Notice** - the Acting 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 Acting Secretary confirmed apologies for the Secretary, Ed Benevides.
 5. **Public Participation** - the Mayor sent a note to Councillor Harvey expressing his disappointment for not being able to attend the meeting this morning and to welcome Messrs. Coles and Thomson to discuss the CoH's involvement with the Christmas Boat Parade. He said the meeting was to discuss what has been the challenges and how do they see the event going forward, etc. He wants to ensure that the City remains or becomes as vibrant as possible. The Christmas Boat Parade has played a vital role in the City in that regard.
 5. **Thomson** - gave some background on how the idea of a boat parade came about after watching a boat parade around Newport Harbour that went on for 5 or 6 days. After some consideration and in the mid 1990's he approached Wendy Tucker, Ian Coles, Ralph Richardson, Jim Butterfield and put together a team. For the first couple of years it was called

the BUEI Christmas Boat Parade. Then it was decided to not have a name attached to the event and then called it the Bermuda Christmas Boat Parade. A lot of support was received from ACE, Fairmont, Bacardi, etc. but then the boat people voiced that it was difficult having the event every year. So it was decided to have the Boat Parade every other year and it has worked well for everyone.

They have a template that says what has to be done and when during the time, i.e. sending out the notices to the boat people, confirming the sponsors (which has been consistent over the years), arrange for the fireworks, contact the CoH and liaise with them, the Chamber of Commerce and John Wight at BF&M regarding insurance for the boats. In recent years the team has downsized. About 5 or 6 years ago, they decided that in 2015 they would be done and that is when they made an approach to the CoH who has been very open and supportive. If the CoH decided to take on the organising of the event, they would be willing to assist in the initial stages.

Councillor Harvey stated that the Mayor had expressed some concern that if the CoH was to take over the event would they receive the same sponsorship. S. Thomson went back to some of the sponsors and put that question to them and they seemed to be supportive in that regard. He further commented that maybe the best way to do the event is to continue to run the Bermuda Christmas Boat Parade charity which the engine running it will be the CoH Events team.

I. Coles - the effort is primarily on getting the sponsors and the donors and then getting the boats in. They would be happy to go after the sponsors in the first year and assist with the organising of all of the other aspects of the event. They have never found any resistance from anywhere or anyone when asking for assistance for the Boat Parade.

S. Thomson - said there is still about \$30K in the account which is done purposely so that when they start printing brochures, etc. they do not have to look for the first sponsor. All that would need to happen is to have the signatories changed on the account. The major costs go towards the participants, i.e. through prizes from Lindo's giving discount vouchers, buying trophies and gift certificates, radio and newspaper advertisements, mailings through boat clubs and insurance firms. A lot of the funds go towards the marketing of the event. The number of entries is stable, about 70 or 80 boats. They always set a target for 100 boats but have not reached that goal as yet. There is a core group of about 30 or 40 that enter every time. There was continued discussion about the cost to the boat people to decorate their boats.

Dialogue continued about a group trying to put together a Christmas weekend including the St. George walk-around on the Friday evening, the Boat Parade on the Saturday evening and on Sunday an event in the Dockyard - caroling with the dolphins, etc. They are a lot of ideas out there to grow the event. There was continued dialogue about the decoration of the homes around the harbour.

Councillor Harvey commented on the America's Cup and Tall Ships in Bermuda in June 2017. He queried the possibility of having a summer boat parade.

It was noted that this idea had been discussed previously but thought that since it does not get dark until 9pm in the summer, making it a late night for the event. Discussion continued.

The City Engineer said there are going to be Super Yachts and Tall Ships all along Front Street so the viewing of the Boat Parade would be obstructed. Then there are all of the other boats moored out in the harbour. There is talk of Marine & Ports having to grid every single anchorage for America's Cup so there would not be any room to have a Boat Parade safely during that time.

5. Thomson - said there could possibly be a toned down boat parade.

The committee was given their financials from 2013 with regards to the expenses, etc. for the Boat Parade. There was further discussion about involving BTA and the Department of Community and Cultural Affairs.

The committee thanked Messrs. Thomson and Coles for their informative presentation. Councillor Harvey advised that the Council would have to make the final decision and a recommendation would be brought forward at the next General Council meeting scheduled for 6 April 2016. He will undertake to advise them once a decision was made. They left the meeting at 10:25am.

RECOMMENDATION: That the Board agree for the CoH to undertake to secure the organising and operating of the Bermuda Christmas Boat Parade.

Proposed: Councillor G. Scott
Unanimous

Seconded: Councillor J. Harvey

The Event Project Manager expressed her concern about the charitable side of the process and how it would work with the CoH managing a registered charity, i.e. the regulations, certain amount of directors, etc. The City Engineer said there is quite a bit of paperwork involved with charities as well as accounting processes. It was suggested to place this matter on the agenda of the next Finance Committee scheduled for 17 March 2016.

6. Correspondence:

There is no correspondence.

7. Minutes of Previous Meeting dated 10 February 2016

Proposed: Councillor G. Scott

Seconded: Councillor J. Harvey

The Minutes were accepted as read.

8. Matters Arising from the Minutes of 13 January 2016

(i) **Scanning of letter from Bermuda Realty Company Limited to Council members for discussion at the next Infrastructure Committee meeting scheduled for 9 March 2016** - action item completed. There was some discussion on the 15 minute parking bays already in front of the Atlantis building. There are two (2) drop-off bays and they are now requesting three (3) residential parking bays. Dialogue continued on other entities requesting residential parking bays within the City and they were denied. Also continued discussion on the parking lot for the Atlantis building which is never completely full. They have the arrangement but just want to have parking in the front of the building. The drop-off bays serve the function of being able to take groceries in, etc. into the building and then park the vehicle in the lot next to the building. There are 66 units and when Atlantis was built, an application was received for 66 residential parking permits which would have covered every single parking bay around the whole block and would have been too onerous for the City to undertake. Dialogue continued.

RECOMMENDATION: That the Board deny the request from Bermuda Realty Company Limited on behalf of Atlantis Condo Building at 5 Parliament Street to convert three (3) car parking bays situated directly outside the front doors to residential permit parking.

Proposed: Councillor J. Harvey
Unanimous

Seconded: Councillor G. Scott

(ii) **Letter to Mr. Mohammed Hamza/Sted Cross Management Limited** - the action item has been passed on to the City Engineer and he is in the process of drafting the response which will go out this week.

(iii) **Letter to Dr. Warner re: Parking** - action item completed, the letter was forwarded.

(iv) **Letter to Gibbons Company re: Container at Top of Washington Lane** - action item is still outstanding.

ACTION: The City Engineer will draft the letter to Gibbons Company with regards to their container at the top of Washington Lane indicating the safety reasons, etc.

(v) **Write to Mr. Kempe of Bermuda Forwarders re: Practice of their Container Trucks travelling from the Docks via Court Street, turning on to Victoria Street and then on to Cedar Avenue** - action item outstanding.

ACTION: The City Engineer to follow-up on the letter to Mr. Kempe of Bermuda Forwarders regarding their container truckers travelling en route from the docks.

The City Engineer said a letter can be written to Mr. Kempe regarding the safety implications.

Mr. Kempe has every legal right to go down that road unless the CoH changes the signage that would make it illegal for him or to restrict container trucks on that section of the road. Just writing and asking him, legally he is not obliged to follow that. Councillor Harvey said the view was to put Mr. Kempe on notice, send him a registered letter in the event that should something happen, it can be noted that they were fully aware of the CoH's position. The reason received from the truckers for travelling that route is that the right turn from Dundonald Street on to Cedar Avenue is difficult because they want to go out through St. John's Road. They would normally go Dundonald Street but there is no turn arrow and there is opposing traffic and they will sit at that light for some time until the traffic clears. The problem with putting in a turn arrow is that they are old traffic lights and would have to replace the junction. Discussion continued.

(vi) **Provision of Report of Meeting held with the Christmas Boat Parade Organisers** - action item completed.

(vii) **Invite to Ian Coles and Steve Thomson to the next Infrastructure Committee meeting to discuss the Christmas Boat Parade** - action item completed.

(viii) **Write to the Minister of Works advising that the CoH will be putting forward a request to be placed on the agenda of the Finance Committee to pay 50% of the outstanding bill for the New Year's Eve event** - approved at the last General Council meeting - action item completed.

(ix) **Meetings re: Harbour Nights on Court and Front Streets** - the Harbour Nights Committee has started to pull together a full organisational committee which should be starting to meet in the next week or two. The Event Project Manager will update the Infrastructure Committee once everything is in place.

(x) **Challenge of Liquor Licensing for Events** - Councillor Harvey said the sub-committee for Legislation is working on a new Municipalities Act and this matter should be included. The City Engineer commented that the liquor licensing would be a primary National Act and not the secondary legislation of City ordinances. CoH cannot write an ordinance which is "repugnant" to primary legislation and cannot assume powers that they are not given. Those powers still rest with the Government and the CoH would have to convince Government that a change is required.

ACTION: The Staff, Legislative & Governance Committee to look at the challenges of liquor licensing for events within the City.

9. Status Update:

(i) **Al Fresco Rates Review** - the City Engineer distributed copies of the two (2) proposals. In November/December 2015 the 5-Tiered rate structure was implemented for Al Fresco dining. **Proposal 1** was what was approved by this Council and following from that a restaurateur from the Island Restaurant Group came and made a presentation.

They said that the rates for Al Fresco were extremely high and punitive and were not realistic for the current market. The rates were looked at in terms of a sq. ft. rate per annum which is what the market generally uses. He referenced the approved rates to the newly proposed rates. The City Engineer lowered the rates to bring them in line with what he thought was more equitable. This keeps the tier 5's at the same rate. It is bringing others into a lower rate to allow them to perform. He is having challenges with Nonna's Kitchen and Yo Cherry in trying to get them to pay \$3.00 or \$2.50 per sq. ft.; they cannot pay those amounts and said that the structures can be taken away. If they are taken away, then they become unviable and that building may lose two (2) tenants and the CoH will lose two (2) businesses. The CoH is trying to encourage Al Fresco dining but at the same time needs a framework where everyone is being charged according to a standard. Nonna's Kitchen and Yo Cherry are delinquent with their Al Fresco charges.

In the first instance, it was suggested to discuss the \$2.50 per sq. ft. rate with Nonna's Kitchen. Yo Cherry has said that they cannot afford to pay \$2.50 per sq. ft. If they both say "no", then will have to take down the Al Fresco structure and take back the sidewalk. The CoH will either have to take the lower rate or lose two (2) businesses and lose the taxes because the places are not rented. There was reference made to D'Angelinis at the Ferry Terminal who wanted to rent the space out front but could not afford to. This would allow them to come back into the fold. This would also have to include lunch wagons because they are using space. There was continued discussion in this regard.

ACTION: The City Engineer to propose the lower rates to Yo Cherry and Nonna's Kitchen.

RECOMMENDATION: That the Board approve **Proposal 2** for Al Fresco dining within the City of Hamilton:

- **Tier 1** - Rate per annum \$15.00 per sq.ft. or rate per month \$1.25 per sq.ft. - vendor places out (and removes) tables and chairs into a public space, restaurant does not service tables, e.g. Common Ground, Glaze, Lunch Wagons, Food Concessions.
- **Tier 2** - Rate per annum \$20.00 per sq.ft. or rate per month \$1.67 per sq.ft. - vendor places out (and removes) tables and chairs daily into a public space. The restaurant provides service to the tables - extension of restaurant, e.g. The Beach.
- **Tier 3** - Rate per annum \$20.00 per sq.ft. or rate per month \$1.67 per sq.ft. - space is covered with light structure (can be removed and re-erected within a week) that is not removed daily and area is demarked with barrier. The restaurant does not service tables, e.g. Nonna's Kitchen, Yo Cherry, Berymy Berry.
- **Tier 4** - Rate per annum \$25.00 per sq.ft. or rate per month \$2.08 per sq.ft. - space is covered with light structure (can be removed and re-erected within a week) that is not removed daily and area is demarked with barrier. The restaurant provides service to the tables - extension of restaurant.
- **Tier 5** - Rate per annum \$35.00 per sq.ft. or rate per month \$2.92 per sq.ft. - space is covered with a permanent structure (not intended for removal). The restaurant provides service to the tables - extension of restaurant, e.g. Portofino, Devils Isle, Little Venice.

- **Tier 6** - Rate per annum \$35.00 per sq.ft. for ground floor plus \$15.00 per sq.ft. for areas above ground floor or rate per month \$2.92 per sq.ft. plus \$1.25 per sq.ft. for all additional areas - space is covered with permanent structure (not intended for removal). The restaurant provides service to the tables - extension of restaurant. Multi-level structure, e.g. Muse.

Proposed: Councillor G. Scott
Unanimous

Seconded: Councillor J. Harvey

- (ii) **Planning Application for Al Fresco Dining** - the Pie Factory on Parliament Street opposite the street from Atlantis is requesting Al Fresco dining.

RECOMMENDATION: That the Board approve the application for Al Fresco dining for the Pie Factory on Parliament Street.

Proposed: Councillor G. Scott
Unanimous

Seconded: Councillor J. Harvey

- (iii) **Laffan Street Update** - progress is being made on the roundabout and in the process of finishing a wall there. There are about 4 or 5 more distinct phases to this project; i.e. the Canal Road side next to Fenchurch with the wall and sidewalk. Then there is the bit beyond there, i.e. S. Thompson's property where the CoH needs to do a land swap to be able to get a piece of land there to continue that sidewalk to join up with the portion outside the Yard that would go all the way to the canal. The other section is to create a sidewalk all along the road edge to join up to the sidewalk that is on the other side of the canal which will then join up with portion from the Butterfield & Vallis property. When that side is all done, there will be a continuous sidewalk from Woodlands Road all the way around to the canal and the CoH's boundary. This will also rearrange the Laffan Street car park because it will create a barrier and will have landscape, trees, etc. The next section is alongside the CoH's building where a sidewalk will be created from Washington Street down to the CoH's building which would then join up to the sidewalk which leads out to Woodlands Road, adding planting alongside the CoH's building. There are a few more months of work to be done; drainage works and the roundabout have to be put in.

10. Recommendations for Review:

- (i) **Dock Security Contract** - the last contract was for a two-year period and that period has expired, extending month to month. Six (6) tenders were received with their two-year costings. The Port Superintendent went through the contracts and found that the two (2) lowest bids did not provide clear information about their ability to resume the maritime security ISP measures. The security personnel for the dock needs to be trained and compliant with the security codes. Of the four (4) remaining tenders received Professional Security Practitioners (PSP) who are the current operators of the security at the dock and Security Associates who was the company prior, both have the experience of running the port. PSP is the lower tender and the contract will be for two (2) years.

RECOMMENDATION: That the Board approve the bid amount of \$1,522,317.58 from professional Security Practitioners Ltd. (PSP) for the Dock Security Contract 1st June 2016. Year 1 = \$752,794.54 and Year 2 = \$769,523.04.

Proposed: Councillor G. Scott
Unanimous

Seconded: Councillor J. Harvey

11. Any Other Business

There was no further to be discussed.

12. Motion to Move to a Restricted Session

Proposed: Councillor G. Scott

Seconded: Councillor J. Harvey

The meeting was adjourned at 12:10pm.