



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 September 2015
10:00am

Present: Councillor John Harvey, MBE, JP (Chair)
Councillor Nicholas Swan

In Attendance: The Secretary - Ed Benevides, JP
The City Engineer - Patrick Cooper

Apologies: Councillor George Scott, JP
The Event Project Manager - Danilee Trott

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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 that he is Chair of the committee.
 3. **Open Meeting** - Councillor Harvey called the meeting to order at 10:07am.
 4. **Apologies** - The Secretary confirmed apologies from Councillor G. Scott who advised that he may be late attending or not able to attend at all.

5. Public Participation:

(i) **Presentation - G.E.T. Security Proposal** - Kevin Smith thanked the Chairman, Council members and the Secretary for allowing him to present his proposal. He is the Founder/CEO of G.E.T. Security. The proposal is to address the increase of homelessness due to economics and a lot of other situations that have plagued the Island. The solution has to be long-term. He has worked and spoken with various independent organisations that have tried to address this issue but there has not been enough effort from the community at large to make this work. He is proposing a plan that not only takes these persons away from the streets but also looks at what happens when they are moved from one location. They will go to locations where food is available three (3) times a day at certain times of the day, e.g. Focus. Some of these persons have social issues and there are volunteers that are willing to work with them, i.e. doctors, nurses, counselors, etc. They may need medication but would need transportation to get their medication from MAWI or other organisations. At MAWI they are able to wash their clothes, change clothes, bathe but this only happens certain days and times of the week.

The proposal is not fool-proof but it would assist in getting these persons off the streets, house them, keep them clean, transport them and feed them throughout the course of a day and have the necessary doctors, nurses, counsellors, etc. available to them. There has to be purpose-built facility that can cater to their needs at any time of the day. The cost would be less than \$1500 for the year in terms of per property/per business in the City or as little as 17¢ an hour per day. The public has to be educated as to how this can be accomplished. He then spoke about shelters that charge \$10 per day and if the persons are homeless, etc. they cannot afford to pay. He has spoken with some of the homeless persons who are willing and able to do community service, i.e. picking up trash, washing windows, etc. , something that would make them feel a part of this community. The police also have their challenges in this regard; there are also challenges with the clinic where they go to sleep, do drugs, etc. because it is set back, in a dark area and after hours they get involved in all sorts of undesirable activity. Police have arrested them but they are then released back out on to the streets to carry on with the same behavior. The programme that needs to be implemented would not only take them off the streets but work with them behind the scenes to empower them, work with the social aspect and bring them back into the community as a new person.

Mr. Smith will forward a hard copy of the proposal to the committee members. He is currently speaking with Bermuda Housing Corporation (BHC) and a couple of other facilities and has identified temporary places. He has also talked to the Salvation Army in depth particularly with the persons having to leave the facility during the day. Dialogue continued.

Councillor Harvey commented on the legal challenges and the need to have legislation changed to address these social ills. Between now and June 2017 there is going to be a lot of hype regarding the America's Cup and he is of the view that Front Street and the surrounding areas, e.g. Albuoy's Point are places that are going to be busy with people, i.e. boating activities, etc. No-one wants to witness and have as a reception people that are rowdy, homeless, drunk at Albuoy's Point as is the current situation. Discussions continued.

The Secretary commented on the Homelessness in the City of Hamilton Committee that was set up previously. The Mayor had put this committee in abeyance waiting to get feedback from the Minister on whether a government sponsor to coordinate the efforts could be secured. That committee also represented the police, the Salvation Army and it was chaired by Elder Kevin Santucci. The challenge has been trying to get a champion from Government.

The committee thanked Mr. Smith for his presentation and he left the meeting at 10:35am.

6. Correspondence:

(i) **Nonna's Kitchen** - on Bermudiana Road where the "O Bar" used to be, they received a license from the CoH and built an al fresco which they attached to the Vallis Building. Then they foreclosed and moved out, left some debt and Vallis rented the space out to two (2) new tenants, YO Cherry and Nonna's Kitchen both of which are using the al fresco spaces. They were told by the CoH that they would have to pay for using the al fresco. Apparently Vallis did not tell the two (2) new tenants that the al fresco was not part of the leased area (the new tenants thought it was) and now they are claiming that they cannot afford to pay the rent.

They are being charged the standardised rate (per square footage) that is used within the City. There have been ongoing discussions with the tenants in this regard. The information has been given to the accounts department to attach the rental amount for the al fresco to their bill. They have been occupying the space for at least two (2) years without paying for the al fresco.

The Mayor and the Secretary have met with Stephen Thompson and in his letter he is proposing: **"That the al fresco areas get divided into three (3) categories depending on their intended use, i.e. full service, licensed; covered patios have a significantly higher potential revenue stream and would command a higher rent. That start-up businesses automatically have an incentive/graduated rental rate in order to help ensure their long-term viability. This is normal custom and practice by cities that create incentives to attract businesses. The City of Hamilton would benefit by doing this by helping to ensure the success of the new business."**

Mr. Thompson suggested:

- a. Nonna's would be the lowest tier of al fresco usage as it's essentially a take-out restaurant without waiters/table service. It operates much like a park with seats for people to eat their food that they have purchased themselves.
- b. That the fees be graduated over five (5) years.
- c. That the fees for Nonna's be set at zero for the first two (2) years. \$0.50 per sq. ft. for years 2-4. \$1.00 per sq. ft. for year 5 onwards.

There is some merit to the argument of having tiered al fresco. The Secretary and the City Engineer have discussed this arrangement from the standpoint of people having al fresco and have a sit-down service, serve wine, have a license, etc. generally have a better cost per seat. The other argument is that they are occupying the same space per sq. ft. Mr. Thompson claims that if they have no option but to pay, they will be out of business. The CoH has looked at the tiered process. Dialogue continued on establishments such as La Trattoria requesting a reduced al fresco rate because they use it for part of the year (seasonal rate). There are also some establishments where the al fresco space is fixed, e.g. Muse.

The breakdown of the tiered al fresco is into five (5) tiers looking at what other cities do:

- a. Table and chairs license, i.e. go into a public space (CoH property), put down tables, chairs and umbrellas, use the space and remove them at the end of the night. Pay a set fee for that and are then charged by the number of chairs and tables that are put out.
- b. CoH is different in that we have to create public spaces for them to use and they are covering them with permanent structures or lighter structures.

This has been broken down into three (3) tiers using what Mr. Thompson stated about service and no service. The argument could be taken that if you are giving a full service and covered with a permanent structure you have basically expanded the footprint of your establishment and should pay a higher rate. The lighter structures give some protection and should be charged for the putting out of tables and chairs.

Tier 1 - the vendor places out and removes tables and chairs daily into the public space, the restaurant does not service the table, e.g. Common Ground, Glaze, lunch wagons and food concessions in the Washington Lane. Charge \$1.50 per sq. ft.

Tier 2 - vendor places out and removes tables and chairs daily into the public space but they provide service to the tables, it is an extension of their restaurant, e.g. the Beach. Charge \$2.50 per sq. ft.

Tier 3 - spaces that are covered with a light structure and can be removed and re-erected within a week but is not removed daily and the area is demarked with barriers, the restaurant does not service the tables, e.g. Nonna's Kitchen, YO Cherry, Bermy Berry and Foodwurx. Charge \$2.50 per sq. ft.

Tier 4 - spaces that are covered with a light structure and can be removed and re-erected within a week but is not removed daily and the area is demarked with barriers, the restaurant provides service to the tables, it is an extension of their restaurant. Charge \$3.50 per sq.

Tier 5 - spaces covered with a permanent structure, not intended for removal, restaurant provides service to the tables, it is an extension of their restaurant, e.g. Portofino, Muse, Devil Isles and Little Venice. Charge \$5.00 per sq. ft.

Currently the CoH charges \$3.50 per sq. ft. across the board except for Muse which is charged \$5.20 per sq. ft.

ACTION: The City Engineer to forward a copy of the tier structure to all members for feedback with a view to making a recommendation at the next Board meeting of 7 October 2015.

The CoH will offer Nonna's Kitchen the new rate once the Board approves. With the new leases for al fresco there will have to be an owner agreement who would sign off on the lease and not just the occupant. Discussion continued.

(ii) Botelhowood Architects re: Barr's Bay Park Docks - a letter was received from Botelhowood who has been the consultant on this project. This outlines the order of the magnitude of costs for putting in a marina system at Barr's Bay. The costs covers materials, design, permitting and environmental studies, etc. but it does not cover construction costs. The total cost of the project is about \$850K and looking for it to be done between now and June 2017. There was continued dialogue regarding the removal of the moorings currently there.

ACTION: The City Engineer to move this project forward to the Finance Committee to get a budget together for 2016 in the first instance.

The idea would be that this would be much like a Pay and Display parking, only for boats. The CoH is looking at approximately 20 berths at Barr's Bay.

7. Minutes of Previous Meeting dated 12 August 2015

Councillor Harvey commented on the presentation made by Mr. Donal Smith. He said the minutes did not properly reflect the attitude of Mr. Smith. Mr. Smith was demanding and accused the Board of trying to undermine former resolutions and that he was going to the press locally as well as all over the world. The Secretary said the challenge is that minutes are not supposed to reflect what is said, they are supposed to reflect what is determined. There is some liberality, discretion on how the minutes are worded. Councillor Harvey suggested that the minutes reflect that Mr. Smith made a presentation to the committee in a very aggressive and threatening manner. It was recommended to refrain from putting more information in the minutes and having matters such as this recorded because of the implementation of PATI. It was suggested to make a note to file stating what actually happened. Subsequent to the meeting an email was received from Mr. Smith in the same tone and manner.

Proposed: Councillor J. Harvey

Seconded: Councillor N. Swan

8. Matters Arising from the Minutes of 12 August 2015

(i) **Letter to Mr. Tim Marshall of MarshallWorx re: Residential Parking within the City** - a letter was written to Mr. Marshall and he was advised that the CoH is undertaking a full review of the residential parking within the City. The CoH currently provides 80 residential parking spaces at no charge. Conversation has to start with regards to residents paying for the use of residential parking. There are two (2) proposals for the next budget (i) is to tier the residential rates and (ii) the increase in parking. The residential revenue is \$87K a year in total out of \$3.8M revenue stream. There was further discussion.

(ii) **Invite re: Site Visit of Ewing Street** - this action item is completed.

(iii) **Copy of Proposed Amendments re: Sanitation Ordinance** - the Hamilton Garbage Collection Ordinance 1969 was sent out 4 June 2015 to be reviewed. Some feedback was requested from the committee for a recommendation to be made to the Board. There are some items to be placed specifically in the Ordinance, i.e. fees for contravention (fines). For example, wet refuse that leaks onto the sidewalks, large bulky waste put out without having it scheduled for collection, placing items that the CoH does not collect, the refuse not placed in a wheelie bin, overfilling the wheelie bin, cannot close the lid so unable to use the mechanical device to tip, leaving the wheelie bin out on the sidewalk after garbage has been collected and putting the wheelie bin out too early for collection. The other part is that the CoH needs to decide how to do the wheelie bins. There are four (4) options:

a. The CoH gives the first bin to the property which is then responsible for the maintenance and the future replacement of the bin. This option has the benefit of being able to dictate the speed of implementing city-wide the use of bins and also standardising the labeling on the bins. This will cost the CoH approximately \$150K.

b. The property owners purchase the first bin and be responsible for the maintenance and future replacements. This is the least cost option for the CoH.

- c. The property owners purchase the first bin and the City would be responsible for the replacement. This option is benefited deferring cost for the future but it is an ongoing liability.
- d. The CoH pays for the initial bins and would be responsible for future replacements, the most expensive option.

There was further discussion about the timelines for the approval of the Ordinance.

Cost of wheelie bins:

\$67 for 120 litre for residential units.
\$85 for 240 litre for small businesses.
\$105 for 360 litre for restaurants and retail.

(iv) **RECOMMENDATION:** That the Board approve and adopt the changes to the Hamilton Garbage Collection Ordinance 1969 and approve the option for the CoH to provide the first bin to the properties that would then be responsible for the maintenance and any future replacements. A line item of \$150K to be placed in the budget for the purchase of the bins.

(v) **Invite Constable "Smokie" Dill to the next Infrastructure Committee Meeting 9 September 2015** - Councillor Harvey invited Constable Dill to attend today's meeting but Constable Dill did not attend.

(vi) **Copy of Goals and Objectives re: the America's Cup** - this has been discussed in different meetings. There is a meeting on Friday for the road closure in October 2015. The event has been scaled back somewhat. The event actually starts on Thursday and all of the events on Thursday are being held in St. George. On the Friday they are going to start working on the village, the road closes at 1:00pm, complete building the village out in the street and the village will open at 5:00pm. The roads will remain closed until midnight on Sunday. The closures are the same as the Harbour Nights road closures, same areas, same barriers, just a longer period of time. Will allow service vehicles into the area in the morning between 6am & 10am and the village opens at 11:00am. When they originally started they wanted to close the roads from the beginning of the morning on Thursday all the way through to Sunday. The concert is going to be held in #1 car park on Saturday and it is going to be a paid concert. Initially it was supposed to be a free concert but now the discussions have been to fence off the area and charge. If an organisation wants to use the CoH's location and it is not accessible to the public then there is a fee. The services and the full rental of the venue should be fully charged. ACBDA has asked for a re-vamp of the CoH's costs to them which will now include the upgraded cost of the venue as well as the cost of their share for the W-Fi. There was continued dialogue.

(vii) **Letter to Restaurants re: Oil Containers on Sidewalks** - the letter was not

written to all of the restaurants. The changes to the Ordinance will require them to put the oil containers in trays. A letter is being written advising them to not have the oil containers leaking on the sidewalk but without any enforcement, it will be ineffective at this point. If the AG's Chambers do not allow fines to be enacted, the CoH can implement service charges. Discussion continued.

(viii) **Follow-up with Mr. Tim Madeiros re: Proposal for Solar Project, Bull's Head** - the CoH is expecting to receive some information from Ascendant. The CoH met with Ascendant to discuss potential partnership with regards to the solar project. They thought it might have some merit and are supposed to come back with some numbers. Since then Mr. Madeiros has been in contact with the Mayor. Mr. Madeiros has contacts with Tesla regarding storage batteries at a reduced cost. The cost of storage is one of the big issues.

(ix) **Contact with Mr. Mike Winfield re: Concerns of the Council - America's Cup** - The Council's concern is that there is not sufficient public notification regarding America's Cup. Also there was a query regarding the CoH's percentage of sponsorship money that will be charged to sponsors displaying their banners, etc. No response has been received from ACBDA in that regard.

(x) **Plan for Docks on Front Street re: America's Cup 2017** - the plans have not been finalised as yet. The Government wants to have mega yachts, hold the Tall Ships races and have at least one (1) cruise ship. They have a cruise ship lined up for that period which would have to go back on Pier #7. Currently it appears that all three (3) entities could be accommodated. There was continued conversation.

(xi) **Invite to Previous Council re: Re-opening of Ewing Street** - action item completed.

9. Status Update:

(i) **40ft. Containers** - the Board has reinforced and undergirded the policy change. The Finance Committee has to figure out an application fee. The CoH met with the Acting Director of TCD and the information that the CoH was receiving from the truckers or the trucking firms was not as accurate as thought. While TCD had given them permission to use the double-ganged containers, it was for a specific job and timeframe. TCD has acknowledged that the enforcement has been challenging. They have suggested and the CoH has agreed to have a stakeholder meeting to advise them of the changes in the CoH's policy and fees and the enforcement of TCD's rules. Discussion continued.

(ii) **Meeting with the Department of Community and Cultural Affairs** - this is in connection with Bermuda Day and the possible charging for spots. A special meeting is scheduled to have that discussion. There has been some speculation that the route might be changed. If the CoH sets out a payment scheme and they change the route, then everything changes. The CoH would be looking for a commitment that the route will not change for at least five (5) years.

10. Recommendations for Review:

- (i) **Proposal re: Nonna's Kitchen - Potential Tier Al Fresco Rate** - discussed earlier in the meeting.
- (ii) **Proposal re: Barr's Bay Park Docks** - discussed earlier in the meeting.

11. Any Other Business

(i) **Request for Parking - Digicel/BTC Lease** - Digicel and BTC are looking to lease a space for their CEO behind City Hall. The policy allows leases to Government, commercial or special cases but not the general public. Doctors pay a premium rate to park on the street. The CoH could offer them to lease a space as is currently done as commercial and the CEO could use that space to park his car. The committee rejected this request to lease a parking space to Digicel/BTC.

(ii) **Update-City Hall Barrier System for Parking** - received \$100K virement to progress this project. The preliminary layout is getting drawn up and should have a proposal from a designer in about five (5) days. The CoH has resisted changing the sizes of parking bays in City Hall until it gets re-surfaced. This would be the opportune time to do this altogether, i.e. re-surface City Hall and make the bays the correct size. Two (2) things will have to occur:

1. Remove the trees from inside City Hall car park and move them to the outside of the car park and add more so that is greened around the car park. Then the bays can be laid out properly and asphalt and cars will not get damaged from the trees.

2. Narrow Dismont's Drive by 4ft. and move everything eastward by 4ft. There will be a 2-lane in off of Dismont's Drive and two (2) exits on to Victoria Street at the end of two (2) aisles and the one on Wesley Street will be blocked off and would be able to get three (3) additional parking bays. There will be no bike parking inside City Hall, only on the outside of the car park. The lunch wagon will remain as is. Looking for a budget for next year (\$400K) and with the \$100K would hope to get the design and most of the equipment; the re-surfacing will cost approximately \$200K. One of the issues with the City Hall car park in particular is that it is designed for short-term parking (3hrs. or less) for the convenience to utilise the City. With the barrier system the 4th hour and 5th hour will cost a lot more on a per hour basis. Tariffs will be set-up, e.g. the first 10 minutes are free, after that a rate of \$1.75 per hour will be charged and then after the three (3) hours it would jump up to \$10.00 per hour. Also proposing to give that grace period of $\frac{1}{2}$ hour at a rate of \$5.00. Discussion continued.

(iii) **2015 Budget** - copies were distributed to the committee members for review.

The budget has to be agreed in October to go through the final works in November and approved by the Board.

Then would have to be approved by the Minister by December 2015. With the operational budget, would need to know of any changes to be made to the service levels that are currently being provided because it would generally have an impact on labour costs.

(iv) **Laffan Street Roundabout** - there has been a struggle for three (3) weeks to drill one (1) hole in the side of a chamber which is 20" underneath water. .

(v) **Dundonald Street Manhole** - received a call from W&E and the rocking manhole cover was fixed this morning.

12. Motion to Move to a Restricted Session

Proposed: Councillor J. Harvey

Seconded: Councillor N. Swan

The meeting was adjourned at 12:10pm.