



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
Property & Safety Committee
16 June 2016
2:00 pm

Present: Councillor Henry Ming (Chair)
Rt. Wor. Charles R. Gosling, JP
Councillor RoseAnn Edwards

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

In Attendance: Mr. Michael Markham -
Mr. Irving Minors - Vice President, BSoA

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1. **Confirmation of Notice:** The Secretary confirmed that the appropriate notice and agenda were posted as per the meeting guide requirements.
 2. **Role of the Chairman:** Councillor Henry Ming was acknowledged as Chairman.
 3. **Open Meeting:** Councillor Ming opened the meeting at 2:00pm.
 4. **Apologies:** The Secretary confirmed that no apologies were received.
 5. **Public Participation:**
 - (i) **Presentation by Mr. Michael Markham re: Bermuda Hamilton Fine Art Collaboration -** Councillor Ming acknowledged Mr. Markham and Mr. Minors.

M. Markham - tabled a magazine relating to art collaboration, i.e. the level of integration between fine art and crafts. He is representing the community fine art development initiative and welcomed the BSOA's participation in this regard. There is a renewed spirit in the community and is looking for the community core to be a part of this new spirit in the community of fine art.

He is looking for art collaboration and a new enhanced communication with the City. Also looking to find new ways to collaborate and attract the core of creativity and artists within the City. More and more groups are looking at City Hall as a creative place. He is encouraged to ask the committee to consider more of a commitment to allow the BSoA to have a rail show on the rails along the boundary of the Library. The Society is open to having the shows again and would like to see this as a new spirit of cooperation. There are some young Bermudians that have now graduated into fine art shows at the gallery and are really more gallery and collector-oriented. But there are many artists that do not have the opportunity to have their own shows at the gallery. This would allow some Bermudians to have their first chance to interface with the public. The Society would provide all of the logistics so there would not be any major expenses, etc. with the City.

Over the years there has been quite a movement to try and find somewhere in the City where fine artists, sculptors, painters, etc. could have a facility in an area in the City to have an artists' co-op. The Minister of Works and Engineering has agreed that they would provide space on an "acorn" basis or a basis of very little expense. Some of the artists would not mind paying some small amount for the space. The Minister said that he would entertain that if they had a charity involved with that process. The BSoA said that they would be interested in collaborating with the artists. The co-op would allow certain activities of fine art to happen within the City. It is a less formal type than a gallery presentation. People might be interested in seeing a painter paint his material or possibly see an artist work on a limestone or wooden sculpture, etc.

Mr. Markham had approached the Mayor to see if the City would support the collaboration of local artists. BSoA is also interested in young people developing their talent in fine art. There are different art programmes in the school system, summer camps, etc. and but would like to find ways to engage some of the Uptown youth into some positive art programmes. His experience as a teacher working with the young people in their formative years is that when you can show a child that they have control over their environment, it completely changes their attitude towards education and their own life.

I. Minors - BSoA had submitted an application previously to the CoH to use the property on the corner of Dundonald and Court Streets which indicated their support of this concept. The response was negative.

Councillor Ming - the more pressing issue is to use the rails on the boundary of the Bermuda Library. The committee would like to have some indication of when and the frequency that they would like to use the rails for fine art displays.

M. Markham - would like to coordinate with the cruise ship arrivals in Hamilton.

Event Project Manager - half of the cruise arrivals have happened already, there are approximately six (6) more visits left for the season. There are also pre-existing bookings for the rails for banners. This request would have to be coordinated with what is already on the schedule.

The Mayor - this activity used to happen but does not happen anymore. The whole issue in terms of security has changed with the use now of wireless credit card machines, etc. so there is no issue of persons handling large sums of cash. If it cannot happen on those particular rails during a particular time because of pre-arranged bookings, is that they work quickly for next year.

In the interim, there must be somewhere else in the City where this can be done, i.e. in the parks, on the railings at the City Hall car park, etc. He suggested that dates be put forward quickly so that there is not any conflict.

In relation to Uptown, the little park on the corner of Court and Dundonald Street, the Mayor would like to see the BSoA with other art charities, particularly with the art programme at Westgate, to be able to train the young gentlemen that are incarcerated. When they are released, they can be great artists but would not have the support at all. A location like that would be great to use for outdoor art shows and through public fund raising could get a small storage shed or a small area that will protect the art from the inclement weather and also have an area where artists could do their art in a public area. What is missing on Court Street is a magnet to get people to go in the area. The area would be of great value not only to the art community but also to the City Hamilton. Dialogue continued.

Councillor Ming - there is a small park area just outside of Pier 6. If looking for something temporary, not so much the fencing which is the secure area, but in that park there would be a captive audience directly off the ship. He suggested that they walk through the City and see what other areas that might work and the CoH would do what they can to accommodate. Once this concept is taken to Council and it is approved, from there on in they would have to liaise with the Event Project Manager.

Event Project Manager - the proposal does not have to go to Council because there are no financial implications. If the Property & Safety Committee is in favour of moving forward with the project, then she could liaise with Mr. Markham to work out dates, feasibility and locations.

Councillor Ming thanked Messrs. Markham and Minors and they left the meeting at 2:30pm.

6. Correspondence:

(i) **Email from Keith Jensen re: Bermuda Business Hall of Fame** - they are going to take the plaque away because they cannot afford to update it.

7. Minutes of Previous Property & Safety Committee Meeting dated 26 May 2016

Proposed: Councillor R. Edwards

Seconded: Councillor H. Ming

The Minutes were approved as read.

8. Matters arising from the Previous Committee Meeting dated 26 May 2016:

(i) **Response to Galleries re: Execution of Both Art Installation Proposals** - one installation went up already and the second one is being installed today - action item completed.

(ii) **Virement re: Demolition of 66 Serpentine Road** - this item was deferred at the Finance Committee pending the results of the RFP.

(iii) **Finalisation of Letters re: Encroachments on CoH Properties** - the City Engineer met with the Appleby property lawyer yesterday and they walked the entire length of the top section right over to Mr. Hendrickson's area. This would show the lawyer what the encroachments looked like so he would have a better understanding. The letters would have to be tailored for the properties as there are different issues for each sight. Looking to have the letters early next week. Dialogue continued.

(iv) **Tender for the Former Works Depot Property on Dundonald Street** - the tender has not been issued. The Resolution was approved by the Board at last week's Board meeting and subsequently by the Minister.

ACTION: The City Engineer to write to the applicant and then issue a new RFP.

This is the property which was being suggested for the art co-op. There is an opportunity now to offer before going out to tender. It is over 3000 sq. ft. This would be a good fit and because of the condition of the building, the CoH would not have to spend a great deal of funds on the building itself. Also would not expect to command high rents for the building because of the state that it is in. In the interim of knocking the building down, the CoH could use it for such a purpose as this.

The City Engineer suggested to offer a "peppercorn" rent and hand over the entire maintenance of the building at the same time so that the CoH would have no expenditure on the building. The CoH could make \$2K - \$4K a month. The Mayor said he could not see why the CoH could do the maintenance with the stipulation of doing a certain amount of art shows there per year and the CoH receive a 10% commission. There was continued discussion.

With regards to the Dundonald Street property, the maximum leasing arrangement could be no longer than three (3) years at a time. The Mayor suggested that if the leasing was for a longer period of time that would enable them to go out and fund raise so that they could do the property management. In the lease it could be written of the possibility that after a three (3) year period there could be a buy-out. The City Engineer said that when you are not talking about a rent there is no real buy-out. Discussion continued.

9. Status Update:

(i) **RBYC's Tax Status - Plot Size Increased by 3000 sq. ft.:**

ACTION: The Treasurer to advise if the assessment has been done regarding the increase of the plot size by 3000 sq. ft. for RBYC and if their tax status has been updated.

(ii) **Assessment of the Increased Area at RBYC** - update requested in previous item 9 (i).

(iii) **Outstanding Lease for the Chamber of Commerce (CoC)** - the Secretary would like the Property & Safety Committee to consider a recommendation to separate the property and to change the lease entirely. CoC leases the upstairs area and part of the downstairs area. Currently there is a restaurant that the CoC subleases to.

The separation will allow the CoH to have a better revenue stream. The restaurant side is quite prepared to separate the leases.

The City Engineer said the CoC is able to pay the rent to the CoH due to the rent they collect from downstairs. The rent they charge the restaurant covers more than covers the rent paid to the CoH. The services in the building are linked. There would have to be separation of services as there are common areas. It will not be a clean split between the two (2) spaces, e.g. some building works would have to be done, i.e. they would have to have separate fire and electrical systems, etc. There is also the issue of odours and smells permeating between the two (2) properties. The CoC is not happy with the restaurant when they are holding meetings and sometimes the food smells are coming up to the Chambers. It is handled now because the CoC has control over the tenant but that will change when the two (2) entities are separated. There was continued discussion.

Councillor Ming commented that the Finance Committee will want have some indication of figures. The City Engineer said the CoH could make an additional \$3K or \$4K per month. The Mayor said there is going to be conflict there and would it be worth the headache and the cost. It was noted that Hodge Podge and the Fantasea properties are separate and are tenants of the CoH. It was also noted that the push for this was both revenue and the fact that the restaurant is having great difficulty with the CoC.

The Event Project Manager commented that the CoC is not supposed to be subleasing anyway according to their lease agreement. The Mayor indicated that this originally was the Visitor's Service Bureau (VSB) that was run by the CoC and it was abruptly taken away from the Chamber and given to a private contractor. It was also a great revenue stream for the CoC which they lost. This is waterfront property in Hamilton and should have prime value to it. Further dialogue continued.

ACTION: The Secretary and the City Engineer to have the conversation with the Chamber of Commerce prior to the next Council meeting, look at the potential cost for the separation of the two (2) properties (Chamber of Commerce and Dangelinis) and forward the report to the Finance Committee for consideration.

The Secretary left the meeting at 2:55pm.

The City Engineer took on the role of Acting Secretary.

10. Recommendations for Review:

Recommendation: That the proposal from Emmanuel Baptist Church to rent the property for 99 years at a "peppercorn rate" be declined and that the property be rented on an "as needed" basis to Emmanuel Baptist Church at a reduced rate. **(Declined in Corporation Board meeting dated 8 June 2016)**

Recommendation: That the Board rescind the previous recommendation to accept the proposal from Community Driven Development (CDD) as the tenant at 11 Dundonald Street (Old Works Depot). That the Board approve for an RFP to be re-issued. **(Approved in Corporation Board meeting dated 8 June 2016)**

Recommendation: That the Board accept the proposal from the Bermuda Olympic Association to erect an Olympic Association Wall, location to be determined.

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Amended Recommendation: That the Board accept in principle the proposal from the Bermuda Olympic Association to erect an Olympic Association "Wall", final location to be approved by the Council which is not to be unreasonably withheld. An agreement on the upkeep and maintenance of the "Wall" is to be set in the Memorandum of Understanding (MOU) by both parties. **(Approved in Corporation Board meeting dated 4 May 2016)**

Recommendation: That the Board approve for the Secretary to give final notice to the Bermuda Employers Council (BEC) to either update or reposition their display. **(Approved in Corporation Board meeting dated 4 May 2016)**

Recommendation: That the Board approve to demolish a building at 66 Serpentine Road as opposed to renovating, excavate the site and lease out for potential parking. **(Approved in Corporation Board meeting dated 4 May 2016)**

11. Any Other Business

(i) **Tender Review for Pier 6** - item moved to the Restricted Session.

(ii) **Planning Applications:**

1. **PO184/16 - 26 Elliott Street** - Change of use from commercial to residential to be used as 2-bedroom cottage. This property is on Elliott Street between Princess and Court Streets. It is interior work and existing sewage. Work has already been done on this property and is a retroactive application. The CoH has no issues and the committee approved the application. This might generate additional residential parking in that area.

2. **PO183/16 - 17 Joell's Alley** - proposed internal renovations and minor additions creating 2nd, 3rd and 4th dwelling units. The lower floor will hold Apt. #4 (632 sq. ft.). Upstairs will hold the other three (3) apartments (741 sq. ft., 332 sq. ft. and 405 sq. ft.). 332 sq. ft. may be undersized for an apartment in the City which would be a Planning issue. There is space and walkways to keep garbage bins on site and the sewage already exists. There is no parking on site therefore people might request residential parking. The closest area for parking would be Reid Street.

The committee approved the application with the provision that the Planning Department is satisfied with all of the basic requirements. There has to be an indication on their plans where the garbage is to be located. The tenants will have to bring their garbage down to Reid Street (not every morning); they need to take the bin back and keep on their property.

(iii) Shoe Shine Proposal

This proposal has been ongoing since 2014. Mr. Hollis came to the City with a proposal to run a shoe shine stand. The committee at the time was divided on what to do; certain members wished the shoe shine not to be situated outside because it was not an outdoor stand. There was a concern on how was it going to operate in inclement weather, was it going to be removed daily and where would it be stored. They thought that the operation would be better in an inside space such as the Washington Mall and Mr. Hollis should make that approach. Mr. Hollis has made no contact for 1½ years and in the last month an email was received from Mr. Hollis indicating that he was ready to move forward. He still wants to be in the entrance of QEP which is thought not to be a good area for this business for the concerns mentioned earlier.

The Event Project Manager reiterated that the business would be better suited inside a building and could not see potential clients sitting in the hot weather getting their shoes shined. The City Engineer said that it is against the CoH's Ordinance to shine shoes in the City and a Resolution would have to be put forward to set aside that condition of the Streets and Sidewalks Ordinance. There was continued dialogue.

Recommendation: That the Board rescind the 2014 Resolution for the Shoe Shine Proposal submitted by Mr. Kacey Hollis.

Proposed: Councillor H. Ming

Seconded: Councillor R. Edwards

Unanimous

The City Engineer has a couple of items that did not make the agenda so a Resolution cannot be done on them but they are being brought to the attention of the committee. The two (2) land issues can be brought forward in the Board meeting as Council member items.

Corner of Laffan Street and Washington Lane – where the sidewalk needs to go comes across a strip land which is owned by Mr. Marshall. The proposal is that he is quite willing to allow the CoH to put the sidewalk through there but he has three (3) cars that park there. That would allow the sidewalk to continue all the way up and would assist with finishing the project. Mr. Marshall is happy for the cars to park in Bull's Head. There is an issue where he has an encroachment down the western side of his boundary and if a subdivision is done, the CoH could let him have that, i.e. a 50 ft. length. This could be a straight swap and instead of three (3) cars it might be one (1) car depending on how large the area is.

The Mayor queried whether or not this would be setting a precedent, i.e. by offering a parking space. The City Engineer said the CoH could go the Compulsory Purchase route or just not have a sidewalk. Mr. Marshall might not accept losing where he has the cars parked. Councillor Ming suggested going with the straight swap in the first instance and failing that an offer of a straight swap with an additional parking space in the Bulls Head car park.

There was the question as to whether the CoH would be interested in purchasing that piece of property. Councillor Ming said that the CoH should not offer to buy the piece of property outright, which could be the last resort. Discussion continued on the benefits of the swap. The City Engineer will proceed with the negotiations.

(iv) **20 Laffan Street (Sarah Thompson)** - land swap that has to have Board approval. The Board had previously authorized the City Engineer to go out and negotiate which has been done and is ready to go to Planning as a sub-division application. It needs a Board Resolution and the Minister's approval.

The Mayor left the meeting at 3:25pm.

The CoH is trading one (1) sliver of land for another sliver to be able to continue the sidewalk through. The areas of land being swapped are virtually identical, i.e. there is a difference of 2½ sq. in.

Councillor Ming said that he is going to also bring to the Council's attention Ms. Thompson's concern regarding the heavy truck traffic, particularly container trucks and the continuing cracking of parts of her building. There was continued dialogue regarding container trucks and the safety issues surrounding the roundabout. It was noted that this is a matter for the Infrastructure Committee.

Note: the boundary line between CoH property and Ms. Thompson's property, there is an encroachment on the CoH property of which Ms. Thompson is aware. A letter will be forwarded to her regarding the encroachment. There are no proposals to do anything with it at this time as long as Ms. Thompson has no rights or claims to it in the future.

(v) **Canal Road - Land Swap with Butterfield and Vallis** - this is to get the sidewalk at the other end completed. The boundary will be regularised. It was noted that there are encroachments over the CoH boundaries, i.e. at the back of the building. A recommendation to the Board for approval of a sub-division to regularise the boundary was suggested. It is a like for like, of equal values to give the strip of land to the CoH to be able to put the sidewalk in to come all the way from Woodlands Road to Canal Road.

Cooper & Gardner - Front Desk Security - the City Engineer showed a quick sketch to see if the committee would be in agreement as to whether this would be the right way to proceed. A solid partition will be placed on top of the existing desk with a glass separator and a door with a swipe card. With the partition, it will prohibit the public from being able to look into the inner working office. The City Engineer is getting the project priced and once that is done a virement would be sought to complete the project. Electrical, air conditioning, lighting all remains as is.

12. Motion to Move to a Restricted Session

Proposed: Councillor R. Edwards

Seconded: Councillor H. Ming

There was no further business to be discussed
The Public Session adjourned at 3:35pm.