



**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**  
14 December 2016  
10.00am

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

**Staff:** Secretary - Ed Benevides, JP  
City Engineer - Patrick Cooper  
Events 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 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 that no apologies had been received.

**5. Public Participation/Presentation:**

There is no public participation or presentations.

## 6. Correspondence:

- i) **Letter from Grotto Bay re: Importation of 40 Foot Containers:** Councillor Harvey commented on the request by the hotel to use 40' containers as opposed to 20' containers to bring in much needed furniture and fixtures for the hotel in order to revamp the property for 2017 and going forward. This would enable them to make a saving of approximately \$85K in shipping costs. The Secretary reminded the Committee that the Council just reaffirmed the reinstatement of the policy after a year's consultation.

The Mayor declared his interest because Grotto Bay is a customer of Goslings. He said that Pink Beach has made a similar request for exception to the Minister and this has not been presented to the Committee. The CoH has told the Minister that we are unable to override the policy of the Council and it is only something that can be done via a recommendation from the Committee which would then need to be approved by Council. The Minister has instructed CoH to waive the policy in this case. The Mayor's feeling is that the Council has taken a considerable amount of time setting this policy and CoH should continue to follow it, although if the Minister has the ability right now to override the CoH, then let him do so.

Councillor Edwards joined the meeting at 10.10am.

Councillor G. Scott said he agrees with the Mayor that the CoH should stick to the policy and if the Minister wants to override then allow him to do so. Councillor Ming said there will be a number of occasions where individuals will automatically go to the Minister but also said that the CoH should stick with its policy.

The Mayor said obviously a series of Governments have decided that it is worthwhile, particularly for the redevelopment of the Bermuda economy to have particular concessions, ie: the Hotel Concessions Act and there is a similar one for retail and several others. If they feel it is important enough for Government to waive particular taxes and fees to encourage redevelopment, there is no reason why there could not be within CoH's policy something similar to that impact where we would enable hotel development. He said that The Secretary, City Engineer and the Ports Superintendent have tried to get as broad a feedback as they possibly can when looking at reaffirming the current policy. The Mayor said he does not know what kind of impact or comments were received from the Department of Transport. The CoH is supporting them with this policy and until they come and sit down with us and come up with a policy which they are willing to support to the same degree that the CoH is supporting, then the CoH should leave things as they are.

Councillor Swan joined the meeting at 10.15am.

The Secretary reminded the Committee that when Government amended the Municipalities Act to give us back wharfage, they did so with an amendment. Whenever the Government waives duty, they waive the CoH's wharfage as well.

Councillor G. Scott said the roads in Bermuda are terrible so if the CoH starts with the 40' containers, it will only get worse, notwithstanding the damage to buildings, etc. because of the vibrations.

Councillor Harvey said he believed the policy was recently shared with merchants and he asked whether there were any exceptions if someone wanted to bring in a 40' container. The Secretary said anyone wishing to bring in a 40' container needs to fill out an application and pay \$250 which is non-refundable. Then the application gets reviewed and if it is valid, ie: the goods cannot fit into a 20' container and sufficient notice is given, then those are the only two exceptions. There are some ports which do not provide 20' containers albeit very few but there are some where the wait time is a couple of weeks so it is a matter of planning. The new policy commences 1<sup>st</sup> January 2017.

The Secretary advised that the Minister set aside the policy for Pink Beach only. Councillor Harvey said that now he is aware of the situation with Pink Beach he wondered if there would be any merit in the CoH sharing with Grotto Bay that the CoH does not support their application but the Minister has the final say. The Secretary said that Grotto Bay is already aware. Councillor Harvey wondered whether Grotto Bay is aware that the Minister has waived the policy for Pink Beach and The Secretary felt sure they are.

The City Engineer said this has a bigger implication because it almost implies that if someone is unable to do something via a Corporation policy then they can circumvent it by going straight to the Minister. The Mayor said that is another reason why he would like to tie the CoH policy into the Concessions Act to protect the CoH from when other people come in with requests.

The Committee discussed whether or not they should put forward a motion to set aside CoH policy regarding containers and allow Grotto Bay to bring in 40' containers. The Mayor said the Committee cannot put forward a negative motion. It was recorded that a request for a motion was made but there was no one to make the motion or to second it so the Committee was unable to consider the request. The CoH policy therefore stands.

Councillor Harvey said he senses that there is no inclination from the Committee to support Grotto Bay's application and he suggested that they are informed their request has been denied. The Committee supported Councillor Harvey's suggestion. The Mayor abstained.

**ACTION:** The Secretary to inform Grotto Bay that their request to use 40' containers has been denied.

## 7. Minutes of Previous Meeting dated 9 November 2016

**Proposed:** Councillor G. Scott

**Seconded:** Councillor H. Ming

## 8. Matters Arising:

- i) **Send a reminder to the Emperial Group (copy to Councillor Edwards and Tracy Marshall) asking them to confirm the funding for the New Year's Eve event:** The Secretary said that he has had sight of at least four reminders so the action item has been completed and The Event Project Manager will speak to the event later in the meeting.
- (ii) **Confirm to the City Engineer the arrangements for the Laffan Street roundabout ribbon cutting ceremony:** Item completed. The event took place and was attended by staff, media, residents and Members of the Council. It was also reported in the media.
- (iii) **Pedestrianisation of Reid Street Proposal:** Councillor Ming and the City Engineer have had discussions and have agreed on a concept and they intend to discuss it further over the Christmas holiday period. Councillor Harvey asked whether the Chamber has been included and Councillor Ming said the idea had been for the CoH to put together a proposal and then present it to stakeholders. The City Engineer said there is a lot of consultation that needs to go ahead before anything is put in place. Before consultation, the CoH needs to have a clear idea of the desired end result. A preliminary proposal should be ready for January 2017 and the City Engineer felt the topic would require a special Infrastructure Committee meeting.
- (iv) **Forward a copy of the 2017 Cruise Ship Schedule for Hamilton to Councillor Harvey:** The Secretary confirmed he had forwarded the schedule to Councillor Harvey. He also advised that the schedule is on Marine & Ports website.  
**ACTION:** The Secretary to forward a copy of the 2017 Cruise Ship Schedule to Councillor Edwards.
- (v) **Write to the person who tripped on Union Street and confirm that the sidewalk will be repaired and that cost is included in the budget:** The Secretary confirmed he has written and emailed Ms. Cameron. Councillor Edwards said she spoke to Ms. Cameron this morning who said she has not received anything from the Corporation. The Mayor said he had seen the hard copy letter before it was sent out and The Secretary re-confirmed that a hard copy had definitely been mailed out and the letter had also been emailed. Councillor Edwards said she would advise Ms. Cameron that the correspondence has been sent and would ask her to check her email junk box as the email may have been redirected.

## 9. Status Update:

### Events:

- i) **New Year's Eve Event:** The Event Project Manager said there are a couple of concerns and challenges regarding the event. One of the major ones came to light yesterday from the JEST Committee (Joint Emergency Services Task Team - which is made up of Police, Ambulance, Fire Service, Customs, Immigration, City of Hamilton, St. George, WEDCo, KEMH, St. John's and all other major organisations effected by any major event that takes place on the island).

This Committee meets every month and reviews all upcoming events to see if there are any red flags. They check to make sure that licenses are in place and that the event is moving forward in a manner that all of the bodies approve of. They also address challenges and sometimes will go back to the organisers with those challenges. The Event Project Manager said she received an email from them yesterday and she subsequently had a conversation with the JEST Chairman, Steve Cosham, who confirmed that the Emperial Group has not secured any Police for the New Year's event and they have been advised that the Police will not provide policing unless they are hired. The Event Project Manager received with the application an outline of a security plan which included 13 guards from SAS Security. Lyndon Raynor who met with the Group confirmed yesterday as well that the security has been cancelled. The Event Project Manager asked Steve Cosham how the police feel about an event without security to which he responded that the event will not happen unless the CoH approves it. The Event Project Manager confirmed she has a meeting with Steve Cosham and Lyndon Raynor scheduled for tomorrow to discuss the matter further.

The police do not 'police' private events. They will monitor an event with general policing but if anyone has a private event then they need to hire police and this policy has been in place for years. The application states they are expecting 2,500 which means they will require a certain number of police / security guards.

The Events Project Manager said she believes that the general gist of tomorrow's meeting will be to ask if the CoH can cancel the event. She went on to say that the Corporation will not consider moving ahead with an event if there is no security. Part of the security plan that they provided said there would be 6 guards just policing the barricades and the Corporation has had years of experience of holding similar events and we know that this will not be enough security. The security at last year's event had been inadequate and the barricades had just been manned by Marshalls. The Secretary said that when the application was initially received, he had immediately raised concerns with the Inspector responsible for the Hamilton Police Station and the Inspector had said from the outset that the Police will not be providing resources at this event. This has been followed up on numerous occasions by the Secretary and he has reported back to the Committee that the Police will not be policing the event. Councillor Edwards asked what happened at last year's event and The Secretary said that the policing had been confirmed by Government and The Premier.

Councillor G. Scott said that he had attended a meeting yesterday evening with the BEDC Residents Committee and this matter came up. Mr Dean had said he had been in contact with the Police and the plan that he put forward had been approved. There is going to be a VIP section and obviously the Police will be there for the VIPs. Councillor Scott suggested that a meeting is held with Erica Smith, the Emperial Group and the CoH because everyone seems to be receiving conflicting information.

The City Engineer said that the other issue is that no application or deposit has been received. The Event Project Manager clarified that the CoH has received an application but the problem is the Board asked that all funding for the event is in place by the middle of November.

BEDC has taken on the funding responsibilities although they will not confirm this to the CoH in writing. Mr Dean has asked what the CoH costs will be but we have replied to him saying that they should not be concerned with CoH costs because they are covered by sponsorship and CoH needs to know who will be covering the remaining costs. They have assured the Events Project Manager that CoH will not get a bill.

Councillor Swan said the CoH has certain protocols and policies in place and if they are not being met then why is the Committee even wasting time discussing this. The Event Project Manager agreed with Councillor Swan but went on to say that the problem is that policies are circumvented.

Councillor Edwards said she gets annoyed because since she has been a Member of the Council she has been trying to put on events in that area of the City and there has always been an issue. She then said to the Event Project Manager that she feels that she does not put any type of energy into these events. The Event Project Manager asked Councillor Edwards to re-word her statement as it is incorrect. Councillor Swan said that the onus should not all be put on Danilee if people cannot meet the minimum criteria and he said that Councillor Edwards should retract her statement but she said she would not.

Councillor Harvey said the facts must be reviewed. This Committee and also Finance Committee has been waiting a long time for Mr Dean's group to respond to the request we made of them a long time ago regarding funding. The CoH has committed to the fireworks, etc. and if the Group has been lackadaisical and inefficient in their application then CoH must respond accordingly. There are security requirements that must be adhered to.

The Mayor said that the Corporation had received bills following last year's event. A postmortem meeting had been held and The Minister was present and he had given his commitment to match what the CoH was being billed for. The Mayor had made it very clear at that meeting and everyone had agreed that this situation of 'last minute' would not happen again. It has been made very clear to the Group/participants that the CoH has deadlines by which we need to get things done. This is supposedly under the umbrella of Bermuda small business but one of the reasons why a lot of them do not get anywhere is because they are not able to live up to their obligations that they commitment themselves to.

Councillor Edwards mentioned that she sits on the Board of CoH and is also a member of the Residents Advisory Committee and she questioned who she should be working with in order to arrange events for North Hamilton. The Secretary said it depends on the type of event in question but either way it does not matter whether Councillor Edwards is a Member of the Board or not, nobody can bypass the Board. The City Engineer said Councillor Edwards could arrange an event one of two ways. She could raise any future events with the Committee and then it would be discussed as a budget item and if approved it would become a Corporation event and we would organise it. Or alternatively, she could choose to approach BEDC and they organise the event.

The Secretary reiterated that the Events Department has spent numerous hours working with Mr Dean's group on the New Year's Event and they have been constantly told about our deadlines but unfortunately they have chosen not to accept this information.

Councillor Edwards asked why the locks had been changed on the container that houses the tent. It was confirmed that the locks had been changed because the Corporation financially backed the tent and it therefore now becomes our responsibility. The City Engineer said this was part of the funding agreement. If they want to take back possession of the tent, they would have to pay the CoH \$33K and in the meantime, it is being held as security.

The Events Project Manager said she now needs direction from the Committee on how to proceed regarding the New Year's event. Councillor Harvey felt the best way forward is to advise all interested parties of the current circumstances ie: W&E and The Premier's Office. We should advise them that this Committee has held a meeting today and that Mr Dean's group has not adhered to our timeframes and has not, to our knowledge, come up with the required financing to hold the event and no security plan is in place. The City Engineer said that the CoH has not agreed to this event yet and we have not received the deposit. Also, apparently, the initial application form is now in the wrong name and does not contain the correct information. Councillor Edwards asked what name is on the application and The City Engineer confirmed it is in the name of Eugene Dean and it should be whoever is paying for it and the application should be submitted with a deposit otherwise it is incomplete.

Councillor Harvey said that the Corporation has set aside \$15k towards fireworks in recognition of the event. If the organising group had adhered to the timeframes and put adequate security in place then it would go ahead. Events only work if everyone follows the necessary steps to make them successful.

Councillor Edwards said she feels that North Hamilton is an area that has been neglected for a very long time. There are mixed feelings about who uses the area and she said that if people from outside the City feel they can, for example, park their cars there when it suits them, then perhaps they should also be looking to support events held in that area as well. She said she feels that things can be done to make the area inclusive to everyone. It is unfortunate that the group has not met all the necessary criteria and as far as she was aware, they had, so she will need to check with them. Councillor Ming said he is surprised that Councillor Edwards feels they have met the criteria because it has been made clear on many occasions at various CoH meetings they have not paid their deposit or confirmed their funding.

The Events Project Manager highlighted that many successful events have been held in North Hamilton but unfortunately Emperial Group lacks execution and it is not through lack of meetings or information. The Events Project Manager said she is unable to help an organisation that does not know how to execute their project. She is now beyond frustrated because the event is 2.5 weeks away and Works Yard staff have not been allocated and we do not have the resources in place for the event. Also, the required funding has not been confirmed or adequate security.

She went on to say that she has full intent in making any future events in North Hamilton positive and productive. Councillor Edwards said there had been problems with the last two events that had been organised for the area. The invitations for the Seniors' Lunch had been mis-directed to the occupiers instead of being sent to individual residents and it seemed that residents and businesses were not informed about the recent Ewing Street event.

Councillor Swan said that because Emperial Group has not met the Corporation's requirements and criteria then the Corporation will not support their New Year event. At this juncture, we do not believe that the event can be executed in a manner in the public interest and also in a manner that covers public safety. At the end of the day, the Corporation has to ensure the safety of the residents of Hamilton as well as the people who enjoy the City.

Councillor Harvey said that perhaps the Committee should wait until the Event Project Manager has had her meeting tomorrow before it makes a decision. Councillor Harvey said that it seems to him that the organisers of the event have not fulfilled their application correctly but also in the timeframe that we have requested and because of this and also due to lack of security arrangements, he recommends that this event not continue to have the support of Corporation of Hamilton.

Councillor Ming said that he thought Councillor Harvey had recommended that the Committee does not make a decision until the Event Project Manager has reported back after her meeting tomorrow. Councillor Harvey withdrew his motion and said things should move forward in the way he had indicated previously ie: a letter is sent to all interested parties including The Premier's office sharing with them with all the requests we have made from the organisers and state they have not fulfilled their obligations and therefore the Corporation is no longer in a position to support the event.

Councillor Edwards asked for a copy of the criteria and the Event Project Manager said all criteria and correspondence has been documented and she will forward a copy to the Committee.

**ACTION:** The Secretary to forward a copy of the criteria and correspondence that has occurred with Emperial Group regarding the New Year Eve event.

Councillor Swan said he still feels the Committee is dragging its feet on making a decision but Councillor Harvey said the group has been given fair warning. The Mayor said he feels the Event Project Manager is receiving full support from the Committee and she can go back to whoever is pressurising her and say that she has received instructions from the Committee. If that person then has anything further to say then they can talk to The Mayor who will take necessary direction from the technical officers.

It was agreed that the Corporation should do all it can to ensure the City has some type of New Year's Eve event for the 31<sup>st</sup> December 2017. The Mayor said that perhaps a small group should determine what would be needed to put on a successful New Year's Eve event and then from that guidance could be given to the Events Group.

The Committee agreed that a sub-committee should be formed and they should put forward their proposals by the end of first quarter 2017.

**RECOMMENDATION:** The Events Project manager writes immediately to all interested parties regarding the proposed New Year's Eve event outlining all the Corporation's concerns and that as things stand, the Corporation does not wish to support the event.

**Proposed:** Councillor Harvey

**Seconded:** Councillor Swan

**Unanimous**

**(ii) Christmas Events**

Christmas in the City continues every Friday night. The vendor village that is being hosted by BEDC was cancelled last week due to inclement weather but will be held this week as planned with a rain date on Saturday.

The Scavenger Hunt and all other retail events will continue over the next two weeks in the run up to Christmas as planned.

**(iii) America's Cup**

The Event Project Manager distributed a handout showing a preliminary overview of the schedule of events which the City is looking to put on to compliment the six-week schedule of America's Cup events which are starting on 20<sup>th</sup> May. Some of the CoH events will be run in conjunction with other partners and organisations. The schedule has been presented to America's Cup and it is hoped they will give their go ahead at the next America's Cup Meeting which is scheduled for tomorrow and will be attended by The Mayor.

The first event discussed which is held annually is the Bermuda Day Parade which would impact No. 1, No. 5 and No. 6 car parks although America's Cup has said they are not concerned about the use of No. 5 and No. 6 because it would not impact what they are planning. The CoH will need to redesign the layout of the street to take into account the space available.

Harbour Nights will also need to be restructured to accommodate the activities already scheduled for No. 1. The CoH is working with the Chamber on this.

The Event Project Manager ran through the schedule for the Tall Ships Festival from 1<sup>st</sup> to 5<sup>th</sup> June. Councillor Harvey mentioned that an idea for a parade of lights had been mooted but the Event Project Manager said this had not been progressed.

It had originally been planned that the Corporation would use No. 1 Car Park for various events over the six-week period but this is no longer the case and the area has been put aside for AC although the Event Project Manager said it would be helpful to know what they have planned and when because if the area is not being used then it can be reverted back to car parking. Front Street itself will remain open to vehicular traffic during the day but with no parking and the street will be closed for scheduled events during the evenings. There will need to be a huge communications plan launched three months in advance of AC to inform the public of the various traffic and parking restrictions plus loading and unloading for businesses etc.

It is also hoped events will take place in E. F. Gordon Square including vendor village (for items made or grown in Bermuda), busking and activity zone in the green space on the corner of Court and Dundonald. On alternate Saturdays there will be art and music festivals on Reid Street and a City Craft and Farmers Market on Front Street on Sundays from 7am to 11am. The CoH is working with BEDC on this because they have a large vendor database and the intent is to invite all vendors in order to give everyone the opportunity to apply but they have to comply with the restrictions.

It is also hoped that international and local music concert will be held on one night which fits with the AC schedule.

There is also ongoing discussions with AC organisers about the provision of a viewing area for the public to view the America's Cup event.

With regards to the tent at No. 1, The Event Project Manager explained that the mega yachts that will be moored at No. 1 dock require a 10-foot clearance for access and the legs of the tent would fall within this area. Therefore, the tent will not be used during the 6 week AC schedule period because it logistically does not fit.

The Parks Superintendent will hopefully be installing a giant chess board for public use on Waterfront Square. The Event department is also working on filling the food vendor spaces that are becoming available as and when the current food vendor agreements expire. They are also looking at an expanded pedestrian zone which will be run in a very similar way to the recent parking day. The Parks Department is looking to install 15 large planters around the City to add more colour and greenery.

The schedule is a work in progress and the Event Project Manager will inform the Committee if there are any major changes.

The City Engineer discussed the Tent at No. 1 and he said that foundation designs are progressing. The tent will take up the area from the tender canopy all the way eastwards to about 10 foot from the bathroom. It will use the whole cycle park area as well as the western side of the car park. It allows cars to drive underneath and use the car park as it exists. The City Engineer is also in the process of bringing a planning application to get planning approval and building control for the foundations. Once this has been done, the footings will be installed. The Events Project Manager has already alluded to the problems with the tent during the AC period. The Bermuda Government has signed over the No. 1 area along with various other CoH properties for the AC event although in speaking with AC organisers, they have said that if they can have use of No. 1 then they will give back the use of the various other properties to the Corporation. Their main concern is that they do not want noisy events taking place right next to the mega yacht / super yacht moorings.

The City Engineer said he has been working with the Event Project Manager on marketing the tent and they are going to see whether it will be worth putting it up for March / April and beginning of May and then take it down for the six-week period of the America's Cup.

It costs about \$15k to erect and disassemble the tent each time and it may not make financial sense to put it up for this short period if we do not have adequate bookings.

The Committee discussed the possibility of erecting the tent in an alternative location and the City Engineer said it is an interesting proposal and perhaps CoH could look at putting the tent in next to City Hall for 2017 and then move it to No. 1 in 2018.

**10. Recommendations for review:**

**RECOMMENDATION:** That the Board approve for the Corporation's lawyer to write a letter to America's Cup Bermuda (ACBDA) to encourage discussions and transparency in relation to the waterfront area during America's Cup 2017. **(discussed in Corporation Board meeting dated 7 December 2016 and held over until the Mayor has had discussions with ACBDA).**

The Mayor reported that AC are looking at exercising their rights that Government gave them in terms of the Super Yacht Marina. They are going to BC&M to get pricing and build it themselves.

They have also said they will be using two spots in the cycle parking area at No. 1 which they will be leasing out to one of their sponsors.

**11. Any Other Business:**

Councillor Edwards thanked the team who put up the lights along Princess and Court Street. She went on to mention that unfortunately some of the businesses at the south end of Court Street do not appear to have any street lighting adjacent to their properties. The City Engineer said in certain areas, including some of the car parks, they are waiting for the arrival of LED retrofit kits to install prior to installing the copper tops on certain light poles.

The Mayor suggested that individual problems on street lighting and drainage etc are reported via email to the City Engineer instead of being discussed by this Committee. Councillor Harvey agreed and said he would prefer to discuss policy instead of operational issues. The City Engineer asked to be copied in on all emails relating to operational issues.

Councillor Harvey thanked the Events Project Manager for all her work to date on the current Christmas events, the upcoming America's Cup and also for her work in trying to move forward with the proposed New Year's Eve event.

**12. Motion to Move to Restricted Session**

**Proposed:** Councillor G. Scott

**Seconded:** Councillor N. Swan

The Public Session adjourned at 12.05pm.  
Councillor Edwards left the meeting.