



**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 Committee**  
12 April 2017  
10:00am

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

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

**In Attendance:** Barbara O'Shaughnessy (Bermuda Rowing Association)  
Terry West (Bermuda Rowing Association)  
Callon Burns (Competition Coordinator, Savvy Entertainment)

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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:

The Secretary asked if the presentations could be switched around because the Rowing Association was waiting for one (1) other person and the presentation from Savvy Entertainment was ready to go.

(i) **Presentation: Savvy Entertainment:** The Event Project Manager distributed copies of the Savvy Entertainment proposal to the Members. She commenced the presentation by informing the Members that she is co-owner of Savvy Entertainment. The presentation is about an event called "Battle on the Rock" that Savvy Entertainment will be producing at the end of August 2017 (25<sup>th</sup> - 27<sup>th</sup>). The event is an Open Hydroflight Invitational Competition which is similar to a local company called Coconut Rockets. Savvy Entertainment will be bringing in the 32 top riders in the world for this inaugural event to compete for the global championship. The event was brought to Savvy Entertainment last year December and discussions have been ongoing since then. The City of Hamilton would be the ideal location for the event to take place. There are other opportunities for other venues for this event to take place, e.g. Dockyard, St. George, Shelly Bay and a few other places. The presentation is a request for the City of Hamilton to be the official host of the Global Competition with the event taking place on Front Street in three (3) locations, i.e. Pier 6, Front Street (both #1 and #5 car parks) and Barr's Bay Park.

The company Savvy Entertainment Limited was registered in September 2016. It is a global company registered in five (5) states and two (2) other countries. The Event Project Manager is the co-owner of the Bermuda Company. Her partner is William Anthony Blakey who was planning to be at the presentation but unfortunately had a family medical matter in Atlanta that he had to take care of.

Terry West joined the meeting at 10:05am.

The Event Director is Gretchen Vance who is a global professional for Hydroflight Competitions and organises competitions around the world. Callon Burns is the Competition Coordinator and is Bermuda's own professional Hydroflight competitor participating in events around the world. Callon Burns was then invited to speak on the actual competition.

**Callon Burns:** This is a project that he has been interested in doing for the past 2-3 years. He has been competing on the professional circuit for the last two (2) years. These competitions have taken place all over the world, e.g. Qatar, Dubai, Louisiana, and Toronto, Canada. Bermuda is an awesome location for an extreme next generation watersport. With this sport being very much in its infancy, there is the ability for Bermuda to be a prime location as it grows. In Bermuda, looking to push a thrill-seeker's environment and for new things to happen, this event caters to all categories, e.g. children, middle-age and older. Being involved in this sport, there is nothing like watching someone on Front Street standing 40ft. above the water and doing crazy stunts.

There will be five (5) professional judges that have competed at the top level. There are at least 15 pro-athletes and five (5) of which are the top five (5) in the world. Coconut Rockets is a company that he works for and teaches people how to do the sport.

**Event Logistics:** The Event Project Manager gave the breakdown of the event logistics and the schedule of events as was presented in the proposal. The event starts on Friday evening at 6:00pm. Competitors would have to qualify in the Friday evening competition in order to participate in the Saturday competition. Once the qualifying competitions are completed, there will be an on-land series with entertainment, e.g. DJ, fire shows, etc. Then there will be a night-time showcase which is not competitive and the participants will be featuring LED water suits doing a "glow in the dark" demonstration on the Harbour. That event will end about 10:00pm. On Saturday, the participants warm up at 10:00am and there are a variety of freestyle competitions first. Then when they take a break, there will be a Gombey War on land to bring the cultural aspect of Bermuda to the event. There will be in excess of 100 people flying in for this event, i.e. the competitors, their spouses, etc. There will be head-to-head battles with the final round later that afternoon. There will be an official After Party for all the participants, sponsors, judges and any other guests that would like to meet the riders. They have partnered with a very prominent local promoter to assist, namely Off Level. On Sunday, the participants, etc., will be taken on an on-water experience and have a raft up, location to be identified in the Harbour. When that is over, everybody will return to Albuoy's Point then move over to Barr's Bay Park for the official prizegiving.

Some of the broad-based information regarding media and marketing is: (i) H2RO Magazine, the digital media partner and they have agreed to cover the entire event pre-promotion, during and post; (ii) have had two (2) initial meetings with ESPN who are very interested in covering the event and still in the negotiation stages. A local media sponsor has not been determined yet.

All application forms have been submitted and deposits have been paid for Pier 6, Front Street and Barr's Bay Park in the event that this moves forward. For the layout of Front Street, would not block off the flow-through traffic but do a partial closure where the parking is removed and the traffic could still flow and would enhance the pedestrian side so that there are plenty viewing areas for people to come and watch the event. This will be a ticketed event and will be able to close off and create static areas.

**ACTION:** The Event Project Manager will forward the YouTube video link as it relates to the Hydroflight sport so that the Committee can get a visual of what the event would entail.

The Event Project Manager also advised that Savvy Entertainment was looking for the CoH to waive fees and provide support staff for Front Street. They have also had an initial conversation with BTA and were waiting to get confirmation with ESPN before going back to them. They know that the event is happening but do not know exactly what the event is. Savvy Entertainment has event liability insurance. They will be meeting with the Marine Police, will have lifeguards and safety equipment on board. Gretchen Vance and Callon Burns will ensure that all the proper safety is in place as well as gas fuel-ups, etc.

There will also be one (1) emergency ski to bring people back if need be. With regards to marine traffic, they are working along with Marine & Ports and the CoH's Ports Superintendent. There is a 200-sq. ft. space that is required for the competition which does not impede on the ferries, tour boats, etc. because the event will be further east in the Harbour. There is no cruise ship scheduled until 27 August 2017, hence no competition is scheduled on that day. There was continued discussion regarding the event.

Councillor Harvey commented on a possible demo of the event held in June during the Tall Ship week. He would have further discussion with the group in this regard.

Callon Burns left the meeting at 10:20am.

**(ii) Presentation: Bermuda Rowing Association:** Terry West introduced himself and Barbara O'Shaughnessy to the Committee Members as Vice-Presidents of the Bermuda Rowing Association. The Association was formed in 2004 and at any one time, there are about 60 - 80 members. They currently row out of White's Island and have about 17 shells. There is a summer programme for children and a "Learn to Row" for adults. Ages range from 14 years to about 80 years. They would like to propose the use of the building at Barr's Bay Park to house their boats, to use as a meeting place, to host the large junior programme, after-school programmes, hold regattas for schools and competitive youth groups (local and overseas schools) as well as to hold training, social activities and competitions for adults. Sometimes they have visiting rowers from around the world, e.g. currently they have one of the SoftBank Team Japan rowers, one of the grinders who is a singles champion in Japan and has been working out with them for about a year. There is also corporate rowing. Having an on-shore site would remove them having to ferry across to White's Island. It would allow spontaneous rowing, better use of their facility and boats. It would create a waterfront rowing stadium atmosphere for the dock face of Front Street. Using the building would give them easier access to enable them to hold many more rowing activities and events. Having a rowing center based in Hamilton will add vitality to the City, walking distance from several public and private schools enabling them to expand their youth programme and be able to organise more events and attract more visiting rowers and schools which is currently restricted by the remoteness of White's Island. They would like to negotiate for the use of the building and what would be required of them in that regard.

Ms. O'Shaughnessy commented on having rowing on students' resumés as they have found that quite a few of their students have received scholarships based on their rowing experience. There was continued dialogue regarding the space that they share at White's Island. The Mayor commented on their willingness to share as their proposal is not the only one that has been received for the use of the Barr's Bay Park Building. It would be great to see how the CoH could maximize the usage of the building if going the community route. Councillor Harvey asked if they are intending to have a gratis arrangement. Mr. West said membership dues are charged, they have a strong bank account, have community/corporate support and currently pay rent for White's Island. The Association has been using the Island for many years. There was continued discussion in terms of stacking the shells in the building. The City Engineer said they could be stacked with minimal modifications done to the building.

They have a strong relationship with VISA who is willing to support them but one requirement from them is that the shells that they assist with purchasing get stored where the elements will not destroy them. There was continued discussion.

Councillor Harvey asked if they had approached the RBYC and the RADC regarding a partnership with them. Mr. West said they have a very strong relationship with the Dinghy Club but there is not sufficient room at either club. The City Engineer said if this request was approved, they would need a low floating loading dock space along Barr's Bay. Mr. West said they would provide that and it has been installed at Barr's Bay a few times.

**FYI** - there is a "Learn to Row" programme for adults starting on 3 July 2017, two (2) mornings from 6am - 8am.

Councillor Harvey thanked Mr. West and Ms. O'Shaughnessy for the presentation and they left the meeting at 10:45am.

## 6. Correspondence:

(i) **Letter from Henry J. Cox - Pembroke Stores Limited:** this is a request to acquire a strip of land behind Bulli Social, 7 Queen Street to create access into Mr. Cox's property. The Mayor assumed that Mr. Cox wants to get access to the 2-story building and probably wants to keep that separate from all the other buildings where he needs to gain access. There is a gap between the Irish Linen Shop and the Bermuda Book Store which is down further from where Mr. Cox is requesting. The Secretary said the next access between the building is between Bulli Social and a little gate that says "access". The City Engineer said the question to be asked is why would he need this access and what does he intend to access through it and what hours would he require access. The CoH historically has not wanted accesses directly from a public park because the park has to be closed off and secured. As soon as an access is created to the park, then there is another access that is not secure.

The Mayor said there is an access which the CoH did give to Orbis which is a fire exit but is now used as a general access. The City Engineer said that the Orbis building has to be maintained and they have to access the building through the park. Every six (6) months, the CoH receives applications to take equipment up to that building up through the park, e.g. to clean windows, etc. If all the buildings in that area did this, the park would become a maintenance yard. There was continued discussion regarding the design issues of the buildings.

**ACTION:** The Secretary to ascertain if the fire exit area is still being used as a smoking area or a short-cut and if so to write to them addressing the matter.

**ACTION:** The City Engineer to write to Mr. Cox to get clarity on why the current arrangements that are in place are not sufficient.

The Secretary said that it would be good to find out if there is a right-of-way that the CoH has over the area that says "access". The City Engineer said that access is how they load the top storeroom of Riihiluoma's (Flying Colours). Discussion continued.

He further said that any agreement that the CoH potentially could make might be the prelude to someone developing this property for another use and would want to get the agreement for the access beforehand.

The Mayor said all this would be dependent on Government approving any Ordinance that the CoH might have to put forward for any swap or leasing of land to take place.

**(ii) Letter from Victor R. Alleyne - Spring Garden Restaurant Bar & Catering**

**Service:** Councillor Harvey asked if the CoH met with Mr. Alleyne and if not, then perhaps invite him in to the offices to discuss further. The Secretary said that the response would be the same as the response in the letter, i.e. why should they be doing the job of what he considers the job of the police and the City of Hamilton. There was continued dialogue.

Councillor Edwards commented on the issues at The Beach on Front Street every weekend. Sometimes the police will attend to the fights, etc. that takes place and sometimes not, even though they know what takes place there.

**ACTION:** The Secretary to invite Mr. Victor Alleyne of the Spring Garden Restaurant Bar & Catering to the CoH offices to discuss the issues of bike parking in Washington Lane outside of his establishment.

**7. Minutes of Previous Meeting dated 8 March 2017**

**Proposed:** Mayor, Charles Gosling

**Seconded:** Councillor R. Edwards

The Minutes were accepted as read.

**8. Matters arising from the Previous Meeting dated 8 March 2017:**

**(i) Raise the concerns to the Fire Advisory Committee regarding the fire hazard of bikes being illegally parked on sidewalks and in front of building entrances, e.g. bikes parked in front of Spring Garden in Washington Lane:** The City Engineer advised that Councillor G. Scott, at yesterday's Fire Advisory Board meeting, did bring this matter up to the attention of the Chief Fire Officer who advised that he will share this information with his compatriots, the police and ambulance services.

**(ii) Set up a meeting time for sub-committee within the next week to discuss a proposed budget for a New Year's Eve event:** The Event Project Manager advised that a meeting was held. There is the initial proposal and she advised that this event is time prohibitive to keep coming back to the Committee with a variety of different proposals, etc., without any direction. She then proceeded to advise what funds could come off the original proposal of \$150K:

**\$100K** - would lose the movie, the light show, some of the seating (tables and chairs) reduce the entertainment from \$60K to \$20K, take \$5K off the marketing.

If the event cost went below \$60K, there would be no security.

**\$60K** - no fireworks or light show, start at 9:00pm as opposed to 7:00pm, cut down the entertainment cost, reduce the marketing and lose all seating areas.

**ACTION:** The Event Project Manager to send out an electronic copy of the options proposed for the New Year's Eve event with a view of receiving feedback on or before the next Council meeting scheduled for 3 May 2017 at which time there should be a decision made in this regard.

Discussion continued.

The Mayor said the Event Project Manager is the expert in these matters and if she knows what budget would suit an event, then the Committee should respect that.

(iii) **Write a letter to Mr. Piers Carr advising that the Infrastructure Committee has agreed to allow him to use Par-la-Ville Car Park for the short-term and then the CoH will work towards a long-term solution of a creating centralised, universal charging station in the City:** The Secretary advised that he did write to Mr. Piers Carr but had not received a response.

The Mayor commented that the CoH does has challenges. The vehicles were shown in today's newspaper and for the CoH to recommend that they get stuck in the back end of a parking lot which has no night-time lighting, people sleeping, etc. would pose to be a major security risk. He further commented that it is unreasonable on CoH's part and it does not help to encourage anybody from wanting to invest in the vibrancy of the City.

Councillor Harvey commented on the locations that Mr. Carr requested which have been spoken for and he understood that. He said that he would be prepared after the America's Cup events after July to come back and revisit the whole matter. Dialogue continued.

The Mayor asked if the CoH was contemplating writing the proper City Ordinance for changing one of the car parks to house regeneration stations. The Secretary said no Ordinance has been adopted to do that at this time. It is not a parking requirement. The Mayor said it is part of the regulation of the car park.

Councillor Harvey commented on an article in The Economist magazine which has three (3) or four (4) pages on parking and the challenges of parking globally. There was continued discussion regarding driverless vehicles (autonomous).

## 9. Status Update:

### (i) Events:

- **City Art Installation / Art Mural Location Requests from the Residents Advisory Committee (RAC):** This is the carry-on from the RFP that went out for Washington Properties.

The Committee was made aware that Washington Properties decided to separate the partnership with the CoH regarding Washington Lane. There is still a budget and a selection of art submissions to choose from to use. The Residents Advisory Committee had put forward a request to do some art installations so the budget and the art submissions will be used in locations that they have identified in North-East Hamilton. The locations put forward are:

- **Bathrooms on Union Street (eastern side facing the street)** - this would involve re-plastering the wall or mount a piece of art on cement board.
- **Laffan Street side of the Works Depot** - there was a negative response for that location as the panels on the building are of a high relief and metal.
- **Dr. E. F. Gordon Park** - the wall near the grassy patch.
- **Sung Sing Building on corner of Victoria and Court** - Mrs. Erica Smith has sought permission to install the art on the wall on the Court Street side.
- **A. C. Brewer Building**
- **Till's Hill Wall** - there were different requests for art installations, e.g. the steps and the outside of the Till's Hill wall. The City Engineer asked that with Till's Hill to ask the artist if they would be willing to do a mural on a sheet of cement board with a frame which could then be mounted. The Mayor suggested a collection of art on cement boards and dimensionally mount them to the wall. The City Engineer suggested a living wall with different coloured plants that would have automatic watering to give that wall some life.

The Mayor commented that the CoH should not be looking at private buildings because if the landlord/owner disagrees with what actually has been put on the wall, is the landlord/owner going to agree for the building to be made back to the way it was before. The contract would have to be carefully written out in that regard. The CoH should not be responsible for encouraging somebody to put up artwork and then either they do not like it or the owner insists that it be taken down or the artwork gets to the end of its life span or a new owner comes in and they make the demand that the CoH take it down.

The City Engineer asked if any of the artists would be willing to do a piece of art on the wall outside the Works Depot going towards Bull's Head Car Park. He also suggested the stairwells could be looked at as well. The Event Project Manager said from a visual perspective, there will probably be more than one (1) artist doing the artwork for Till's Hill and would have to ensure that the pieces compliment each other. This is also the plan for the Church Street wall, adding a framed art piece every year so that it becomes a gallery of art. Dialogue continued.

- **Town Crier Competition:** two (2) Town Criers have arrived and the remainder will arrive between the weekend and Monday. Grotto Bay is the host hotel and the event is being done in partnership with the Corporation of St. George so events are between both Hamilton and St. George. Invites have gone out via email for the prizegiving/dinner to be held at Pier 6, Saturday April 22, 2017.

- **Cruise Ship Presentation:** copies of the presentation were distributed to the Committee Members. The Ministry of Tourism, Transport and Municipalities sent out a late request to the Mayor requesting representation from the City to attend some cruise presentations in Miami. The Event Project Manager attended on behalf of the City. The report is an outline of who attended, what the itinerary was and some of the salient points that came of the meeting. She gave a hard copy of all the presentations that were given to the Recording Secretary in the event that any Member wanted any further details in that regard. If any Members wanted to set-up a separate time to meet to discuss further, the Event Project Manager would be happy to do so.
- **Bermuda Day:** to date, no applications have been received for Bermuda Day, i.e. for the closures of the streets for the parade, etc. They want the CoH to sign their contract that they have created through legal channels as opposed to them applying through CoH's normal process. They (a lawyer from the AG's Chambers) feels that they should be exempt from that process. The Department of Community and Cultural Affairs (DCCA) is quite happy to complete the form as per usual and move ahead with the process. The Event Project Manager said that the race had not applied for closures either. The lawyer deliberately does not want to apply, they want the CoH to do it their way. In her opinion, she feels that the CoH will find themselves as before where they were instructed by the powers that be which always puts a strain on the Events and Engineering Departments.

Councillor Harvey said the CoH knows the event is going to happen. The City Engineer said the CoH has an application form and if one wants services from the City, that form has to be completed. The lawyer wants the CoH to sign their contract obligating the City to do certain things that they do not normally do. He also wants to receive copies of the CoH's insurance, sign waivers about taxes, etc. The CoH has always done the event through their processes. This came up for the first-time last year and the CoH refused to sign the contract. They then completed the application form and offered a reduced contract to which the CoH obliged. The CoH offered to do the reduced contract again but they are trying to revert to the original contract which is unreasonable.

**ACTION:** The Event Project Manager to write to the Department of Community and Cultural Affairs, copy in the two (2) Ministers, the Minister of Social Development & Sport the Hon. Nandi Outerbridge, JP, MP, the Minister of Tourism, Transport & Municipalities Sen. the Hon. Michael M. Fahy, JP and the Hon. Trevor Moniz, JP, MP Attorney General and Minister of Legal Affairs with regards to the application process for services from the CoH for Bermuda Day.

The Event Project Manager will sit with the Secretary to ensure that the proper references are quoted in the letter.

- **Mega Tent:** The Event Project Manager received feedback from the Secretary and the Treasurer regarding the MOU. The City Engineer advised that the CoH received planning approval for the temporary tent in City Hall Car Park until November 2017 and then it must come down. Front Street is a different application.

The tent is due to be up no later than June 1<sup>st</sup>, 2017. The City Engineer said once he secures the building permit, the tent will be erected. The tent can be erected without affecting parking.

- **Heritage Month Busking / Reid Street:** The Event Project Manager confirmed that DCCA has sponsored all the busking for Reid Street for Heritage Month in May. The Engineering Department is working on the improved pedestrian atmosphere on Reid Street with the expanded sidewalks, greenery, seating, etc. Also, working with the Engineering Department to create entertainment spaces. Application forms can be collected from the Front Office Reception, or on the CoH's website and has been advertised in the newspaper.

**Point of Order from the Mayor:** "The general control of markets, peddlers, fairs, hawkers and vendors in public, of goods within municipal areas.

(ii) **Take Note: Project Charters 2017** - forwarded by the City Engineer for information purposes.

The Mayor said he would hate for the Chairman to be acting ultra vires which is why he is bringing up the issue of the Ordinances. The Appellant Court made it very clear that the CoH could not work through Resolutions where items are specifically stated out in the Municipalities Act that they need to be done through Ordinances. He further commented that they need to have a meeting with the Minister to ask him what his actions are going to be in terms of allowing the City to continue to operate. He suggested that if the Minister does not have an answer, then the CoH could provide him with their own answer. Dialogue continued.

## 10. Recommendations for Review:

**RECOMMENDATION Update:** That the Board approve to endorse the proposal from the HI Group of Companies as presented. **(Approved in Corporation Board meeting dated 5 April 2017)**

**RECOMMENDATION Update:** That the Board approve Councillor George Scott and the Treasurer, Tanya Iris to be signatories for the Bermuda Boat Parade charity and represent the Corporation of Hamilton on that Committee. That the Board also approve for Councillor John Harvey to serve as a reserve signatory as well as sit on that Committee as deemed necessary. **(Approved in Corporation Board meeting dated 1 March 2017 and approved by the Minister)**

The Secretary said Councillor G. Scott and the Treasurer, Tanya Iris need to write to the Registrar of Charities. He suggested doing up a template letter to be written on their behalf and for their signature for them to become Trustees.

**RECOMMENDATION Update:** That the Board approve Edible Creations as the food concession for Victoria Park. **(Approved in Corporation Board meeting dated 5 April 2017 and approved by the Minister)**

**RECOMMENDATION Update:** That the Board accept the bid in the amount of \$ 30.00 per hour from Granite Enforcement Team (GET) for City Hall Security. **(Approved in Corporation Board meeting dated 5 April 2017 and approved by the Minister)**

**RECOMMENDATION Update:** That the Board approve the restriction of tractor trailers on Victoria Street between Cedar Avenue and Parliament Street. **(Approved in Corporation Board meeting dated 5 April 2017 and approved by the Minister)**

**11. Any Other Business:**

(i) **Memorandum of Understanding (MOU) - "The City Market":** The Event Project Manager said there was a meeting held to discuss the City Market moving into Hamilton. They came in and filled out the necessary application forms and some arrangements were worked out. Yesterday, they sent an email indicating that they did not have enough support from all the vendors so they will not be doing the City Market for next week but will now wait and work it out for November 2017. The Mayor asked if the CoH has something in their Act where an Ordinance allows for the general control of markets, fairs, peddlers, hawkers, etc., to which the City Engineer gave a negative response, hence an Ordinance would be needed. The Secretary said all the Government has to do is to do an amendment to the Municipalities Act that will allow the CoH to have Resolutions cover a list of items and Ordinances cover a list of items and a process of Ordinances that have to go to the House and those that do not. There was further dialogue regarding the Acting Minister and the signing off on matters or making any decisions. The Minister is due to return on 18 April 2017. The City Engineer commented on the MOU and the responsibilities, etc.

The Mayor reiterated that until the Ordinance matter gets resolved, the City will not be able to properly operate. With Resolutions going forward, to quote the Appellant Court's judgment, pass that Resolution and have the Minister to sign off on it. It was noted that in the Streets and Sidewalks Ordinance 1988, there is a list of prohibitive activities, e.g. **"sell or offer or expose for sale any goods or services on any street or in any City car park."** It also states: **"Nothing in the Ordinance shall prevent the Corporation giving written permission to any person, society, firm, or incorporated company, including the Corporation's own employees or agents, to do any act which in the absence of such permission might constitute a contravention of this Ordinance, and any such permission shall be good and valid authority to the holder thereof acting in accordance with such permission, however, in any court proceedings taken under this Ordinance the onus of proving that any such permission has been granted shall lie with the person asserting that fact."**

The City Engineer said that it has been found in the court cases that unless it is specifically spelled out that you have the power to do something, then you do not.

Councillor Harvey commented on whether the CoH can be prevented from having Bermuda Day. It was noted that the police and the Ministry of Works & Engineering can close any street at any time. The Mayor said the City has more powers than the Minister of Works & Engineering. Councillor Harvey said sometimes, the hand has to be forced or at least have the issues highlighted.

These are two (2) requests from the same applicant:

(ii) **Request for Al Fresco at 18 Washington Lane (Casablanca):** this is a newly opened business (the old Mannie's). They wish to put two (2) tables, one (1) on either side of the doorway with one (1) chair.

(iii) **Request for Al Fresco at 61 Front Street (former Bees' Knees):** this is next to the Pitt & Co. building. The City Engineer declared that the applicant is a known restaurateur that has set up many businesses within the City. One was the O Bar on Bermudiana Road and there was the problem with the Al Fresco and loss of revenue. He disappeared and never reverted the premises back. He was also involved in the Walker Arcade restaurant, the Grand, etc. and has left a string of issues.

Councillor Harvey supported the request for Washington Lane very much like La Trattoria but did not support the request for Front Street. The Secretary said that he is averse to supporting anyone that has left the CoH "holding the bag" a number of times. In a recent comment from one of the CoH's lawyers, he suggested that if the individual is willing to sign a personal liability for expenses left in the organisation, that would tilt his hand back to supporting. He is tired of having the rate payers foot the bill for those with their failed business plans.

The Mayor expressed his concern with the Front Street request. Going back to the issue on Bermudiana Road, the CoH created that Al Fresco area for the tenants and where the owner is denying any involvement. If the Committee was minded to support the Front Street request, he would much rather that the contract be done through the owner of the property than through the tenant. Councillor Harvey commented on the Al Fresco area outside of Docksider's.

Washington Lane, would be minimal in terms of getting it back to its original state, i.e. the cost of picking up the tables and chairs which the applicant can be made personally liable for. With the Front Street request, at least start the practice of going through the owner of the property. The City Engineer expressed his non-support of that request with the traffic light there and could be very disruptive. That building is not set back like the others, it is right to the boundary, out onto the sidewalk.

(iv) **Take Note: America's Cup:** They had requested to put a simulator on the front lawn of City Hall which was approved. An email was received a couple days ago stating that they no longer wished to have it there and requested to have it placed on Front Street with the other installations in the place where the boat is supposed to go. The City Engineer said that he has not seen any plan in this regard.

The Event Project Manager advised that this will be another 20ft. container and the simulator would be located inside much like the art container that was located in front of City Hall. The Event Project Manager and the City Engineer to work out the logistics.

(v) **Staff Happy Hour Social - Pre-Good Friday:** Just a reminder of the Happy Hour on Thursday 13 April 2017 from 5pm - 7pm in the foyer at City Hall. The Mayor extended his apologies.

**Note:** The Secretary advised that there are some items that are listed in the Restricted Session which should be in the Public Session, i. e. Encroachments, the Awning Signs and the Proposal for Barr's Bay Park Building. The City Engineer said the Barr's Bay Park Building is a private proposal with confidential information. The Mayor said to let the record show that a private proposal was received to do with the Barr's Bay Park building and it will be discussed in the Restricted Session. Also, the proposal from RBYC will be discussed in the Restricted Session.

The City Engineer said the Awnings and Signage should be in the Public Session but the Notice of Encroachment is a legal issue and should be discussed in the Restricted Session.

(vi) **Send out the Changes to the Awnings & Signage Policy that were made in 2012 and the Retraction that was made in 2013:** The Secretary confirmed that he did send out the documents. There are about 15 that are encroaching and are looking to charge the remainder. This was increased by the previous Council to \$75, then subsequently moved back to \$25 and then not done at all. He is more interested in the businesses signing the acknowledgement of the encroachment that the CoH can get to be removed if needed. There are some that are there on a more permanent basis and some that are retractable.

The Mayor suggested a letter be sent out to all those businesses that are encroaching offering them, due to the economic conditions that the Island is currently still suffering from, that the CoH is willing to waive the \$25 fee as long as the business signs a document showing that they recognise that they are encroaching. If need be, if the CoH asks for the signage or awnings to be removed that they are removed. The Secretary said the policy would have to be amended and those 15 businesses have been paying the \$25 for quite a while. The Mayor suggested to differentiate between awnings where they should be paying and signage which would not be worth the fight. The City Engineer said there are about 600 encroachments.

**ACTION:** The Secretary will make the recommended change in the Awnings & Signage Policy and bring back to the Committee.

Then this amendment can go out with the tax notices. There should be the stipulation that if they are not willing to sign, then the CoH will charge the fee and if they refuse to pay the fee, then they will be asked to remove.

(vii) **Discussion re: Presentation from the Bermuda Rowing Association, Barr's Bay Park Building Proposal:** The City Engineer advised that the building has previously been rented for \$4K a month but this proposal is not just for the building.

The proposal is for waterfront access and permanent docking. There was continued discussion regarding the floating dock, a low-level dock to be able to get into the shells. The Mayor said it would be a bit premature to make a decision in this regard because there are other proposals in the Restricted Session to be discussed. There might be two (2) renters in that building that might be able co-exist. This might be more to fulfilling the CoH's responsibility to the overall public in terms of providing facilities such as this as well as the fiduciary duty regarding securing rents that would be a little more comparable than what the CoH could be getting if it was another facility, e.g. a restaurant, etc.

RBVC used the building for their summer junior sailing programme and then used it while they renovated their whole lower floor of their existing building. They used it for storage and for running their programme out of it.

The Event Project Manager left the meeting at 12:50pm while the next item was discussed in fairness to the process.

(viii) **Discussion re: Presentation from Savvy Entertainment:** the proposal request is for the CoH to be the host for the event as well as in-kind sponsorship and the labour costing for staff which would be about \$10K. For venue rentals, the CoH will be giving up about \$3K or \$4K, approximately \$12K in in-kind sponsorship. Councillor Harvey said this would be great entertainment in the City. The City Engineer commented that if there is closure of #1 Car Park on a Friday and a Saturday then there would be additional loss of revenue of about \$6K. Councillor Harvey suggested when the Tall Ships are here, maybe on a Saturday evening, they could possibly have a hydroflight show during the evening. The City Engineer said with all the Mega Yachts and Tall Ships, not much of the harbour will be seen. The Secretary said both #1 and #5 Car Parks will close for this event so the total package could cost at least \$15K - \$20K.

**RECOMMENDATION:** That the Board agree to support the event "Battle on the Rock" by Savvy Entertainment 25 - 27 August 2017. The event is an Open Hydroflight Invitational Competition.

**Proposed:** Councillor J. Harvey

**Abstained:** Councillor R Edwards

**Motion passed**

The Mayor said the Event Project Manager declared her interest very quietly but she needs to be up front in that regard. She needs to actually use the expression "Conflict of Interest".

**RECOMMENDATION:** That the Board approve the land exchange between Butterfield and Vallis and the Corporation of Hamilton. Item will be discussed in the Restricted Session.

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

**Proposed:** Councillor R. Edwards

**Seconded:** Mayor, Charles Gosling

The Public Session adjourned at 1:00pm.