



## **CITY COUNCIL MINUTES 13-017**

**5:00 p.m.**

**Wednesday, September 25, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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<b>Present:</b>	Mayor R. Bratina Councillors B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, B. Clark, B. Johnson, L. Ferguson, J. Partridge, R. Powers, R. Pasuta
<b>Absent with Regrets:</b>	Councillor M. Pearson - Vacation

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The Mayor called upon Angelica Garcia-Hennings to lead Council in prayer.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

**1. CORRECTION**

- 5.7 The correspondence, respecting a Petition from the Residence of East 19<sup>th</sup> Street respecting Road Improvements, should read "*West*" 19<sup>th</sup> Street

**2. ADDED COMMUNICATION**

- 5.9 Correspondence from John Ariens, IBI Group, respecting the Planning Committee's Denial of Zoning Application ZAC-12-048 for 1297 Baseline Road (Item 1 of Planning Committee Report 13-014 (PED13150))

Recommendation: Be received.

- 5.10 Correspondence from Sylvia Jones, MPP – Dufferin-Caledon, respecting her Private Members Bill – the Aggregate Recycling Promotion Act (Bill 56)

Recommendation: For the Consideration of Council

- 5.11 Correspondence from Arun Tathak, President of the Hamilton & District Apartment Association

Recommendation: Be received.

- 5.12 Correspondence from Viv Saunders, Anna Roberts and Nancy Bleakley on behalf of the Lakewood Beach Community Council, respecting the Development of 2 Oceanic Drive, Stoney Creek

Recommendation: Be received and referred to the General Manager of the Planning & Economic Development Department and the City Clerk for appropriate action.

- 5.13 Correspondence from Mayor R. Bratina, respecting his Resignation from the Hamilton Police Services Board

Recommendation: Be received.

### **3. PRIVATE & CONFIDENTIAL**

- 10.1 Update respecting the HSR Sexual Harassment Arbitration Decision

Pursuant to Section 8.1, Sub-sections (b)(d) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (b),(d) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- 10.2 Public Works Investigation Update

Pursuant to Section 8.1, Sub-sections (b)(d) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (b),(d) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

### **(Powers/Ferguson)**

That the agenda for the September 25, 2013 meeting of Council be approved, as amended.

**CARRIED**

<b>DECLARATIONS OF INTEREST</b>
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Councillor R. Pasuta declared a conflict respecting Item 6 of the Planning Committee Report 13-014 as he has recently purchased a property and may charge rent upon it in the future.

Councillor L. Ferguson declared a conflict respecting the portions of Item 7 of Planning Report 13-014 which relate to taxicabs as he has a financial interest in the taxi industry.

<b>CEREMONIAL ACTIVITIES/ANNOUNCEMENTS</b>
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None.

<b>APPROVAL OF MINUTES</b>
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**4.1 September 11, 2013**

**(Johnson/Partridge)**

That the Minutes of the September 11, 2013, meeting of Council be approved, as presented.

**CARRIED**

<b>COMMUNICATIONS</b>
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**(Farr/McHattie)**

That Council Communications 5.1 through 5.13 be approved, as amended, as follows:

- 5.1 Correspondence from the Association of Municipalities of Ontario (AMO), respecting the Highlights of the August 2013 Board Meeting

**(Powers/Johnson)**

Recommendation: Be received.

- 5.2 Correspondence from Sharon Campbell-Springstead, President of the Rosedale Tennis Club, respecting a Request for a \$180,000 Loan

**(Duvall/Morelli)**

Recommendation: Be received and referred to the Acting General Manager of Finance & Corporate Services and the General Manager of Community Services for a joint report to the Audit, Finance & Administration Committee

- 5.3 Correspondence from Mayor Rob Burton, Town of Oakville, respecting a Proclamation Request for Chiari Awareness Month – September 2013

**(Whitehead/Partridge)**

Recommendation: Be received.

- 5.4 Correspondence from Pandit Roopnauth Sharma, President, Ontario Multifaith Council, respecting a Proclamation Request for Spiritual and Religious Care Awareness Week – October 14 to 20, 2013

**(Powers/Farr)**

Recommendation: Be received.

- 5.5 Correspondence respecting the Proposed Rental Housing By-law

- (a) Steven Kealy
- (b) Julianne Burgess
- (c) Chris Hill
- (d) Jason Lambert

**(Whitehead/Collins)**

Recommendation: Be received.

- 5.6 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, respecting Menu Labelling, Tanning Beds and Dental Care

**(Pasuta/Ferguson)**

Recommendation: Be received.

- 5.7 Correspondence (Petition) from the Residence of West 19<sup>th</sup> Street respecting Road Improvements

**(Whitehead/Jackson)**

Recommendation: Be received.

- 5.8 Correspondence from Don Head, Commissioner of Correctional Services Canada, respecting a Proclamation Request for Restorative Justice Week – November 17 to 23, 2013

**(Jackson/Duvall)**

Recommendation: Be received.

- 5.9 Correspondence from John Ariens, IBI Group, respecting the Planning Committee's Denial of Zoning Application ZAC-12-048 for 1297 Baseline Road (Item 1 of Planning Committee Report 13-014 (PED13150))

**(Johnson/Whitehead)**

Recommendation: Be received and referred to the discussion of item 1 of Planning Committee Report 13-014

- 5.10 Correspondence from Sylvia Jones, MPP – Dufferin-Caledon, respecting her Private Members Bill – the Aggregate Recycling Promotion Act (Bill 56)

**(Ferguson/Powers)**

Recommendation: Be endorsed

- 5.11 Correspondence from Arun Tathak, President of the Hamilton & District Apartment Association

**(Jackson/Farr)**

Recommendation: Be received.

- 5.12 Correspondence from Viv Saunders, Anna Roberts and Nancy Bleakley on behalf of the Lakewood Beach Community Council, respecting the Development of 2 Oceanic Drive, Stoney Creek

**(Collins/Merulla)**

Recommendation: Be received and referred to the General Manager of the Planning & Economic Development Department and the City Clerk for appropriate action.

- 5.13 Correspondence from Mayor R. Bratina, respecting his resignation from the Hamilton Police Services Board

**(Ferguson/Johnson)**

Recommendation: Be received.

**CARRIED AS AMENDED**

**(Duvall/Whitehead)**

That Council move into Committee of the Whole for consideration of the Committee Reports.

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 13-018</b>
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**(Bratina/Partridge)**

That the EIGHTEENTH Report of the General Issues Committee attached hereto be received.

**CARRIED**

<b>PUBLIC WORKS COMMITTEE REPORT 13-011</b>
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**(Ferguson/Johnson)**

That the ELEVENTH Report of the Public Works Committee attached hereto be adopted, and the information section received.

**CARRIED**

<b>BOARD OF HEALTH REPORT 13-008</b>
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**(Bratina/Pasuta)**

That the EIGHTH Report of the Board of Health be adopted, and the information section received.

**CARRIED**

<b>PLANNING COMMITTEE REPORT 13-014</b>
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**Item 1      Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek) (PED13150) (Ward 11)**

**(Johnson/Clark)**

That Item 1 of the Planning Committee Report 13-014 be amended by deleting it in its entirety and replacing it with the following in lieu thereof:

That the development of 3 single detached residential lots be permitted subject to the following:

- (a) That approval be given to REVISED Zoning By-law Amendment Application ZAC-12-048, by Massimo Cretaro, (Owner), for a change in zoning from the Neighbourhood Development “ND” Zone (Block 1) and the Single Residential “R1” Zone (Block 2) to the Single Residential “R2-63” Zone, in order to permit the development of 3 single detached dwellings (see Appendix “C” attached hereto), on the lands located at 1297 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED13150, subject to the following conditions:
  - (i) That the revised draft Zoning By-law, attached hereto as Appendix “B”, which has been prepared in a form satisfactory to the City Solicitor, be enacted;
  - (ii) That the amending Zoning By-law be added to Map 4 of Schedule “A” of Zoning By-law No. 3692-92;
  - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan.

**Amendment CARRIED  
Main Motion as Amended CARRIED**

**Item 6          Rental Housing Licensing By-law (PED10049(m)) (City Wide)**

**(Clark/Johnson)**

That Item 6 of the Planning Committee Report 13-014 be amended by adding new sub-sections (c) and (d) to read as follows:

- (c) That, when carrying out enforcement under the permanent proactive rental housing enforcement program, staff be directed to continue to take into consideration; throughout such enforcement, an owner's good faith efforts to actively seek compliance with Zoning By-law requirements through meetings, correspondence and/or applications with the Planning and Economic Development Department;
- (d) That a charge not be laid for 5 months following the identification of the illegal use, subject to such good faith efforts by the owner to comply continuing and except for situations where immediate health or safety concerns may be a factor.

**(McHattie/Merulla)**

- (i) That sub-section (c) be further amended through the addition of the phrase "except for situations where immediate health or safety concerns may be a factor" following "Planning and Economic Development Department";
- (ii) That sub-section (d) be deleted in its entirety.

**Amendments CARRIED**

**(Clark/Johnson)**

That sub-section (a)(i) to Item 6 of the Planning Committee Report 13-014 be amended by deleting the words "*until 2017 when the levy impact would be reduced to approximately \$175,000 annually*", to read as follows

- (a) That a permanent Proactive Enforcement Program to enforce rental housing conditions be approved, subject to the approval of items (i) and (ii) below:
  - (i) An additional 5 FTEs (4 enforcement officers and 1 support clerk) at an estimated net levy impact of \$275,000 annually ~~until 2017 when the levy impact would be reduced to approximately \$175,000 annually;~~

**Amendment CARRIED**

**Main Motion as Amended CARRIED**

**(Johnson/Clark)**

That the FOURTEENTH Report of the Planning Committee attached hereto be adopted, as amended, and the information section received.

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 13-019</b>
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**Item 5      Request from John McGreal to Place King George Public School on the City's Register of Significant Buildings**

**(McHattie/Clark)**

That the motion be deleted in its entirety and replaced with the following to read as follows:

- (a) That staff be directed undertake a Full Cultural Heritage Assessment and evaluation of King George Public School located at 77 Gage Avenue North, Hamilton with a view to prospective designation;
- (b) That the Cultural Heritage Assessment and evaluation be placed in staff's work program as a top priority.

**Amendment CARRIED  
Main Motion as Amended CARRIED**

**(Farr/Merulla)**

That Item 5 of General of Issues Committee Report 13-019 respecting Request from John McGreal to Place King George Public School on the City's Register of Significant Buildings, be reconsidered.

**Reconsideration CARRIED**

**(Farr/Collins)**

That item 5 of General Issues Committee Report 13-019 be deleted in its entirety and replaced with the following:

**Item 5      Request from John McGreal to Place King George Public School on the City's Register of Significant Buildings**

That King George Public School be added to the City's Register of Significant Buildings in accordance with the Ontario Heritage Act.

**Amendment CARRIED  
Main Motion as Amended CARRIED**

**Item 13      Hamilton Police Services 2014 Budget**

**(Collins/Merulla)**

That the motion be amended through the addition of "Staff and Board" after "Service" to read as follows"



That representatives from the Hamilton Police Services, Staff and Board, be invited to attend the November 26, 2013 meeting of the General Issues Committee to provide preliminary information and commence dialogue with respect to their 2014 budget.

**Amendment CARRIED  
Main Motion as Amended CARRIED**

**(Bratina/Partridge)**

That the NINETEENTH Report of the General Issues Committee attached hereto be adopted, as amended, and the information section received.

**CARRIED**

**(Duvall/Whitehead)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>MOTIONS</b>
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**7.1 Use of Conducted Energy Weapons (Tasers) and Non-Lethal Force by Sworn Officers**

**(Clark/Johnson)**

Whereas, the Premier for the Province of Ontario recently announced the intention to relax restrictions on the use of conducted energy weapons (CEWs) by municipal police services; and

Whereas, Council will be required to debate the Hamilton Police Services Board budget request with respect to the purchase of CEWs (tasers) and training for increased use by sworn officers; and

Whereas, City Council does not have any background information on Police Services Board policies for CEW use or use of force;

Therefore Be It Resolved:

- (a) That Hamilton Police Services (HPS) Board be requested to provide copies of HPS Board policies, for sworn officers use of non-lethal force such as conducted energy weapons (tasers), batons, pepper spray, etc.;
- (b) That Hamilton Police Services (HPS) Board be requested to provide copies of any HPS Board policies directing sworn officers to use de-escalation techniques when apprehending potential assailants;
- (c) That the Mayor correspond with the Honourable Kathleen Wynne, Premier of Ontario, to request copies of any past funding agreements by the Province of Ontario regarding the purchase of conducted energy weapons and training of sworn personnel; and,

- (d) That staff be directed to provide an update of the 2013 first six month Police budget actuals compared to the first 6 months of the 2013 approved police budget at a future General Issues Committee meeting.

The Motion **CARRIED** on the following recorded votes:

Yeas: Bratina, Duvall, Jackson, Collins, Morelli, Farr, McHattie, Clark,  
Johnson, Ferguson, Powers, Partridge, Whitehead, Pasuta  
Total: 14  
Nays: Merulla  
Total: 1  
Absent: Pearson  
Total: 1

## 7.2 Appointment to the Hamilton Police Services Board

### (Collins/Merulla)

That Councillor Lloyd Ferguson be appointed to the Hamilton Police Services Board, replacing Mayor Bob Bratina, for the remainder of the 2010-2014 term of Council.

**CARRIED**

### (Collins/Merulla)

That the temporary appointment of Councillor Lloyd Ferguson to the Hamilton Police Services Board approved by Council on June 12, 2013, be rescinded.

**CARRIED**

## NOTICES OF MOTION

Councillor Collins introduced the following Notice of Motion:

### 8.1 Burlington Lift Bridge

Whereas Hamilton City Council passed a Motion on May 25, 2005 asking the active participation and Funding of Public Works Canada in the design and construction of multi-use pathway on the Lake Side of the Burlington Lift Bridge; and

Whereas on September 14, 2005 Council received a positive response from the Ministry of Public Works and Government Services which indicated their support of the co-operative approach and commissioning of a study on the construction of a sidewalk; and

Whereas the Burlington Lift Bridge provides an essential Canal crossing link for motor vehicles and pedestrians via a sidewalk on the Bay side of the Structure; and

Whereas the cities of Burlington and Hamilton have linked their multi-use paths along their respective shorelines on the Lakeside of Eastport Drive leading directly to the Lift Bridge; and

Whereas a functional and safe means of crossing the Canal is required; and

Whereas promoting safe routes for cyclists will assist the Government of Canada in meeting its commitment to reduce greenhouse gas emissions with the added benefit of improving air quality and improving the sustainability of the cities of Burlington and Hamilton; and

Whereas it is in the public interest for all levels of government to act cooperatively and in partnership in funding and implementing a safe and functional connection across the Lift Bridge for the benefit of all users of the multiuse pathway;

Now Therefore Be It Resolved:

- (a) That the City of Hamilton requests, in co-operation with the City of Burlington, that Public Works Canada resume their active participation role in the design and funding of a multi-use pathway on the Lake side of the Burlington Lift Bridge to connect with the multiuse pathways in the City of Burlington and the City of Hamilton;
- (b) That a copy of this resolution be sent to the Minister of Public Works, area Members of Parliament, the City of Burlington, The Hamilton Port Authority, the Hamilton Waterfront Trust, the Hamilton Harbour Remedial Action Plan office and the Hamilton Cycling Committee.

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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**(Ferguson/ Powers)**

That Council Move into Closed Session at 7:58 p.m. to discuss Item 10.1 Update respecting the HSR Sexual Harassment Arbitration Decision and Item 10.2 Public Works Investigation Update, pursuant to Section 8.1, Sub-sections (b),(d) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (b),(d) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees, labour relations or employee negotiations and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

### 10.1 Update respecting the HSR Sexual Harassment Arbitration Decision

Helen Hale Tomasik, Executive Director Human Resources & Organizational Development provided a PowerPoint Presentation to Council in Open Session. Copies have been included in the official record.

**(Collins/Merulla)**

- (a) That staff be directed to review the policy adopted in 2006 related to without cause severance payments and provide an update on historical numbers related to corporate payouts;
- (b) That staff be directed to Report to the General Issues Committee with options and alternatives related to without cause severance payments.

### 10.2 Update Public Works Investigation

The Mayor indicated that an update was provided in Closed Session.

<b>BY-LAWS AND CONFIRMING BY-LAW</b>
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**(Farr/Merulla)**

That the Bill List for the September 25, 2013 meeting of Council be amended by adding the following as Bills 240 and 241 and renumbering the balance accordingly:

**Bill No.**

- |            |   |
|------------|---|
| <b>240</b> | To Amend Zoning By-law No. 3692-92 (Stoney Creek)<br>Respecting the Lands Located at 1297 Baseline Road<br><b>Not Final and Binding</b> |
| <b>241</b> | To Amend Zoning By-law No. 05-200<br>Respecting Lands Located at 1361 Barton Street in the City of Stoney Creek                         |
- Amendment CARRIED**

**(Farr/Merulla)**

That Bills No. 13-230 to 13-242 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

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**Bill No.**

- |            |  |
|------------|--|
| <b>230</b> | To Incorporated City Land designated as 100, 105, and 106 on Plan 62M-1144 into Turi Drive |
| <b>231</b> | To Incorporate City Land<br>Designated as Block 98 on Plan 62M-1144<br>into Dunvegan Place |

**Bill No.**

- 232** To Incorporate City Land  
Designated As Blocks 97 and 102 on Plan 62M-1144  
into Greti Drive
- 233** To Incorporate City Land  
Designated as Block 99 on Plan 62M-1144  
into Mother's Street
- 234** To Repeal By-law No. 13-221: To Amend By-law No. 01-215,  
Being a By-law To Regulate Traffic
- 235** Removal of Part Lot Control  
Lot 22, Registered Plan No. 62M-1178  
46 ODonnel Drive
- 236** To Amend By-law No. 01-218, as amended,  
Being a By-law To Regulate On-Street Parking  
Schedule 5 – Parking Meters  
Schedule 6 – Time Limit Parking  
Schedule 8 – No Parking Zones  
Schedule 12 – Permit Parking Zones  
Schedule 13 – No Stopping Zones  
Schedule 15 – Commercial Vehicle Stopping Zones  
Schedule 20 – School Bus Loading Zones
- 237** To Amend By-Law No. 06-147  
Being a By-law to Authorize the City to Enter into Extension Agreements
- 238** To Amend Zoning By-law No. 90-145-Z (Flamborough),  
Respecting Lands Located at 392, 488 & 530 Dundas Street East, Concession 3, Part  
of Lots 2, 3, 4, & 5 (East Flamborough), in the former Town of Flamborough, now in the  
City of Hamilton  
**Not Final and Binding**
- 239** To Amend By-law 11-273 as amended, respecting the  
Downtown and Community Renewal Community Improvement Plan
- 240** To Amend Zoning By-law No. 3692-92 (Stoney Creek)  
Respecting the Lands Located at 1297 Baseline Road  
**Not Final and Binding**
- 241** To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 1361 Barton Street in the City of Stoney Creek
- 242** To Confirm Proceedings of Council

**CARRIED As Amended**

**(Partridge/Johnson)**

That, there being no further business, the City Council meeting be adjourned at 11:07  
p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT  
City Clerk  
Office of the City Clerk



## **GENERAL ISSUES COMMITTEE**

### **REPORT 13-018**

**9:30 a.m.**

**Friday, September 13, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Deputy Mayor J. Farr (Chair)  
Mayor R. Bratina  
Councillors B. Clark, C. Collins, S. Duvall, L. Ferguson,  
B. Johnson, B. McHattie, S. Merulla, J. Partridge,  
M. Pearson, R. Powers,

**Absent with Regrets:** Councillors B. Morelli – Personal  
Councillors T. Jackson, R. Pasuta – Vacation  
Councillor T. Whitehead – City Business

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### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-018 FOR INFORMATION AS FOLLOWS:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised that there were no changes to the agenda.

The agenda was approved as presented.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

None

**(d) STAFF PRESENTATIONS (Item 4)**

**(i) 2013 Capital Budget**

Mike Zegarac provided a PowerPoint presentation with respect to the 2014 Tax-Supported Capital Budget and spoke to the following:

**Council – September 25, 2013**

- Overview
  - Objectives of the 2014 tax-supported capital budget
  - Ward meetings summary
  - Budgeting assumptions
  - Preliminary 2014 capital levy (assuming 0.5% levy increase); optional 1% levy increase for Council's consideration
  - 2014 and 2014-2023 Preliminary tax-supported capital spending and funding forecasts (gross and discretionary)
  - Tax-supported debt forecast and comparators
  - 2014 significant capital pressures
- 2014 Capital Budget process
- Value of City Assets
- Ward Meetings feedback
- 2014 Capital Budget preparation
- Preliminary 2014 Capital levy
- Preliminary discretionary funding sources
- Preliminary discretionary Capital budget
- Preliminary Capital funding sources (2014-2023)
- Gross tax Capital expenditures
- Discretionary Capital history
- Gross Tax Capital funding Sources
- 2014 Budget forecasts
- Budgeted vs. actual debt forecast
- Debt forecast – tax
- Debt forecast – tax and rate
- 2014 significant pressures

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

The presentation respecting the 2014 Tax-Supported Capital Budget, was received.

Councillor Ferguson requested staff to provide information with respect to the City's debt retirement schedule and the status of projects funded.

Staff was directed to provide a list of supplemental projects that may be funded if the levy is increased by an additional .5% (additional \$3.6 million).

The following motion was put forward by Councillor Clark, seconded by Councilor Merulla:



That Council move forward with government relations where Councillors appear before Ministers with the Mayor.

The above-noted motion was not voted on, but rather, discussion of this matter will continue at a future meeting of the General Issues Committee.

**(e) ADJOURNMENT**

There being no further business, the meeting adjourned at 11:59 a.m.

Respectfully submitted

Councillor J. Farr  
Deputy Mayor

Carolyn Biggs  
Legislative Co-ordinator  
Office of the City Clerk



## **PUBLIC WORKS COMMITTEE**

### **REPORT 13-011**

**9:30 a.m.**

**Monday, September 16, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors L. Ferguson (Chair), T. Whitehead (Vice Chair),  
B. McHattie, S. Merulla, R. Powers, C. Collins, S. Duvall

**Absent with  
Regrets:** Councillors T. Jackson, R. Pasuta – Vacation

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### **THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 13-011 AND RESPECTFULLY RECOMMENDS:**

**1. Central Park Subsurface Soil Investigation (PW13069) (Item 5.3)**

That Report PW13069 respecting Central Park Subsurface Soil Investigation, be received.

**2. Free Street Tree Planting Program (No Copy) (Item 7.1)**

That Public Works staff be directed to consult with the appropriate City Housing Hamilton staff respecting extending the Free Street Tree Planting Program to City Housing properties.

**3. PRESTO Fare Card System Project (City Wide) (PW04117e) (City Wide) (Item 8.1)**

That the General Manager of Public Works be authorized and directed to implement a PRESTO weekly loyalty program, effective October 14, 2013.

**4. Tree Removal at 7 Virginia Court (Added Items 10.1 & 9.2)**

Whereas the resident of 7 Virginia Court has indicated that the City planted a tree on private property by accident approximately thirty-five years ago; and

Whereas the resident of 7 Virginia Court has indicated that the City has historically provided maintenance and care for the tree; and

Whereas the resident has indicated that the tree's roots are regularly interfering with sewer lines, incurring routine visits by City of Hamilton work crews to clear obstructions; and

Whereas the property owner of 7 Virginia Court has expressed his desire to his Ward Councillor that the City remove the tree;

Therefore be it resolved:

That forestry staff be directed to remove the tree located at 7 Virginia Court.

**5. Installation of an all-way Stop Control at the intersection of McNeilly Road and Barton Street (Ward 11) (Added Items 10.2 & 9.3)**

(a) That an all-way Stop Control and marked pedestrian walkway be placed at the intersection of McNeilly Road and Barton Street;

(b) That the appropriate amending By-law be passed.

**6. Royal Connaught Streetscaping (Ward 2) (Added Items 10.3 & 9.4)**

That the appropriate staff from Public Works be directed to coordinate with the owner of the Royal Connaught in order to achieve the desired Streetscaping on Main Street between John Street South and Catharine Street South.

**7. Referral of Outstanding Business List Item to the General Issues Committee (Item 11.1)**

That the following item be referred to the General Issues Committee with the following revised Due Date:

- (a) Item G - Advisory Committee for People with Disabilities Report 13-002  
Due Date - October 7, 2013  
New Date - October 16, 2013

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

- (i) WITHDRAWN - Delegation from Nicholas Schwetz respecting residential parking on Locke Street (Item 6.1)
- (ii) Added as Item 9.1 – Motion respecting Future Requests for Lot Severances in the Developed Communities of Old Ancaster
- (iii) Added as Item 10.1 – Notice of Motion Tree Removal at 7 Virginia Court
- (iv) Added as Item 10.2 – Notice of Motion Installation of an All-way Stop Control at the intersection of McNeilly Road and Barton Street (Ward 11)

The September 16, 2013 Public Works Committee Agenda was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) MINUTES (Item 3)**

**(i) September 3, 2013 (Item 3.1)**

The Minutes of the September 3, 2013 Public Works Committee meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Delegation Request from John Vesprini respecting Report PW13065, Poor Drainage on Lake Avenue Drive (Added item 4.1)**

The delegation request from John Vesprini respecting Report PW 13065 Poor Drainage on Lake Avenue Drive, was approved for a future Committee meeting.

**(e) CONSENT ITEMS**

**(i) Minutes of Various Sub-Committees (FOR INFORMATION PURPOSES ONLY) (Item 5.1)**

The following Sub-committee Minutes were received.

- (a) Hamilton Cycling Committee
  - (i) June 5, 2013

(ii) July 3, 2013

**(ii) Poor Drainage on Lake Avenue Drive (PW13065) (Ward 9) (Item 5.2)**

Report PW13065 respecting, Poor Drainage on Lake Avenue Drive, was tabled to the next Public Works Committee meeting.

**(f) DELEGATIONS (Item 6)**

**(i) Delegation from Nicholas Schwetz respecting residential parking on Locke Street (Item 6.1)**

Mr. Schwetz contacted the Committee Clerk and withdrew his delegation prior to the Public Works Committee meeting.

**(g) PRESENTATIONS (Item 7)**

**(i) Free Street Tree Planting Program (No Copy) (Item 7.1)**

Mike McNamara, Manager of Forestry & Horticulture, addressed the Committee respecting Free Street Tree Planting Program with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

Mr. McNamara provided an overview of the Free Street Planting Program which began in 2004 and has planted over 30,000 trees. He indicated that they expect to plant 6,000 trees this year and that they plant a diverse range and species of trees to provide more protection against pests and disease. He spoke to the goal of increasing the tree canopy to over 35% in the City by 2030. Mr. McNamara outline how the program functions, provided details on how residents can access the program and described the outreach and promotion done by staff.

The presentation, respecting Free Street Tree Planting Program, was received.

For disposition on this matter refer to Item 2.

**(h) MOTIONS (Item 9)**

**(i) Future Requests for Lot Severances in the Developed Communities of Old Ancaster (Item 9.1)**

Whereas most of old Ancaster has rural cross sections with open ditches for drainage rather than storm sewers; and

Whereas most lots in old Ancaster were large to accommodate septic systems before sanitary sewers were installed in the 1970's; and

Whereas there has been a significant change in heavy rain events in recent years; and

Whereas there have been a number of applications to split lots by severance; resulting in an increase in water run off, as pervious surfaces are being covered with additional driveways and roofs, resulting in the faster run off of rain; and

Whereas downstream properties have been at significant risk as overland ditches from storm drainage increases, resulting from this additional run off;

Therefore be it Resolved:

Staff were directed to determine if future requests for lot severances, in the developed communities of old Ancaster, that do not have storm sewers should not be permitted, due to potential downstream flooding, and report to the Public Works Committee.

**(ii) Tree Removal at 7 Virginia Court (Added Item 10.1 & 9.2)**

For disposition on this matter refer to Item 4.

**(iii) Installation of an all-way Stop Control at the intersection of McNeilly Road and Barton Street (Ward 11) (Added Item 10.2 & 9.3)**

For disposition on this matter refer to Item 5.

**(iv) Royal Connaught Streetscaping (Ward 2) (Added Item 10.3 & 9.4)**

For disposition on this matter refer to Item 6.

**(i) NOTICES OF MOTION (Item 10)**

Councillor C. Collins introduced the following Notice of Motion on behalf of Councillor T. Jackson.

**(i) Tree Removal at 7 Virginia Court (Added Item 10.1)**

Whereas the resident of 7 Virginia Court has indicated that the City planted a tree on private property by accident approximately thirty-five years ago; and

Whereas the resident of 7 Virginia Court has indicated that the City has historically provided maintenance and care for the tree; and

Whereas the resident has indicated that the tree's roots are regularly interfering with sewer lines, incurring routine visits by City of Hamilton work crews to clear obstructions; and

Whereas the property owner of 7 Virginia Court has expressed his desire to his Ward Councillor that the City remove the tree.

Therefore be it resolved:

That forestry staff be directed to remove the tree located at 7 Virginia Court.

The rules of order were waived to allow a Motion to proceed respecting the removal of a tree located at 7 Virginia Court.

For disposition on this matter refer to Item 4.

Councillor R. Powers introduced the following Notice of Motion.

**(ii) Installation of an all-way Stop Control at the intersection of McNeilly Road and Barton Street (Ward 11) (Added Item 10.2)**

(a) That an all-way Stop Control and marked pedestrian walkway be placed at the intersection of McNeilly Road and Barton Street;

(b) That the appropriate amending By-law be passed.

The rules of order were waived to allow a Motion to proceed respecting the Installation of an all-way Stop Control at the intersection of McNeilly Road and Barton Street.

For disposition on this matter refer to Item 5.

Councillor S. Merulla introduced the following Notice of Motion.

**(iii) Royal Connaught Streetscaping (Ward 2) (Added Item 10.3 & 9.4)**

That the appropriate staff from Public Works be directed to coordinate with the owner of the Royal Connaught in order to achieve the desired Streetscaping on Main Street between John Street South and Catharine Street South.

The rules of order were waived to allow a Motion to proceed respecting Royal Connaught Streetscaping.

For disposition on this matter refer to Item 6.

**(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List (Item 11.1)**

- (a) The following item was approved for removal from the Outstanding Business List:

(i) Item B - Correspondence Central Neighbourhood Association

- (b) The following new due dates were approved:

(i) Item N - Tree Health and Maintenance in the Downtown Area  
Current Date - October 7, 2013  
New Date - November 18, 2013

On a Motion staff were directed to include an evaluation of Tree Health and Maintenance in the Dundas Downtown area in their report to the Public Works Committee.

(ii) Item K - Public Bike Share Transit System Implementation  
Current Date - October 21, 2013  
New Date – December 2, 2013

**(k) ADJOURNMENT (Item 13)**

There being no further business, the Public Works Committee adjourned at 10:41 a.m.

Respectfully submitted,

Councillor L. Ferguson, Chair  
Public Works Committee

Andy Grozelle  
Legislative Coordinator  
Office of the City Clerk





## **BOARD OF HEALTH REPORT 13-008**

**1:30 p.m.**

**Monday, September 16, 2013  
Council Chambers  
Hamilton City Hall**

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**Present:** Mayor R. Bratina - Chair  
Councillors B. McHattie, J. Farr, S. Merulla, C. Collins,  
T. Whitehead, M. Pearson, L. Ferguson, R. Powers

**Absent with  
regrets:** Councillor B. Morelli – City Business  
Councillor T. Jackson – Vacation  
Councillor S. Duvall – City Business  
Councillor B. Clark – Personal Business  
Councillor B. Johnson – City Business  
Councillor R. Pasuta – Vacation  
Councillor J. Partridge – City Business

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### **THE BOARD OF HEALTH PRESENTS REPORT 13-008 AND RESPECTFULLY RECOMMENDS:**

**1. Public Health School Asthma Program (BOH13014) (City Wide) (Item 5.1)**

That Board of Health Report BOH13014, respecting Public Health School Asthma Program, be received.

**2. Public Health Nurse Secondment to Hamilton Health Sciences/Juravinski  
Cancer Centre (BOH13034) (City Wide) (Item 5.2)**

- (a) That the Medical Officer of Health execute an agreement between Hamilton Health Sciences in a form satisfactory to the City Solicitor that supports a secondment of a Public Health Nurse to Hamilton Health Sciences in the position of Tobacco Management and Cessation Coordinator, and

- (b) That the Medical Officer of Health increase the complement in the Healthy Living Division Tobacco Control Program by 0.5 full time equivalent Public Health Nurse during the length of the secondment outlined in subsection (a).

**3. Healthy Smiles Ontario Staffing Complement (BOH13035) (City Wide) (Item 5.3)**

That the Medical Officer of Health increase the complement in the Healthy Smiles Ontario program by 0.96 FTE dental staff within the approved provincial funding grant.

**4. Capital Projects' Status Report as of June 30th, 2013 (BOH13031) (City Wide) (Item 5.4)**

That Board of Health Report BOH13031, respecting Capital Projects' Status Report as of June 30<sup>th</sup>, 2013 be received.

**5. Sale of Alcohol in Convenience Stores (BOH13019) (City Wide) (Item 8.1)**

That a letter be written to the Premier of Ontario to express opposition to the expansion of alcohol sales to convenience stores in Ontario; and that copies be sent to the leaders of Opposition Parties, Chief Medical Officer of Health, Office of the Attorney General, Minister of Finance, Minister of Health and Long Term Care and the Alcohol and Gaming Commission of Ontario.

**6. Ontario Public Health Organizational Standards Compliance: Board of Health Self-Evaluation BOH11003(b) (City Wide) (Item 8.2)**

That Board of Health Report BOH11003(b), respecting Ontario Public Health Organizational Standards Compliance: Board of Health Self-Evaluation, be received.

**7. 2013 Provincial Funding Update (BOH13036) (City Wide) (Item 8.3)**

That Board of Health Report BOH13036, respecting 2013 Provincial Funding Update, be received.

**8. Continuation of Director Community Health Planning and Integration (BOH13037) (City Wide) (Item 12.1)**

That the temporary position of Director, Community Health Planning and Integration be extended for 30 months to February 2016, to be funded from gapping, and if necessary from the Public Services Reserve #112219.

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The agenda was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Pearson declared a conflict with item 6.3 delegation by Shawn and Ruth Comer wanting to propose possible solutions to bed bug and cockroach infestation in the City of Hamilton, as she is a rental property owner.

**(c) MINUTES (Item 3)**

**(i) August 12, 2013 (Item 3.1)**

The minutes from the August 12, 2013 Board of Health meeting, were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Randy Kay representing the Ontario Public Interest Research Group wanting to present findings from the street tree project and request that follow up air quality studies be taken to monitor changes after adding street trees to a target neighbourhood. (Item 4.1)**

The delegation request by Randy Kay representing the Ontario Public Interest Research Group wanting to present findings from the street tree project and request that follow up air quality studies be taken to monitor changes after adding street trees to a target neighbourhood, was approved to speak at the October 21, 2013 Board of Health meeting.

**(e) PUBLIC HEARINGS/DELEGATIONS (Item 6)**

- (i) Bob Dew representing the SMILE Wellness Program respecting Provincial funding cuts to Physiotherapy based programs for Seniors and the impact it will have on City Housing Hamilton residents. (Approved June 17, 2013) (Item 6.1)**

The Mayor informed the Board that Mr. Dew contacted the Committee Clerk and withdrew his delegation request.

The delegation request by Bob Dew representing the SMILE Wellness Program respecting Provincial funding cuts to Physiotherapy based programs for Seniors and the impact it will have on City Housing Hamilton residents, was received.

- (ii) Dr. Judah Denburg representing AllerGen NCE Inc. requesting to brief the Board of Health on the Canadian Healthy Infant Longitudinal Development (CHILD) Study. (Approved July 11, 2013) (item 6.2)**

Dr. Denburg spoke to the Board with respect to the work being done on the Canadian Healthy Infant Longitudinal Development Study. The study looks at early life origins in connection with the development of asthma, allergies and other chronic immune/inflammatory diseases.

The Committee discussed the research being undertaken, and indicated it would be beneficial to review the results in order to better guide policy initiatives.

The presentation by Dr. Judah Denburg representing AllerGen NCE Inc. requesting to brief the Board of Health on the Canadian Healthy Infant Longitudinal Development (CHILD) Study, was received.

- (iii) Shawn and Ruth Comer wanting to propose possible solutions to bed bug and cockroach infestation in the City of Hamilton. (Approved July 11, 2013) (Item 6.3)**

Shawn and Ruth Comer spoke to the Board regarding the problems they have incurred with respect to pest control issues in Hamilton rental properties. Mr. Comer proposed that a fund and registry be created by way of a small fee, to give tenants information on rental buildings.

The Board inquired as to what can be done to aid these problems. Councillor McHattie indicated that City Housing Hamilton has had problems with pests, and it may be beneficial to have a presentation on what they have done to combat the problem.

The issues raised by Shawn and Ruth Comer respecting pest control issues in Hamilton rental dwellings, as well as proposed solutions were referred to the relevant staff for investigation and report back to the relevant committee.

**(f) PRESENTATIONS (Item 7)**

**(i) Presentation from the Children's Aid Society (no copy)**

Dominic Verticchio, Executive Director of the Children's Aid Society of Hamilton spoke to the Board respecting the role of the Children's Aid Society. Mr. Verticchio continued to outline the new funding formula and pressures that have been placed on the organization, by other levels of government.

The Board indicated their continued support for the Children's Aid Society of Hamilton, and will continue to advocate on their behalf.

The presentation by Dominic Verticchio, Executive Director of the Children's Aid Society of Hamilton, was received.

**(g) GENERAL INFORMATION/OTHER BUSINESS**

- (i) The due dates on the following items on the Outstanding were revised accordingly:

Item "A" - Review of the City of Hamilton Streets By-law

Due Date: September 16, 2013

Revised Due Date: November 18, 2013

Item "G" - Epinephrine Auto-Injector & Food Service Outlets

Due Date: September 16, 2013

Revised Due Date: October 21, 2013

**(h) ADJOURNMENT (Item 13)**

With no further business, the Board of Health adjourned at 3:40 p.m.

Respectfully submitted,

Mayor R. Bratina  
Chair, Board of Health

Christopher Newman  
Legislative Coordinator



**PLANNING COMMITTEE**  
**AS AMENDED BY COUNCIL ON SEPTEMBER 25, 2013**

**REPORT 13-014**

**9:30 am**

**Tuesday, September 17, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors J. Farr (Chair), B. Johnson (1<sup>st</sup> Vice Chair), B. Clark, C. Collins, L. Ferguson, M. Pearson and T. Whitehead

**Absent with Regrets:** Councillor R. Pasuta – Vacation  
Councillor J. Partridge – City Business

**Also Present:** Councillor B. McHattie

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**THE PLANNING COMMITTEE PRESENTS REPORT 13-014 AND RESPECTFULLY RECOMMENDS:**

1. **Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek) (PED13150) (Ward 11) (Item 6.2)**

**That the development of 3 single detached residential lots be permitted subject to the following:**

- (a) **That approval be given to REVISED Zoning By-law Amendment Application ZAC-12-048, by Massimo Cretaro, (Owner), for a change in zoning from the Neighbourhood Development “ND” Zone (Block 1) and the Single Residential “R1” Zone (Block 2) to the Single Residential “R2-63” Zone, in order to permit the development of 3 single detached dwellings (see Appendix “C” attached hereto), on the lands located at 1297 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED13150, subject to the following conditions:**

- (i) That the revised draft Zoning By-law, attached hereto as Appendix “B”, which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (ii) That the amending Zoning By-law be added to Map 4 of Schedule “A” of Zoning By-law No. 3692-92;
- (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan.

**2. Amendments to the Downtown and Community Renewal Community Improvement Plan (PED13132(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.3)**

- (a) That the Downtown and Community Renewal Community Improvement Plan be amended as set out in the implementing by-law attached as Appendix “A” to Report PED13132(a);
- (b) That Appendix “F” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the Hamilton Heritage Property Grant Program, be deleted and replaced respectively with the Program Description and Terms of the Hamilton Heritage Property Grant Program, attached hereto as Appendix “A” to Planning Committee Report 13-014;
- (c) That Appendix “G” to the Downtown and Community Renewal Community Improvement Plan, being the Program Description and Terms of the GORE Building Improvement Grant Program, be deleted and replaced respectively with the Program Description and Terms of the GORE Building Improvement Grant Program, attached hereto as Appendix “B” to Planning Committee Report 13-014;

**3. Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough) (PED13140) (Ward 15) (Item 6.5)**

- (a) That approval be given to Zoning Application ZAC-12-013, by Waterdown Bay Ltd., for a change in zoning to permit a residential, commercial, and mixed-use subdivision, for lands located at 392, 488, and 530 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED13140, on the following basis:



- (i) That the draft By-law, attached as Appendix “B” to Report PED13140, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform with the Places to Grow Growth Plan, and the Urban Hamilton Official Plan;
  - (iii) That the proposed development satisfies the intent of the Waterdown South Secondary Plan, providing for a residential, mixed-use, and commercial subdivision that is consistent with existing and planned future developments of the area.
- (b) That the Draft Plan of Subdivision conditions, as contained within Appendix “E” to Report PED13140, in addition to the balance of By-law provisions that affect lands formally considered under previous Zoning Application ZAC-05-066, as contained in Appendix “A” of Report PED13140, be endorsed by City Council; and that staff be directed to present these conditions and applicable By-law provisions to the Ontario Municipal Board (OMB) in support of the proposed development, subject to such modifications as staff may identify of a technical or minor nature during the course of the Board proceedings or pertaining to drafting issues.
- (c) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the Building Permit stage. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each Building Permit, with the exception of the townhouse and multiple dwelling blocks, to which payment shall be based on the value of the land on the day prior to the issuance of the first Building Permit for each said block.

Parkland credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of Parkland from the registration of the Draft Plan of Subdivision 25T200513.

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council, and which is without prejudice to any determination of the implications of the Memorandum of Agreement, dated October 30, 1997.

#### **4. Downtown Parking Study Update (PED12153(a)) (Ward 2) (Item 8.1)**

That staff be authorized to issue a Request for Information (RFI) to gauge the level of private sector interest in the development of a parking structure in one of

the two Downtown “high demand parking areas” (King and Bay Streets and King William and John Streets).

**5. 178 Hixon Road, Hamilton - Slope Stabilization (PED13157/PW13066) (Ward 5) (Item 8.2)**

- (a) That Report PED13157/PW13066178 Hixon Road, Hamilton - Slope Stabilization, be received;
- (b) That staff use area rating funds to source an arrangement to purchase the property (building demolition) and either restore the property for open space use or dispose of the property for redevelopment.

**6. Rental Housing Licensing By-law (PED10049(m)) (City Wide) (Item 8.3)**

- (a) That a permanent Proactive Enforcement Program to enforce rental housing conditions be approved, subject to the approval of items (i) and (ii) below:
  - (i) An additional 5 FTEs (4 enforcement officers and 1 support clerk) at an estimated net levy impact of \$275,000 annually;
  - (ii) A one-time Capital (cost to an upset limit of \$160,000) to purchase 4 vehicles funded from Unallocated Capital Reserve Account No. 108020.
- (b) That a sub-committee be established to work with interested stakeholders to assist with the implementation of an approach to enforcement and legalization of appropriate rental housing including, but not limited to, process, fees, and by-law regulations;
- (c) That, when carrying out enforcement under the permanent proactive rental housing enforcement program, staff be directed to continue to take into consideration; throughout such enforcement, an owner's good faith efforts to actively seek compliance with Zoning By-law requirements through meetings, correspondence and/or applications with the Planning and Economic Development Department except for situations where immediate health or safety concerns may be a factor.

**7. Business Licensing Fee Review (PD01104(h)) (City Wide) (Item 8.4)**

- (a) That the comprehensive staff report on business license fees be delayed until such time as the performance audit respecting "License Revenue" approved by Council on April 24, 2013, is complete and dealt with by the Audit, Finance and Administration Committee and Council;
- (b) That the second year of the five-year, cost recovery phase-in strategy for Business License Fees, as contained in Appendix "A" to Report PD01104(h), be approved.

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**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the Agenda:

**1. DELEGATION REQUESTS**

**4.1 Delegation Request respecting Item 8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide), for today's meeting:**

- (i) Realtors Association of Hamilton-Burlington
- (ii) Michael Power
- (iii) John Cerino
- (iv) Renee Wetselaar
- (v) Alok Pathak
- (vi) Mike Chopowick and Vincent Brescia
- (vii) Rajan Pathak
- (viii) Arun Pathak
- (ix) Zack Casuccio
- (x) Patricia Cunningham-Ward
- (xi) Patricia Cunningham-Ward (on behalf of Doris Lanigan)
- (xii) Andrew Robertson – Withdrawn --
- (xiii) C. Michael Ollier
- (xiv) Paul Martindale
- (xv) Robert Flis
- (xvi) Susan Stewart-Greene
- (xvii) Hank Balfoort
- (xviii) Valerie Pereira
- (xix) Nick Vescio
- (xx) David Horwood

**4.2 Delegation Request from Teresa Hartman from Hamilton Animal Control – Stop the Killings, respecting Item 6.1 Delegation from Gail**

McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control, for today's meeting.

2. PUBLIC HEARINGS AND DELEGATIONS

6.4 City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92 (PED13154) (Wards 9, 10, and 11)

- (i) Correspondence from Carl Hendershot
- (ii) Correspondence from John Millward
- (iii) Correspondence from Bill Sears

3. DISCUSSION ITEMS

8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide)

- (i) Correspondence from Ainslie Wood/Westdale Community Association
- (ii) Correspondence from Malcolm Horsnell and Janet Woodward
- (iii) Correspondence from S.P. Horwood
- (iv) Correspondence from Jason Avery
- (v) Correspondence from Marilyn and Dan Pilling
- (vi) Correspondence from Tibor Bocz
- (vii) Correspondence from David Hitchcock
- (viii) Correspondence from Rachelle Sender
- (ix) Correspondence from Pieter DeJonge
- (x) Correspondence from Danny Davids
- (xi) Correspondence from Ron Lancaster
- (xii) Correspondence from Anita McGowan
- (xiii) Correspondence from Don Woodside
- (xiv) Correspondence from Joseph Day
- (xv) Correspondence from Catherine and David Weir
- (xvi) Correspondence from Karyn Callaghan
- (xvii) Correspondence from Terri Bocz
- (xviii) Correspondence from Linda Bryant
- (xix) Correspondence from Daniel Coleman
- (xx) Correspondence from Klaus Schultes
- (xxi) Correspondence from Linda Ellis
- (xxii) Correspondence from Kathy Greaves
- (xxiii) Correspondence from Stephanie Ounpuu
- (xxiv) Correspondence from Nancy Gulliver
- (xxv) Correspondence from Karen Bernyak-Bouwman
- (xxvi) Correspondence from Betty Bechtel

- (xxvii) Correspondence from Helen Silke
- (xxviii) Correspondence from McMaster Students Union

The Agenda for the September 17, 2013 meeting of the Planning Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Pearson declared a conflict of interest for Item 8.3, Rental Housing Licensing By-law (PED10049(m)) (City Wide), as she is involved in the rental housing industry.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) September 4, 2013**

The Minutes of the September 4, 2013 Planning Committee meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Delegation Request respecting Item 8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide), for today's meeting:**

- (i) Realtors Association of Hamilton-Burlington
- (ii) Michael Power
- (iii) John Cerino
- (iv) Renee Wetselaar
- (v) Alok Pathak
- (vi) Mike Chopowick and Vincent Brescia
- (vii) Rajan Pathak
- (viii) Arun Pathak
- (ix) Zack Casuccio
- (x) Patricia Cunningham-Ward
- (xi) Patricia Cunningham-Ward (on behalf of Doris Lanigan)
- (xii) Andrew Robertson – Withdrawn --
- (xiii) C. Michael Ollier
- (xiv) Paul Martindale
- (xv) Robert Flis
- (xvi) Susan Stewart-Greene
- (xvii) Hank Balfoort
- (xviii) Valerie Pereira
- (xix) Nick Vescio

(xx) David Horwood

The delegation requests respecting Item 8.3 Rental Housing Licensing By-law (PED10049(m)) (City Wide), were approved.

**4.2 Delegation Request from Teresa Hartman from Hamilton Animal Control – Stop the Killings, respecting Item 6.1 Delegation from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control, for today’s meeting.**

The delegation request from Teresa Hartman from Hamilton Animal Control – Stop the Killings, respecting Item 6.1 Delegation from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control, was approved.

**(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**

**(i) Delegation from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting animal control (Item 6.1)**

Gail McGinnis did not attend the meeting.

**6.1(i) Delegation from Teresa Hartman**

Teresa Hartman expressed concerns to current practices respecting animal control.

The delegation from Teresa Hartman respecting animal control, was received.

**(ii) Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek) (PED13150) (Ward 11) (Item 6.2)**

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the

decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting, respecting Report PED13150 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek), was closed.

The staff presentation, respecting Report PED13150 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek), was waived.

John Ariens, agent, provided an overview of the proposed changes and expressed concerns with staff recommendations.

The agent's presentation respecting Report PED13150 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1297 Baseline Road (Stoney Creek), was received.

For disposition on this Item, refer to item 1.

**(iii) Amendments to the Downtown and Community Renewal Community Improvement Plan (PED13132(a)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.3)**

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the downtown and community renewal community improvement plan, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting, respecting Report PED13132(a), Amendments to the Downtown and Community Renewal Community Improvement Plan, was closed.

The staff presentation, respecting Report PED13132(a), Amendments to the Downtown and Community Renewal Community Improvement Plan, was waived.

For disposition on this Item, refer to item 2.

**(iv) City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92 (PED13154) (Wards 9, 10, and 11) (Item 6.4)**

- (i) Correspondence from Carl Hendershot
- (ii) Correspondence from John Millward
- (iii) Correspondence from Bill Sears

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Peter De Iulio, Senior Project Manager, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, was received.

Public Speakers:

1. Larry Pearce – 148 Watercrest Drive, Stoney Creek, ON L8E 5C7

Mr. Pearce expressed concerns with respect to the by-law with the aid of speaking notes. A copy of his speaking notes has been included in the public record.

The public presentations respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major



Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, were received.

The items of correspondence respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, were received.

The public meeting respecting Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, was closed.

Report PED13154, City Initiative - Amendments to Incorporate Regulations for the Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, was referred back to staff for further review with staff, legal and Ward 9, 10 and 11 Councillors.

**(v) Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough) (PED13140) (Ward 15) (Item 6.5)**

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting, respecting Report PED13140 Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough), was closed.

The staff presentation, respecting Report PED13140 Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough), was waived.

For disposition on this Item, refer to item 3.

**(f) DISCUSSION ITEMS (Item 8)**

**(i) Downtown Parking Study Update (PED12153(a)) (Ward 2) (Item 8.1)**

MMM Group, consultants, provided an overview of their findings with the aid of a PowerPoint Presentation. A copy of the presentation has been included as part of the public record.

The consultant's presentation respecting Report PED12153(a), Downtown Parking Study Update, was received.

The staff recommendations were amended by deleting the words, "participating with the City in", before the words, "the development of a parking structure", to read as follows:

That staff be authorized to issue a Request for Information (RFI) to gauge the level of private sector interest in the development of a parking structure in one of the two Downtown "high demand parking areas" (King and Bay Streets and King William and John Streets).

The recommendations were amended by adding a new sub-section (b) to read as follows:

- (b) That staff be directed to look at multi-usage along with neighbourhood usages as a portion of the RFI considerations;

The motion was DEFEATED on the following vote:

Yeas: T. Whitehead, C. Collins, J. Farr  
 Total: 3  
 Nays: B. Johnson, M. Pearson, B. Clark, L. Ferguson  
 Total: 4  
 Absent: R. Pasuta, J. Partridge  
 Total: 2

The main motion, as amended, CARRIED on the following vote:

Yeas: B. Johnson, M. Pearson, B. Clark, L. Ferguson, C. Collins  
 Total: 5  
 Nays: T. Whitehead, J. Farr  
 Total: 2  
 Absent: R. Pasuta, J. Partridge  
 Total: 2

For disposition on this Item, refer to item 4.

Planning Committee recessed from 1:40 p.m. until 2:05 p.m.

**(ii) Rental Housing Licensing By-law (PED10049(m)) (City Wide) (Item 8.3)**

- (i) Correspondence from Ainslie Wood/Westdale Community Association
- (ii) Correspondence from Malcolm Horsnell and Janet Woodward
- (iii) Correspondence from S.P. Horwood
- (iv) Correspondence from Jason Avery
- (v) Correspondence from Marilyn and Dan Pilling
- (vi) Correspondence from Tibor Bocz
- (vii) Correspondence from David Hitchcock
- (viii) Correspondence from Rachelle Sender
- (ix) Correspondence from Pieter DeJonge
- (x) Correspondence from Danny Davids
- (xi) Correspondence from Ron Lancaster
- (xii) Correspondence from Anita McGowan
- (xiii) Correspondence from Don Woodside
- (xiv) Correspondence from Joseph Day
- (xv) Correspondence from Catherine and David Weir
- (xvi) Correspondence from Karyn Callaghan
- (xvii) Correspondence from Terri Bocz
- (xviii) Correspondence from Linda Bryant
- (xix) Correspondence from Daniel Coleman
- (xx) Correspondence from Klaus Schultes
- (xxi) Correspondence from Linda Ellis
- (xxii) Correspondence from Kathy Greaves
- (xxiii) Correspondence from Stephanie Ounpuu
- (xxiv) Correspondence from Nancy Gulliver
- (xxv) Correspondence from Karen Bernyak-Bouwman
- (xxvi) Correspondence from Betty Bechtel
- (xxvii) Correspondence from Helen Silke
- (xxviii) Correspondence from McMaster Students Union

Joe Xamin, Manager, Operational Strategies, provided an overview of the report with an aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED10049(m), Rental Housing Licensing By-law, was received.

The correspondence respecting Report PED10049(m), Rental Housing Licensing By-law, was received.

**Delegations:**

1. Realtors Association of Hamilton-Burlington (RAHB)

RAHB provided alternative solutions to licensing rental housing.

2. John Cerino

Mr. Cerino expressed concerns with respect to licensing rental housing due to increased fees.

3. Renee Wetselaar

Ms. Wetselaar provided a PowerPoint Presentation. A copy of the presentation has been included in the public record.

4. Alok Pathak

Mr. Pathak expressed concerns with the feasibility of licensing of rental housing.

5. Vincent Brescia

Mr. Brescia, Federation of Rental Providers, discussed a report written by Michael Fenn, regarding Rental Housing Licensing; noting concerns with licensing rental properties.

6. Rajan Pathak

Mr. Pathak expressed concerns with the feasibility of licensing of rental housing.

7. Arun Pathak

Mr. Pathak expressed concerns with the feasibility of licensing of rental housing.

8. Zack Casuccio

Mr. Casuccio expressed concerns with the feasibility of licensing of rental housing.

9. Patricia Cunningham-Ward

Ms. Cunningham-Ward expressed concerns with the feasibility of licensing of rental housing.

10. Patricia Cunningham-Ward (on behalf of Doris Lanigan)

Ms. Cunningham-Ward expressed on behalf of Doris Lanigan concerns with the feasibility of licensing of rental housing.

11. C. Michael Ollier

Mr. Ollier expressed on behalf of Doris Lanigan concerns with the feasibility of licensing of rental housing.

12. Paul Martindale

Mr. Martindale expressed concerns with the feasibility of licensing of rental housing.

13. Robert Flis

Mr. Flis expressed concerns with the feasibility of licensing of rental housing.

14. Susan Stewart-Greene

Ms. Stewart-Greene expressed concerns with the feasibility of licensing of rental housing.

15. Hank Balfoort

Mr. Balfoort expressed concerns with the feasibility of licensing of rental housing.

16. Valerie Pereira

Ms. Pereira expressed concerns, on behalf of herself and Nick Vescio, with the feasibility of licensing of rental housing.

The delegations respecting Report PED10049(m), Rental Housing Licensing By-law, were received.

The recommendations contained in Report PED10049(m), Rental Housing Licensing By-law, were amended by adding a new sub-section (c) to read as follows:

- (c) That a sub-committee be established to work with interested stakeholders to assist with the implementation of the new by-law including, but not limited to, the regulation and conversion of illegal units.

The recommendations contained in Report PED10049(m), Rental Housing Licensing By-law, were amended by tabling recommendation (a), as follows:

- “(a) That the Rental Housing Licensing By-law attached as Appendix “A” to Report PED10049(m), which is in a form satisfactory to the City Solicitor, and which would become Schedule (30) Rental Dwelling Units of the Licensing By-law No. 07-170 and come into force on April 10, 2017, be approved subject to the approval of items (i), (ii) and (iii) below:

- (i) The creation of a “*Manager of Rental Housing*” position (1 FTE) effective January 1, 2014 at an annual cost of \$135,000 to be fully funded from the Tax Stabilization Reserve for 2014; 1/3 FTE expense to be added to the Levy in each 2015, 2016 and 2017, with offsetting revenues eliminating the Levy impact in 2017 through revenues associated with the Rental Housing Licensing Program;
- (ii) An additional 8 FTEs to administer and enforce the Rental Housing Licensing By-law at an estimated net levy impact of \$115,000 (effective January 1, 2017) and reduced annually until such time as the Program becomes full cost recovery (estimated at 2020);
- (iii) That a \$100 per dwelling unit annual rental housing license fee be added to the City’s User Fees and Charges By-law effective January 1, 2017”

It is noted that a further amendment to the recommendations will be made at a later date.

For disposition on this Item, refer to item 6.

**(g) NOTICES OF MOTION (Item 10)**

Councillor Farr introduced the following Notice of Motion:

**(i) Downtown Parking**

- (a) That Planning staff be directed to undergo a comprehensive consultation process with Public Works staff respecting Transportation Demand Management as it relates to the RFI process for the Downtown Parking Study Update (PED12153(a));
- (b) That staff be directed to request the Hamilton Police Services Board and representatives of the Wilson Street Hamilton Downtown Mosque work to pursue a temporary agreement for parking usage between the hours of noon and 4:00 p.m. on Friday afternoons at the property at the South side of the Mosque where it is currently located.

**(h) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)****(i) Outstanding Business List Amendments (Item 11.1)**

The following Outstanding Business List due dates were revised:

- (aa) Item D: Protection Measures for Existing Stable Residential Areas (Monster Homes) (PED11196)  
Current Date: September 17, 2013  
New Date: December 3, 2013
- (bb) Item F: By-law 05-200, to Modify General Commercial "C3-116" and "C3-117" Zone and add Site Specific General Commercial "C3-275" Zone to the Glanbrook Zoning By-law No. 464  
Current Date: September 17, 2013  
New Date: December 3, 2013
- (cc) Item G: Municipal Services and Property Taxation on Condo Properties  
Current Date: September 17, 2013  
New Date: October 1, 2013
- (dd) Item Q: Development of an Urban Woodland Conservation By-law  
Current Date: September 17, 2013  
New Date: November 5, 2013

(ee) Item Y: Fifty Road  
Current Date: September 17, 2013  
New Date: November 19, 2013

(ff) Item FF: Delegation from Jagtar Singh Chahal respecting  
challenges in the taxi industry  
Current Date: September 17, 2013  
New Date: October 15, 2013

The following items were removed from the Outstanding Business List:

(aa) Item EE: Appeal of the City of Hamilton Committee of  
Adjustment Decision to Approve Severance  
Application HM/B-13:27, Louis Serafini, Fengate  
Capital Management Ltd. (Owner), 1400 Upper  
James Street

**(ii) News from the General Manager (Item 11.2)**

The General Manager provided updates of current events and initiatives within the department.

**(i) PRIVATE AND CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes – September 4, 2013 (delivered under separate cover)**

- (a) The Closed Session Minutes of the September 4, 2013 meeting of the Planning Committee were approved, as presented.
- (b) The Closed Session Minutes of the September 4, 2013 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure.

**(j) ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 6:19 p.m.

Respectfully submitted,



Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk

Councillor J. Farr  
Chair, Planning Committee



Planning and Economic Development Department  
Urban Renewal Section  
71 Main Street West, 7th Floor  
Hamilton, Ontario L8P 4Y5  
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## HAMILTON HERITAGE PROPERTY GRANT PROGRAM

### Program Description:

The Hamilton Heritage Property Grant Program (HHPGP) is intended to provide financial assistance in the form of a grant for structural/stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and for heritage studies/reports/assessments for properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within: Downtown Hamilton; a Community Downtown; an active\* Business Improvement Area within the City of Hamilton; or, be designated under Parts IV or V of the Ontario Heritage Act and located within the lower city between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional or multi-residential purposes.

The objective of the Program is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies/regulations.

\*An active B.I.A. is not considered dormant as defined in the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.

### Terms of the Program:

1. The applicant must be the property owner of a historically designated property or, any person whom the owner of such property has assigned the right to receive the grant, to be eligible to apply for the program.

2. Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways and will be up to a maximum of \$150,000 (*not including \$20,000 for heritage reports/studies/assessments*) per municipal address for eligible work.
3. The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act.
4. An application fee of \$330 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.
5. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.
6. The grant is conditional upon all planning and building code approvals required for structural/stability works.
7. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk.
8. The Urban Renewal Section reserves the right to recommend works that are integral to the preservation of the building required to preserve/conservate the heritage features.
9. Proposed work is to be completed within two calendar years of the date of approval of the General Manager of the Planning and Economic Development Department to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.
10. Payment will be made by the City upon proof by an architect or engineer confirming the value of the work completed and the compliance with all applicable regulations/legislation or, upon proof satisfactory to the City confirming the value of the work completed.
11. Realty taxes must be paid current and in good standing.
12. Notwithstanding the above, upon completion of the improvements on condominium properties, the Urban Renewal Section will set a deadline to the condominium corporation as to when all taxes on the property are to have been paid as billed and, if on that date 100% of the taxes are not paid, the grant will be advanced proportionately based upon the percentage of paid taxes. The remainder of the grant will be cancelled.
13. For projects valued at \$40,000 or less, the grant will be based on 50% of the total project cost to a maximum grant of \$20,000 for eligible work under the program. For projects valued over \$40,000, the grant will include \$20,000 (i.e. 50% of

\$40,000), plus an additional grant based on 25% of the total project cost over \$40,000, to a maximum additional grant of \$130,000. In total, no more than \$150,000 will be granted for eligible work under the program.

14. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section.
15. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
16. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
17. The grant is not transferable upon sale of the property.
18. The heritage grants may be received by an owner in conjunction with any other City heritage program available including the Community Heritage Trust Program. Funding under these programs will not fund the same work *and* will be contingent on total financing under all heritage programs not exceeding 50% of the total cost of the restoration/conservation work.
19. The heritage grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property including the City’s Hamilton Downtown Multi Residential Property Investment Program; the Hamilton Tax Increment Grant Program, the Commercial Corridor Housing Loan and Grant Program and the Business Improvement Area Commercial Property Improvement Grant Program. Funding under these programs will not fund the same work.
20. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
21. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).
22. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.

23. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

**Heritage Related Reports/Assessments/Studies Component:**

- The heritage related reports/assessments/studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of \$20,000 per application.
- The applicant shall retain a qualified consultant to complete the heritage related reports/assessments/studies, who is acceptable to the City (Urban Renewal Section and Development Planning Heritage and Design Section).
- The final document is to meet the satisfaction of the City (Urban Renewal Section and Development Planning Heritage and Design Section).
- Copies of the final document shall be provided to the City (Urban Renewal Section and Development Planning Heritage and Design Section) and may be used as the basis for future work on the property by a future owner should the ownership of the property change.

**Eligible structural/stability work:**

- Work necessary to restore the building to structural soundness e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair/new roofs.

**Eligible conservation work:**

- Any work that conserves or enhances elements specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes* accompanying the designating by-law under the Ontario Heritage Act (“OHA”).
- The **conservation** of significant architectural features is eligible. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the OHA*.
- The **conservation** of fences and outbuildings if specifically referred to in *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the OHA*.
- The **conservation** or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.

- The **reconstruction** of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.) is eligible.
- The **reconstruction** of store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.
- Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. **Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Heritage Staff approval is required as to cleaning method to be employed before work is undertaken.**
- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

#### **Non-eligible works:**

The following works, including repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance:

- Short-term, routine *maintenance*. This includes minor repairs (such as repairing a broken step or a broken window); repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.)
- Landscaping
- Work on modern additions
- Work on sheds or outbuildings not specifically referred to in the *Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes*
- Installation of modern doors and windows unless replicas of the original
- Installation of new storm or screen doors and windows
- Chimney repairs other than restoration of a significant chimney
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure
- Repairs to or renewal of modern materials
- Painting previously unpainted masonry
- Interior Work (unless required to stabilize/preserve the property e.g. furnaces)
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning



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## ***THE “GORE” BUILDING IMPROVEMENT GRANT PROGRAM***

### **PROGRAM DESCRIPTION**

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The Gore Building Improvement Grant Program (the “Program”) was developed to support the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the “Gore”. The Program is intended to provide financial assistance to bring existing properties to present-day Property Standards and Sign By-law requirements and, to improve their accessibility.

The Program supports an objective of the Downtown Secondary Plan: conserve and enhance the Gore as the primary landscaped open space and concentration of heritage buildings in Downtown Hamilton.

Applications under the Program will be accepted to the end of December 2014 (subject to the availability of funding).

### **PROGRAM TERMS**

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1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the program.
2. Grants will be paid on a matching basis up to a maximum of \$50,000 for eligible work under the Program.
3. Grants will be based on municipal addresses, identifying multiple and separate units with ground floor street frontages and entranceways and will be up to a maximum of \$50,000 per municipal address for eligible work under the terms of the Program.
4. Two separate cost estimates of the work to be provided by a licensed contractor other than the owner. Owner may present an estimate but is required to have at least two prepared by contractors. The grant will be calculated based upon lowest cost estimate, and is not to address cost



increases or over runs. In the case where the applicant is the owner of a contracting company and wishes to utilize the company to undertake the improvements, one cost estimate will be required. A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

5. Applicants will be required to provide a business case that identifies how the improvements will improve the marketability of the property for prospective tenants and/or improve the business vitality and/or utilize formerly under-utilized upper floors.
6. A building inspector will perform initial inspection relative to the proposed improvements, and subsequent final inspection to assure compliance with Property Standards.
7. Approval of the grant is at the sole discretion of the General Manager of the Planning and Economic Development Department and subject to the availability of funds.
8. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.
9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
10. The Applicant shall provide to the City's Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
11. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.
12. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
13. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
14. The grant is not transferable upon sale of the property.



15. The grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property with the exception of the Hamilton Downtown Commercial Façade Property Improvement Grant Program.
16. An application fee of \$330 is payable upon submission of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Without limiting the discretion as set out in paragraph 6 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/ Directors/ Shareholders).
18. Without limiting the discretion as set out in paragraph 6 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
19. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

## **ELIGIBILITY REQUIREMENTS**

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- Property owners and authorized tenants are eligible.
- Property taxes must be paid current.
- The improvements shall be in accordance with Property Standards and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals.
- Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk.
- Properties must front on King Street between James Street and Catharine Street.
- Existing use must be in conformity with the applicable Zoning By-law regulations (including the Heritage Character Zone), and other relevant planning controls.
- This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment as defined in the Zoning By-law.

## ELIGIBLE IMPROVEMENTS

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- Signage in conformity with the Sign By-law 10-197 as amended. (Note: the eligible grant amount will be increased to 75% of the cost of installing a sign that is in conformity with the Sign By-law and is replacing a legally non-conforming sign).
  - Façade improvements.
  - Restoration/reconstruction of building facades using existing and/or the site's previously existing historic facade elements and materials as supported by historical images or other documentation.
  - Reinforcement of floors, walls, ceilings and foundations.
  - Required improvements to ventilation systems.
  - Construction or alteration of stairs, guards, handrails.
  - Roofing.
  - Installation or repair of central air-conditioning.
  - Installation or repair of furnace.
  - Installation or alteration of required window openings.
  - Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices.
  - Improvements for barrier-free accessibility including elevators.
  - Other improvements related to health and safety issues deemed eligible at the sole discretion of the General Manager of Planning and Economic Development.
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## **GENERAL ISSUES COMMITTEE**

### **REPORT 13-019**

**(as amended by City Council on September 25, 2013)**

**9:30 a.m.**

**Wednesday, September 18, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Deputy Mayor J. Farr (Chair)  
Mayor R. Bratina  
Councillors C. Collins, S. Duvall, L. Ferguson, B. Johnson,  
S. Merulla, B. Morelli, J. Partridge, M. Pearson, R. Powers,  
T. Whitehead

**Absent with Regrets:** Councillors B. Clark, B. McHattie – City Business  
Councillors T. Jackson, R. Pasuta – Vacation

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### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-019 AND RESPECTFULLY RECOMMENDS:**

- 1. Hamilton Police Services Board Report PSB 13-048(a) respecting Potential Relocation of Concession Street Community Policing Centre (CPC) (Item 5.1)**

That Hamilton Police Services Board Report PSB13-048(a) respecting "Potential Relocation of Concession Street Community Policing Centre (CPC)" be received.

- 2. Hamilton Police Service Monthly Reports (PSB 13-070 and PSB 13-079) (Item 5.2)**

That Hamilton Police Service Month Reports PSB13-070 and PSB13-079 be received.

- 3. Hamilton Police Service Awards (PSB 13-069) (Item 5.3)**

That Report PSB13-069 respecting "Hamilton Police Service Awards" be received.

**Council – September 25, 2013**

**4. Amended Municipality Contribution Agreement with the Ontario Lottery and Gaming Corporation (FCS12093(a)) (City Wide) (Item 5.4)**

That the Mayor and City Clerk be authorized to sign and execute the Amended and Restated Municipality Contribution Agreement (MCA) between the City of Hamilton (the "Municipality") and the Ontario Lottery and Gaming Corporation (OLG) (attached hereto as Appendix "A").

**5. Request from John McGreal to Place King George Public School on the City's Register of Significant Buildings (Item 4.3)**

That King George Public School be added to the City's Register of Significant Buildings in accordance with the Ontario Heritage Act.

**6. Emergency Management Program and Response (CS13037) (City Wide) (Item 7.1)**

That Report CS13037 respecting "Emergency Management Program and Response" be received.

**7. Analysis of Provincial Upload Savings (Outstanding Business List Item) (FCS13060) (City Wide) (Item 7.2)**

That Report FCS13060 respecting "Analysis of Provincial Upload Savings" be received.

**8. 2014 Tax Budget Preliminary Outlook (FCS13062) (City Wide) (Item 7.3)**

That Report FCS13062 respecting "2014 Tax Budget Preliminary Outlook" be received.

**9. Metrolinx Investment Strategy Update (FCS13002(a)) (City Wide) (Item 8.1)**

That Report FCS13002(a) respecting "Metrolinx Investment Strategy Update" be received.

**10. Chedoke Estate – 1 Balfour Drive, Hamilton (PED13153) (Ward 8) (Item 8.3)**

- (a) That staff be directed to access \$16,000 from the Balfour Estate Trust - Chedoke Reserve #120010 to cover maintenance costs of the Chedoke Estate incurred in 2013;
- (b) That an enhancement, in the amount of \$20,000 to the Tourism and Culture Division's base budget, be referred to the 2014 operating budget process for the maintenance of the Chedoke Estate.

**11. Tactical Urbanism Hamilton Partnership (CM13015/PW13068) (City Wide) (Item 8.4)**

That the City of Hamilton contribute \$15,000 to assist Tactical Urbanism Hamilton with the development of outreach, engagement and communication resources.

**12. Canadian Comedy Foundation for Excellence – 2014-2018 (PED13169) (City Wide) (Item 8.5)**

That Report PED13169 respecting “Canadian Comedy Foundation for Excellence – 2014-2018” be received.

**13. Hamilton Police Service 2014 Budget**

That representatives from the Hamilton Police Service **Staff and Board** be invited to attend the November 26, 2013 meeting of the General Issues Committee to provide preliminary information and commence dialogue with respect to their 2014 budget.

**14. Transfer of Operation of Concession Stands at City-operated Facilities**

That staff report back to the Emergency and Community Services Committee with respect to the status of the direction to staff to investigate the feasibility of transferring the operation of concession stands at City-operated facilities to volunteer organizations and associations.

**15. Alleyway Encroachment – 14 James Street North, Hamilton (PW12059(b))/LS12021(b))**

That Report PW12059(b)/LS12021 respecting Alleyway Encroachment – 14 James Street North, Hamilton be received and the contents remain confidential.

**FOR THE INFORMATION OF COUNCIL:**

**CEREMONIAL ACTIVITIES**

Richard Koroscil, Chair of the 2014 United Way Campaign, addressed the Committee with respect to the 2014 United Way and the need that exists in the community for the programs that are provided by the United Way through its various organizations and community members. He thanked the City of Hamilton for their continued support of the United Way and recognized the efforts of the City's team of employees who volunteer their time toward the campaign.

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**ADDED DELEGATION REQUEST**

- 4.3 Delegation Request from John McGreal to request that King George Public School be placed on the City's Register of Significant Buildings

**ADDED DISCUSSION ITEM**

- 8.5 Canadian Comedy Foundation for Excellence – 2014-2018 (PED13169) (City Wide)

**ADDED NOTICES OF MOTION**

- 10.1 On-Line Survey Audit of Queen Street South and Cannon Street
- 10.2 James Street North Road Closure for Art Crawl – Annually from May to November
- 10.3 Fairness to Hamilton Campaign Sub-Committee – Establishment of Council Priorities

**ADDED PRIVATE & CONFIDENTIAL**

- 12.2 Alleyway Encroachment – 14 James Street North (Ward 2) (PW13059(b)/LS12021(b))  
*Pursuant to Sub-sections 8.1(c), (e) and (f) of the City of Hamilton Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to: (c) a proposed or pending acquisition or disposition of land for City purposes; (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, (f) the receiving of advice that is subject to solicitor client privilege, including communications necessary for that purpose.*

The agenda for the September 18, 2013 meeting of the General Issues Committee was approved as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None

**(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)**

The Minutes of the General Issues Committee Meeting held on September 5 and 9, 2013 were approved as presented.

**(d) DELEGATION REQUESTS**

- (i) Request from Laura Babcock, Powergroup Communications Inc., “Time for Sign” Campaign, to request a complete gateway study and erect welcome signs on highway entrances to the City by Pan Am Games (Item 4.1)**

The delegation request from Laura Babcock, Powergroup Communications Inc., “Time4Sign” Campaign, was approved and the rules of order were waived in order to allow Ms. Babcock to address the Committee at today’s meeting.

- (ii) Request from Martyn Kendrick, Culture of Peace, UN Affiliate/ UNESCO, to request/suggest that Hamilton build on its reputation as a City exploring sustainability and healthy communities by supporting the establishment of Labyrinth Peace Gardens in neighbourhoods across the region (Item 4.2)**

The delegation request from Martyn Kendrick, Culture of Peace, UN Affiliate/UNESCO, to appear before the Committee was approved.

- (iii) Delegation Request from John McGreal to request that King George Public School be placed on the City’s Register of Significant Buildings (Item 4.3)**

Tim McCabe, General Manager of Planning and Economic Development, clarified for the Committee the process that is in place when a request for a demolition permit is submitted relative to the request made by Mr. McGreal with respect to King George Public School.

See Item 5 for the disposition of this item.

**(e) PUBLIC HEARINGS/DELEGATIONS**

**(i) Laura Babcock, Powergroup Communications Inc., “Time4Sign” Campaign, to request a complete gateway study and erect welcome signs on highway entrances to the City by Pan Am Games (Item 4.1)**

Laura Babcock appeared before the Committee to request that Council complete a signage project that was started eleven years ago, and that “welcome” signs into the City be up before the Pan Am Games in 2015.

Ms. Babcock showed photos of a number of “welcome” signs to various cities throughout the Province which can be viewed on the City’s website. The Committee was also distributed with the “Civic Gateway Design Study” taken from the City’s Planning and Economic Development website.

Ms. Babcock provided a copy of her comments to the Clerk for the public record.

The presentation from Laura Babcock, Powergroup Communications Inc., “Time4Sign” Campaign, to request a complete gateway study and erect welcome signs on highway entrances to the City by Pan Am Games was received.

Following the presentation, the following motion was approved:

**Entrance and/or Gateway Signage – City of Hamilton**

Whereas, the City of Hamilton has completed studies in 2001, 2007 and 2008 to examine the importance of gateways features and signage for the City of Hamilton; and,

Whereas, the City of Hamilton has responsibility over a number of signs it has at major entrances and on rural minor entrances; and,

Whereas, during the 2003 World Cycling Championships and Canadian Golf Open the City of Hamilton did add slogans to signage at major and minor entrances; and,

Whereas, the City of Hamilton will be hosting international soccer as part of the 2015 Pan-American/Para Pan-American Games over a two week span; and,

Whereas, there will be international media present for the 2015 Pan-American/Para Pan-American Games.



Therefore be it resolved:

That the City Manager, in conjunction with Public Works and Planning and Economic Development staff, be directed to report back on both a short- and long-term plan to address entrance and/or gateway signage in an effort to improve the branding and promotion of the City of Hamilton.

**(f) PRESENTATIONS**

**(i) Emergency Management Program and Response (CS13037) (City Wide) (Item 7.1)**

Chief Rob Simonds appeared before the Committee to provide an update on the City's Emergency Management Program and Response and emergency management and efforts made to date. This is the first of two updates and Councillors have been invited to attend a full field exercise on October 3.

Chief Simonds introduced Carla McCracken and Gina Cliffe, the City's Emergency Co-ordinators, and acknowledged their work in the community.

Chief Simonds provided a PowerPoint presentation and spoke to the following:

- Legislation
- Program Support and Evolution
- Planning: Key Plans; link with community partners to co-ordinate planning efforts
- Training and Exercises
- Public Awareness/Education
- Emergency Response and Structure
- Site Resources
- Department Operations Centres in Public Works, Public Health and Community and Emergency Services and staffing resources
- Emergency Operations Centre
- EOC Responsibilities
- City Response
- Action Planning Process
- Policy Group

At the conclusion of his presentation, Chief Simonds recognized the work of all of the staff across the City involved in emergency management activities.

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

The presentation respecting the Emergency Management Program and Response was received.

**(ii) Analysis of Provincial Upload Savings (Outstanding Business List Item) (FCS13060) (City Wide) (Item 7.2)**

Mike Zegarac, Acting General Manager of Corporate Services, provided a PowerPoint presentation to present additional information respecting the difference in variance reporting between the Province and the City, and spoke to the following:

- Provincial-Municipal Fiscal and Service Delivery Review
- Municipal Fiscal Health Indicators
- Upload Timeline
- OMPF/Special Provincial Funding
- Social Services Upload vs. Grant Clawback: 2008-2013
- Upload Savings - \$67.2M Variance
- Upload – Beyond 2013
- Provincially-shared Programs not Uploaded

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

The presentation respecting Analysis of Provincial Upload Savings was received.

**(iii) 2014 Tax Budget Preliminary Outlook (FCS13062) (City Wide) (Item 7.3)**

Mike Zegarac, Acting General Manager of Corporate Services, provided a PowerPoint presentation in the context of what has been achieved during this term of Council in terms of managing the City's tax impact while maintaining service levels and providing incremental funding to enhance program areas.

The purpose of this presentation is to provide a preliminary outlook for the 2014 budget in terms of guidelines, as well as outline the process for the balance of the 2014 budget schedule.

Mr. Zegarac provided a PowerPoint presentation and spoke to the following:

- Historical budgets and tax impacts:
  - Average Residential Tax Impacts 2011-2013
  - City Departments – How did we get there?
  - Annual City-wide Residential Tax Impact
  - Annual City-wide Residential Tax Impacts adjusted for inflation
  - Municipal Comparison
  - Average Tax Impacts
  - 2013 Average Residential Tax Bill
- 2014 Tax Budget Preliminary Pressures
  - 2014 Preliminary Pressures/Risks
  - 2014 Preliminary Tax Impact
  - City Departments: Compensation
  - City Departments: Operating Impact of Capital Projects
  - City Departments: Corporate/Other
  - Boards and Agencies
  - Capital
  - Council-Referred Items
  - Highlight of Other Potential Risks
  - Provincial Impacts
- 2014 Tax Budget Guidelines
  - 2014 Approved Budget Guidelines
- Potential SDR/Other Reductions to Mitigate 2014 Budget
  - Reducing the Residential Tax Impact
- 2014 Budget Schedule
  - Reducing the Residential Tax Impact

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

The presentation respecting 2014 Tax Budget Preliminary Outlook was received.

**(g) DISCUSSION ITEMS**

**(i) Future of Hamilton Children's Museum (PED13152) (Ward 3) (Item 8.2)**

The recommendation contained in Report PED13152 respecting the Future of the Hamilton Children's Museum was deleted in its entirety and replaced with the following in lieu thereof:

That due to the significant structural issues at the Hamilton Children's Museum, staff be directed to investigate the feasibility of Alternatives 1 and 2 as follows (and as outlined in Report PED13152), and report back to the General Issues Committee:

- (aa) Alternative 1: Move directly to developing a new facility within Gage Park as identified in the Gage Park Master Plan and open a temporary Children's Museum while new facility is under construction
- (bb) Alternative 2: Complete structural repairs to the existing facility and re-open.

**(ii) Chedoke Estate – 1 Balfour Drive, Hamilton (PED13153) (Ward 8) (Item 8.3)**

Staff was directed to work with the Ontario Heritage Trust on a future use of the property and buildings, including a revenue source for property maintenance costs, and report back to the General Issues Committee.

**(iii) Tactical Urbanism Hamilton Partnership (CM13015/PW13068) (City Wide) (Item 8.4)**

Staff was directed to develop an agreement, prior to the release of funds, between the City and the Hamilton/Burlington Society of Architects to establish a collaborative partnership in support of Tactical Urbanism Hamilton, such agreement to be brought back to the General Issues Committee for approval.

**(h) MOTIONS**

**(i) James Street North Road Closure for Art Crawl – Annually from May to November (Item 10.2)**

The appropriate staff was directed to report back to the General Issues Committee on the feasibility of closing James Street North, between King William Street and Barton Street, from 6:00 p.m. to 11:00 p.m. on the second Friday of Each month between May and November for the Art Crawl event(s).

**(i) NOTICES OF MOTION**

**(i) On-Line Survey Audit of Queen Street South and Cannon Street  
(Item 10.1)**

That funds in the amount of \$8,500 be approved from the Ward 2 Area Rating Special Capital Reinvestment Reserve Account No. 108052 to fund an on-line survey audit of Queen Street South and Cannon Street conducted by the Centre of Community Study.

**(ii) James Street North Road Closure for Art Crawl – Annually from May to November (Item 10.2)**

Whereas safety is the primary concern on City streets; and,

Whereas the numbers of people at the monthly Art Crawl event continues to increase due to its popularity and is often attended by many thousands; and,

Whereas the monthly Art Crawls are generic in nature, with no organizer or organizing committee.

Therefore Be It Resolved:

That the appropriate staff report back to the General Issues Committee on the feasibility of closing James Street North, between King William Street and Barton Street, from 6:00 p.m. to 11:00 p.m. on the second Friday of Each month between May and November for the Art Crawl event(s).

The rules of order were waived in order to introduce a motion with respect to James Street North Road Closure for Art Crawl – Annually from May to November.

See Information Item (h)(i) for the disposition of this item.

**(iii) Fairness to Hamilton Campaign Sub-Committee – Establishment of Council Priorities**

Whereas, Mayor R. Bratina, Councillor S. Merulla and the City Manager met with area M.P.s and M.P.P.s in early 2013 to discuss Council's Strategic Priorities; and,

Whereas, Council approved direction for a Government Relations Strategy in February 2013, and have expressed interest in playing a role in conjunction with the Mayor and City Manager; and,

Whereas, Council has expressed its priorities through its current Strategic Plan; and,

Whereas, the Government of Ontario expressed its priorities in a May 2013 Throne Speech; and,

Whereas, the Government of Canada will be expressing its priorities in an October 16, 2013 Throne Speech; and,

Whereas, there is one year left in this Council's mandate, creating a sense of urgency.

Therefore Be It Resolved:

- (a) That a special meeting of the Fairness to Hamilton Committee be called as soon as possible to prepare recommendations on Council priorities in order to engage the Provincial and Federal Governments, and to begin organizing a Hamilton Day at Queen's Park in November 2013, and a plan to join the FCM advocacy days in Ottawa at the end of November 2013;
- (b) That a special General Issues Committee meeting be established to review and finalize the Fairness to Hamilton Committee recommendations, keeping in mind the need to act in November 2013;
- (c) That in order to engage all of Council, that each Councillor be requested to express their interest and expertise in one or more Council priorities to the Mayor and City Manager by October 25, 2013.

**(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)**

**(i) Outstanding Business Items List**

- (aa) The due date for the following items on the Outstanding Business List were revised as follows:

Item J: HPS Forensic Building  
Due Date: Q4 2012  
Revised Due Date: Q4 2013

Item O: Residential Water/Wastewater Warranty Protection Plan  
Due Date: September 18, 2013  
Revised Due Date: Q2 2014

Item II: Provincial Offences Administration Court House P/T  
Temporary Location Options  
Due Date: September 18, 2013  
Revised Due Date: November 20, 2013

Item JJ: Provincial Offences Administration Court House Long-  
Term Location Option  
Due Date: September 18, 2013  
Revised Due Date: November 20, 2013

(bb) Items to be removed from Outstanding Business List:

The following items were deemed complete and removed from the  
Outstanding Business List:

Item H: 2012 Ontario Municipal Partnership Fund Allocations  
Item C: Ontario Municipal Partnership Fund – Variances  
(2012 Budget Deliberation) (GIC – September 18, 2013)

Item PP: MOA with HWDSB for new school/community centre in  
Pan Am Stadium Precinct (GIC – September 5, 2013)

**(k) PRIVATE & CONFIDENTIAL**

The Committee moved into closed Session at 2:37 p.m. pursuant to Sub-sections (c), (d), (e) and (f) of the City of Hamilton Procedural By-law and Section 239.2 of the Municipal Act as the subject matters pertained to:

- (d) labour relations or employee negotiations respecting City of Hamilton and Hamilton Professional Firefighters Association Local 228 Collective Fire Bargaining – Verbal Update (No copy) (Item 12.1)

and

- (c) a proposed or pending acquisition or disposition of land for City purposes;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose respecting Alleyway Encroachment - 14 James North (PW12059b/LS12021b) (Ward 2) (Item 12.2)

The Committee reconvened in Open Session at 3:00 p.m.

- (i) City of Hamilton and Hamilton Professional Firefighters Association  
Local 228 Collective Fire Bargaining – Verbal Update (Item 12.1)**

No action to be reported.

- (ii) Alleyway Encroachment - 14 James North (PW12059b/LS12021b)  
(Ward 2) (Item 12.2)**

See Item 15 for the disposition of this item.

**(I) ADJOURNMENT**

There being no further business, the Committee adjourned at 3:02 p.m.

Respectfully submitted

Councillor J. Farr  
Deputy Mayor

Councillor S. Duvall  
Acting Deputy Mayor

Carolyn Biggs  
Legislative Co-ordinator  
Office of the City Clerk



## AMENDED AND RESTATED MUNICIPALITY CONTRIBUTION AGREEMENT

**THIS AMENDED AND RESTATED AGREEMENT** is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

### **B E T W E E N:**

**ONTARIO LOTTERY AND GAMING CORPORATION**, a statutory corporation established under the *Ontario Lottery and Gaming Corporation Act, 1999* (Ontario) with its head office located at 70 Foster Drive, Suite 800, Sault Ste. Marie, ON P6A 6V2 and its corporate office located at 4120 Yonge Street, Suite 420, Toronto, ON M2P 2B8, facsimile number 416-224-7003

(hereinafter referred to as "**OLG**")

OF THE FIRST PART

- and -

**THE CITY OF HAMILTON**, with its administrative office located at 71 Main Street West, 2nd Floor, Hamilton, ON L8P 4Y5, facsimile number 905-546-2340

(hereinafter referred to as the "**Municipality**")

OF THE SECOND PART

**WHEREAS** OLG has the authority to conduct and manage lottery schemes within the meaning of subsection 207(4) of the *Criminal Code* (Canada) and subject to the *Gaming Control Act, 1992* (Ontario), including Electronic Games and Live Table Games;

**AND WHEREAS** OLG conducts and manages a gaming site at 967 Highway 5 W, RR 6, Dundas, ON L9H 5E2 (the "**Location**");

**AND WHEREAS** the parties entered into a municipality contribution agreement (the "Previous MCA") dated as of April 1, 2013 whereby the parties acknowledged it would be in the public interest for the host Municipality of the Location to have access to funds which may be used, at the discretion of the Mayor and Council, for municipal purposes such as services relating to registering property, transit services and passenger transportation services;

**AND WHEREAS**, as a result of an amendment in the calculation of the Annual Contribution and the implementation of a community recognition program (the "CRP") by the parties, the parties hereto desire to amend and restate the Previous MCA by entering into this amended and restated municipality contribution agreement (the "**Agreement**");

**NOW THEREFORE** in consideration of the respective covenants and agreements, representations, warranties and indemnities herein contained and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by each party hereto) the parties agree as follows:

## **1. Definitions**

As used herein, including the foregoing recitals, the following terms shall have the respective meanings indicated below:

- (a) **"Agreement"** has the meaning set forth in the recitals to this Agreement;
- (b) **"Annual Contribution"** has the meaning set forth in Section 3(a);
- (c) **"Annual Contribution Quarterly Payment"** has the meaning set forth in Section 4(a);
- (d) **"Casino Games"** means Electronic Games, Live Table Games and such other casino games and promotional schemes that are, in each case, conducted and managed by OLG from time to time during the Term at the Location;
- (e) **"CRP"** has the meaning set forth in the recitals to this Agreement;
- (f) **"Effective Date"** means April 1, 2013 or such later date as OLG may specify;
- (g) **"Effective Date of Termination"** has the meaning set forth in Section 2;
- (h) **"Electronic Games"** means all electronic gaming devices, including but not limited to reel-type and video-type slot machines, electronic table games and dealer assisted electronic games, in each case, whether or not a live dealer is present to enable or control game play;
- (i) **"Electronic Games Revenue"** means, for any period, the sum of net revenue generated from Electronic Games at the Location, calculated in accordance with International Financial Reporting Standards or such other Canadian generally accepted accounting principles as OLG adopts from time to time in its sole discretion. For greater certainty, the Electronic Games Revenue will only include net revenue generated from the Electronic Games at the Location and will not include any revenue whatsoever from other products or services provided by OLG at the Location in the Municipality;
- (j) **"Live Table Games"** means games operated by a live dealer at a single gaming table, but excluding Electronic Games;
- (k) **"Live Table Games Revenue"** means, for any period, the sum of net revenue generated from Live Table Games at the Location, if any, calculated in accordance with International Financial Reporting Standards or such other Canadian generally accepted accounting principles as OLG adopts from time to time in its sole discretion. For greater certainty, the Live Table Games Revenue will only include net

revenue generated from the Live Table Games at the Location and will not include any revenue whatsoever from other products or services provided by OLG at the Location in the Municipality;

- (l) **“Location”** has the meaning set forth in the recitals to this Agreement;
- (m) **“Operating Year”** means each period from April 1<sup>st</sup> to March 31<sup>st</sup> inclusive, during the Term, to the end of the Term, except that the first Operating Year shall be the period beginning on the Effective Date and ending on the following March 31<sup>st</sup> and if this Agreement shall be terminated effective on a date other than March 31<sup>st</sup> in any year, then the period from April 1<sup>st</sup> of the calendar year in which such termination occurs (or April 1<sup>st</sup> of the immediately preceding calendar year if the date of termination occurs in January, February or March) to such effective date of termination shall be treated as an Operating Year;
- (n) **“Overpayment”** has the meaning set forth in Section 4(c);
- (o) **“Previous MCA”** has the meaning set forth in the recitals to this Agreement; and
- (p) **“Term”** means the period of time referred to and described in Section 2 hereof.

## 2. Term and Termination

The term of this Agreement (the **“Term”**) will become effective on the Effective Date and will terminate at the earliest of:

- (a) the date on which all Casino Games are no longer conducted and managed by OLG in the Municipality at the Location;
- (b) the date on which any license, permit, approval, consent and/or other permission that may be required for the continued use and operation of the Casino Games at the Location in the Municipality is no longer available, becomes invalid or ceases to have effect;
- (c) the effective date of written notice of termination provided by OLG to the Municipality, which effective date must be specified by OLG in such notice; provided, however, that such effective date shall be at least 30 days following the date of such notice. OLG will endeavour to provide more than 30 days’ notice, and, where not practicable to do so, OLG shall:
  - (i) explain, in said notice, why it is not practicable to do so, subject to any confidentiality concerns, as well as setting out in such notice the length of the time period equal to the difference between: (A) 365 days; and (B) the number of days’ notice actually given by OLG. For greater certainty, such time period shall not exceed 335 days; and
  - (ii) pay to the Municipality, in accordance with the timelines in Section 4, amounts which aggregate OLG’s estimation of the Annual Contribution

Quarterly Payment that OLG would have paid in respect of the time period referred to in subsection 2(c)(i) above had this Agreement not been terminated in accordance with this Section 2(c); and

- (d) the date mutually agreed to in writing between OLG and the Municipality (the "**Effective Date of Termination**").

### 3. **Payments**

- (a) During the Term and subject to the terms and conditions of this Agreement, the Municipality shall be entitled to receive from OLG in respect of each Operating Year the amount (the "**Annual Contribution**") equal to the sum of **A + B**, where:

**A** is the aggregate (without duplication) of:

- (i) 5.25% of the Electronic Games Revenue, if any, generated in such Operating Year that is less than or equal to \$65 million; plus
- (ii) 3.00% of the Electronic Games Revenue, if any, generated in such Operating Year, that is more than \$65 million and less than or equal to \$200 million; plus
- (iii) 2.50% of Electronic Games Revenue, if any, generated in such Operating Year, that is more than \$200 million and less than or equal to \$500 million; plus
- (iv) 0.50% of Electronic Games Revenue, if any, generated in such Operating Year, that is more than \$500 million; and

**B** is 4.00% of Live Table Games Revenue, if any, generated during such Operating Year.

- (b) Following the Effective Date, in the event any additional taxes, charges, conditions or requirements are imposed by the Municipality on OLG in respect of the continued operation of the Casino Games at the Location in the Municipality, the Municipality acknowledges and agrees that OLG shall be entitled to amend the calculation of the Annual Contribution in a way that may reduce the Municipality's entitlement. For greater certainty, the Annual Contribution for the first Operating Year shall be calculated based on Electronic Games Revenue and Live Table Games Revenue generated as of the Effective Date.

### 4. **Timing and Calculation of Payments**

- (a) Subject to Section 4(b), within twenty-one (21) days of the end of each Operating Year quarter during the Term, OLG shall pay to the Municipality the portion of the Annual Contribution (the "**Annual Contribution Quarterly Payment**") to which the Municipality is entitled for such Operating Year quarter. In calculating the

portion of each Annual Contribution Quarterly Payment derived from Electronic Games, OLG will notionally aggregate all Electronic Games Revenue generated during such Operating Year in order to apply the correct percentage set out in Section 3(a). OLG will provide access to its most current audited consolidated financial statements once such are made public by the Ministry of Finance in public accounts.

For example and by way of illustration only, Exhibit A to this Agreement sets out a sample calculation of the Annual Contribution.

- (b) In the event the Effective Date of Termination of this Agreement occurs on or before the date that is twenty-one (21) days following the end of an Operating Year quarter, OLG shall, within fifteen (15) days of such Effective Date of Termination, pay to the Municipality the Annual Contribution Quarterly Payment to which it is entitled in respect of the period beginning on the first day of the Operating Year quarter in which such termination took place up to and including the Effective Date of Termination.
- (c) At any time and from time to time during an Operating Year and up to the date that is 60 days after the last day of such Operating Year, in the event OLG determines that there has been an overpayment (“**Overpayment**”) by OLG to the Municipality of any Annual Contribution Quarterly Payment in such Operating Year, the Municipality acknowledges and agrees that OLG may deduct and set off the full amount of such Overpayment from future Annual Contribution Quarterly Payment(s) or, if there are insufficient future Annual Contribution Quarterly Payments to fully set off such Overpayment, the Municipality will promptly reimburse OLG for the full amount of such Overpayment (or the remaining amount thereof not already deducted as set-off). OLG will use its commercially reasonable efforts to effect any deduction and set-off pursuant to this Section 4 in a manner that recognizes the Municipality’s desire to realize reasonable continuity in cash flow associated with the Annual Contribution.

## **5. Community Recognition Program**

- (a) During the Term, the parties will collaborate in good faith to design and jointly implement the CRP for the promotion of the positive impact of the Annual Contribution on the Municipality and to promote and communicate to the public decisions made and initiatives taken by the Municipality regarding the deployment or other allocation of the Annual Contribution for municipal purposes.
- (b) It is expected that the CRP will include, at a minimum, one community event during each Operating Year during the Term, discussions and meetings on a regular basis between the appropriate representatives of each party relating to spending, allocation and deployment of the Annual Contribution, the allocation of responsibilities and obligations in respect of the development, operation and/or other activities and initiatives of the CRP, including but not limited to any program management functions to be performed by each party.

- (c) The Municipality will cooperate reasonably with OLG to facilitate messaging and communication of the CRP and its mandate. The Municipality will comply with all reasonable initiatives and requests proposed by OLG to the Municipality from time to time relating to the CRP and its initiatives, including but not limited to branding, marketing and public acknowledgements in respect of funding by OLG.
- (d) The Municipality will ensure that its marketing and advertising materials are not false, misleading or deceptive, do not portray OLG or customers of the Location or the general public in a disparaging manner, and that such marketing and advertising materials are in compliance with the marketing and branding guidelines which OLG communicates to the Municipality from time to time. In the event the Municipality does not comply with OLG's marketing and branding guidelines, OLG may thereafter require the Municipality to submit all proposed advertising and marketing materials in relation to the matters set out herein to OLG for its review and approval not less than 15 business days prior to the expected use or distribution of such materials.

## **6. Amendment and Restatement; Entire Agreement**

This Agreement constitutes the entire agreement between the Municipality and OLG with respect to the matters herein and, without limiting the foregoing, amends and restates in full and supersedes the Previous MCA, with effect as of the date hereof, and all prior agreements and understandings, oral or written, between the parties hereto or their respective representatives with respect thereto. It is hereby confirmed by the parties hereto that all prior actions of the parties made pursuant to the Previous MCA are effective as if made under this Agreement on the date made.

## **7. Further Assurances**

The parties agree to do, or cause to be done, all acts or things and execute all such further documents as may be necessary to implement and carry into effect this Agreement to its full extent.

## **8. Normal Costs of Development**

The parties acknowledge and agree that nothing herein shall operate to fetter any legislative or quasi-judicial jurisdiction of the Municipality, and in particular, it is understood and agreed by the parties that this Agreement does not preclude the Municipality from imposing upon occupants, owners or developers of the property at which the Casino Games are located, normal development related costs (including but not limited to the costs of infrastructure improvements under local or regional jurisdiction) arising from the Casino Games in the same manner and to the same extent as may be imposed by the Municipality on other occupants, owners or developers of land within the Municipality, and further that this Agreement does not preclude the Municipality from imposing such taxes, fees, charges, conditions or other requirements as may be imposed in accordance with applicable law upon owners, occupants, developers, properties or businesses in the Municipality (including, without limitation, realty taxes, development charges, conditions of site plan approval and sewer and water charges).

## **9. No Liability of OLG**

The Municipality acknowledges and agrees that none of OLG and any provincial agency, ministry or crown corporation, nor any of their respective officers, directors, employees, agents or representatives shall be liable to the Municipality for or in respect of any claims (including but not limited to claims based in contract, tort or negligence, active or passive), any cause of action, demands, losses, liabilities or damages whatsoever (including but not limited to consequential, exemplary, special, punitive and indirect damages) arising out of, in respect of, or relating indirectly or directly to this Agreement, the Casino Games, the operation, cessation of operation or malfunction of any systems or equipment, or any injury to or death of any person. Furthermore, the Municipality releases OLG from any and all losses in respect of the foregoing.

## **10. Notice**

Any notice or other communication permitted or required to be given by OLG to the Municipality shall be given by either posting the same by prepaid registered mail or by facsimile addressed to the Municipality at the address or facsimile number, as applicable, appearing in this Agreement or by personal delivery to the Municipality. Any notice or other communication permitted or required to be given by the Municipality to OLG shall be given by either posting the same by prepaid registered mail or by facsimile addressed to OLG at the following address or facsimile number, as applicable: 4120 Yonge Street, Suite 420, Toronto, ON M2P 2B8, facsimile number 416-224-7003. Any notice posted by pre-paid registered mail shall be deemed to have been received on the third business day following such mailing and any notice personally delivered or sent by facsimile shall be deemed to have been received at 5:00 p.m. on the day so delivered or sent by facsimile (if such day is a business day and if such notice is sent prior to 5:00 p.m. on that day, and if not, on the next following business day). During periods of a postal strike or of a general interruption of postal services, any notice shall be given by personal delivery or facsimile hereunder and shall be deemed to have been received on the second business day following posting of the same.

## **11. Relationship of Parties**

OLG acknowledges the Municipality's role as a host municipality of the Casino Games at the Location. The Municipality acknowledges and agrees that the Municipality is not an employee, agent or representative, joint venturer, or partner of OLG, and the Municipality shall not represent itself to others as being authorized to assume, incur or create any obligation of any kind (express or implied) on behalf of (or in the name of) OLG or any other provincial agency, ministry or crown corporation, or purport to bind OLG or any other provincial agency, ministry or crown corporation in any respect. For greater certainty, the Municipality acknowledges that OLG has, and shall have, the sole right to determine, from time to time and at any time, the number and type of Electronic Games operated at the Location.

## **12. Severability**

If any covenant or term herein or the application thereof to any person or entity, or in any circumstance, to any extent is held invalid or unenforceable, the remainder of this Agreement or the application of the term, covenant or condition to any person, event or circumstance, other than those as to which it is held invalid or unenforceable, will not be affected thereby and each term, covenant

and condition shall be valid and enforceable to the fullest extent permitted by law, except that if on the reasonable construction of this Agreement, as a whole, the applicability of the other provisions presumes the validity and enforceability of the particular provision, the other provisions will be deemed also to be invalid or unenforceable.

### **13. Governing Law**

This Agreement shall be interpreted and the rights of the parties shall be governed by and construed in accordance with the laws of the Province of Ontario.

### **14. Attornment**

Each party irrevocably and unconditionally attorns to the exclusive jurisdiction of the courts of the Province of Ontario.

### **15. Recitals**

The recitals to this Agreement form part thereof, and this Agreement is to be construed accordingly.

### **16. Time**

Time shall in all respects be of the essence in this Agreement.

### **17. Counterparts**

This Agreement may be executed in counterparts, each of which shall constitute an original and all of which taken together shall constitute one and the same instrument.

### **18. Disclosure**

The parties acknowledge that OLG is a Crown Agency and that it is subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended, and that the Municipality is subject to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.M.56, as amended, and that, as a result, each party is required to observe certain legislative obligations with respect to the disclosure or non-disclosure of information, whether to government agencies or ministries, members of the public, or otherwise.

### **19. Modifications**

Excluding an amendment permitted under Sections 3(b) and 4(c), no amendment to this Agreement will be valid or binding unless set forth in writing and duly executed by both of the parties hereto. No waiver of any breach of any provision of this Agreement will be effective or binding unless made in writing and signed by the party providing such waiver, and will be limited to the specific breach being waived.

### **20. Assignment**

No transfer, sale or assignment by the Municipality of this Agreement or the Municipality's rights hereunder is valid without the prior written consent of OLG.



**21. Benefit of the Agreement**

This Agreement will enure to the benefit of and be binding upon the respective successors and permitted assigns of the parties hereto.

**22. Electronic Execution**

Delivery of an executed signature page to this Agreement by any party by electronic transmission will be as effective as delivery of a manually executed copy of this Agreement by such party.

**[Remainder of Page Left Intentionally Blank]**

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the date first written above.

**ONTARIO LOTTERY AND GAMING CORPORATION**

Per: \_\_\_\_\_  
Name: Rod Phillips  
Title: President and Chief  
Executive Officer

I have the authority to bind OLG

**THE CITY OF HAMILTON**

Per: \_\_\_\_\_

Name:  
Title:

c/s

Per: \_\_\_\_\_

Name:  
Title:

I/We have authority to bind the Municipality.

**EXHIBIT A****Calculation of Annual Contribution**

For example and by way of illustration only: if the Electronic Games Revenue and Live Table Games Revenue for an Operating Year is \$650 million and \$100 million respectively and as further described in Table A below, then the applicable Annual Contribution for such Operating Year would be \$19,712,500:

**TABLE A**

	Electronic Games Revenue (in millions)	Live Table Games Revenue (in millions)	Annual Contribution Quarterly Payment (in millions)
Operating Year Quarter No. 1 (March 1 – June 30)	\$100	\$25	$[0.0525 \times \$65] + (0.03 \times \$35)] + [0.04 \times \$25]$ = \$5.4625
Operating Year Quarter No. 2 (July 1 – September 30)	\$175	\$22	$[0.03 \times \$100) + (0.025 \times \$75)] + [0.04 \times \$22]$ = \$5.755
Operating Year Quarter No. 3 (October 1 – December 31)	\$170	\$23	$[0.025 \times \$170)] + [0.04 \times \$23] = \$5.17$
Operating Year Quarter No. 4 (January 1 – March 31)	\$205	\$30	$[0.025 \times \$55) + (0.005 \times \$150)] + [0.04 \times \$30]$ = \$3.325
Total	\$650	\$100	\$19.7125