CITY COUNCIL
M I N U T E S
Wednesday, April 25, 2012
5:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor R. Bratina

Councillors C. Collins, B. Clark, S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, M. Pearson, R. Pasuta, R. Powers and T. Whitehead

Mayor Bratina called the meeting to order and advised that Monsignor Murray J. Kroetsch, Vicar General for the Roman Catholic Diocese of Hamilton and the Moderator of the Pastoral Offices of the Hamilton Diocese, sends his regrets. In lieu, Mayor Bratina delivered Mahatma Gandhi's Seven Deadly Sins.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.10 Petition to Redistribute Wards in Hamilton, under the *Ontario Municipal Act*

Recommendation: For the consideration of Council

5.11 Correspondence from Citizens in support of the petition for the realignment of the City of Hamilton's Ward boundaries.

(a) Laura Cattari (b) Christopher Cutler
(c) Ken Sills

Recommendation: Be received

5.12 Correspondence from the Lynwood Charlton Centre respecting By-law Modification Application – 121 Augusta Street.

Recommendation: Be received

(Pearson/Ferguson)
That the Agenda for the City Council meeting being held on April 25, 2012, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest for item 5.9, Correspondence from the Town of Caledon respecting the Aggregate Resources Act Review, as a family member is employed by one of the appellants.

Councillor Morelli declared a conflict of interest for items 6, 7 and 8 of the Audit Finance and Administration Report 12-004, as he is a condominium owner.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 OLDIES 1150 CKOC, 90th Birthday in Hamilton

Mayor Bratina welcomed David DeRocco, and Ted Yates from CKOC to the Council floor to commemorate CKOC's 90th Birthday in Hamilton.

APPROVAL OF MINUTES

4.1 April 11, 2012

(Pearson/Powers)
That the Minutes of the April 11, 2012, meeting of Council, be approved, as presented.

CARRIED

COMMUNICATIONS

(Collins/Merulla)
That Council Communications 5.1 through 5.12 be approved, as amended, as follows:

5.1 Correspondence from the Ministry of the Environment respecting PFOS in the Welland River and Lake Niapenco

Recommendation: Be received

5.2 Correspondence from the organizers of Lyme Disease Awareness Day in Brampton, Ontario respecting Lyme Disease Awareness and Proclamation for Lyme Disease Awareness Month

Recommendation: Be received

5.3 Correspondence from Clinton Shane Ekdahl respecting the Day of the Honey Bee

Recommendation: Be received

5.4 Correspondence from the Township of Cavan Monaghan respecting the Slots at Racetrack Program

Recommendation: Be received

5.5 Correspondence from the Canadian Labour Congress respecting a Proclamation regarding the Annual Day of Mourning for Workers Killed and Injured on the Job.

Recommendation: Be received

5.6 Correspondence from United Steelworkers Local 5328 respecting a request for Councillor Scott Duvall to represent the City of Hamilton on May 9, 2012 in Stellarton N.S. for the commemoration of the Westray Mine disaster

Recommendation: That Councillor Scott Duvall represent the City of Hamilton, in commemoration of the Westray Mine disaster in Stellarton N.S. and that all associated costs be charged to the General Legislative 300100 account

5.7 Correspondence from Infrastructure Ontario respecting P3 Canada Fund Round Four application intake

Recommendation: Be referred to the General Manager of Finance and Corporate Services for appropriate action.

5.8 Correspondence from the Municipality of Meaford respecting an Increase in Provincial Payment-In-Lieu of Taxes

Recommendation: Be supported.

5.9 Correspondence from the Town of Caledon respecting the Aggregate Resources Act Review

Recommendation: Be referred to the General Manager of Planning and Economic Development for a report to the Planning Committee.

5.10 Petition to Redistribute Wards in Hamilton, under the *Ontario Municipal Act*

Recommendation: Be referred to the General Issues Committee for discussion, within the appropriate time frame to allow citizens to address the issue.

5.11 Correspondence from Citizens in support of the petition for the realignment of the City of Hamilton's ward boundaries.

(a) Laura Cattari (b) Christopher Cutler
(c) Ken Sills

Recommendation: Be received and that the citizens be invited to attend the General Issues Committee at which time the petition will be discussed.

5.12 Correspondence from the Lynwood Charlton Centre respecting By-law Modification Application – 121 Augusta Street.

Recommendation: Be received

(Clark/Pearson)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

AUDIT FINANCE & ADMINISTRATION COMMITTEE REPORT 12-004

(Johnson/Pearson)
That the FOURTH Report of the Audit Finance & Administration Committee, be adopted, and the information section received. (Attached hereto)

CARRIED

HAMILTON LICENSING TRIBUNAL REPORT 12-003

1. APPEAL HEARING: Nocholas T. Macos, Black, Sutherland LLP, on behalf of Peter Gassner, respecting the Refusal of an Application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited operating as Show World, located at 61 King Street East, Hamilton, Ontario (Item 4.1)

Item 4 CARRIED on a vote, as follows:

Yeas: B. Bratina, C. Collins, B. Clark S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, M. Pearson, R. Pasuta, R. Powers and T. Whitehead
Total: 15
Nays: J. Partridge
Total: 1

(Whitehead/Duvall)

That the THIRD Report of the Hamilton Licensing Tribunal, be adopted, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 12-005

(McHattie/Farr)
That the FIFTH Report of the Public Works Committee, be received. (Attached hereto)

CARRIED

BOARD OF HEALTH REPORT 12-003

(Bratina/Partridge)
That the THIRD Report of the Board of Heath, be adopted, and the information section received. (Attached hereto)

CARRIED

PLANNING COMMITTEE REPORT 12-006

4. Appeal of Sign Variance Application SW-11-008 for Property Located at 1000 Upper James Street (Hamilton) – Denied by the Director, Planning Division (PED12057) (Ward 8) (Item 6.3)

Item 4 CARRIED on a vote, as follows:

Yeas:	B. Bratina, C. Collins, S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, M. Pearson, R. Pasuta, R. Powers and T. Whitehead
Total:	15
Nays:	B. Clark
Total:	1

7. Liquor License Application Review Update (PED09127(f)) (City Wide) (Item 8.3)

(Pearson/Farr)
That recommendation (c)(i) to Report PED09127(f), Liquor License Application Review Update, be deleted and replaced with the following:

(c) (i) That the amended Liquor Licence Application Review Assessment Tool revised in consultation with the Ontario Restaurant Hotel Motel Association (ORHMA), be approved incorporating the following changes and for use in assessing the City's position with respect to all new liquor licence applications and extensions:

(aa) Edits to “Owner/Operator Experience” recognizing “Experienced owner/operator with greater than 5 years” is valued at (1) point whereas “Experienced owner/operator with less than 5 years” is valued at (5) points;

(bb) Addition of a new factor “History of Owner/Operator’s Experience (within the last 5 years)”;

(cc) Edit to criteria of “Estimated Ratio of Liquor to Gross Sales” to mirror the current industry/insurance standards for licensed establishments;

(dd) Deletion of “Other Relevant Information” as this information is currently captured in other factors and criteria of Assessment Tool;

(ee) Amendments to the Score Criteria for Conditions Imposed on Liquor Licences for Categories A & B to include that a license review will occur “as necessary if an incident(s) has occurred.”

Amendment CARRIED
Motion as amended CARRIED

(Clark/Pearson)
That the SIXTH Report of the Planning Committee, be adopted, as amended, and the information section received. (Attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-010

6. 2012-1215 Strategic Plan (CM12001) (City Wide) (Item 7.2)

(Ferguson/Powers)
That the matter respecting amending Appendix A to read the addition of:
“Cost Conscious – WE must ensure that we are receiving value for taxpayer’s dollars spent” to the list of values in the Strategic Plan be lifted from the Information Section of the General Issues Committee Report 12-010

CARRIED

(Ferguson/Powers)
That sub-section (a) of item 6 to the General Issues Committee Report 12-010 respecting 2012-2015 Strategic Plan be amended by adding the following value to the Strategic Plan:
“Cost Conscious – WE must ensure that we are receiving value for taxpayer’s dollars spent”

Item 6 CARRIED on a STANDING RECORDED vote, as follows:

Yeas: C. Collins, S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, R. Pasuta, R. Powers and T. Whitehead
Total: 13
Nays: B. Bratina, B. Clark, M. Pearson
Total: 3

23. Art Gallery of Hamilton – Request for Proposal

(McHattie/Farr)
That further to the additional information requested by the General Issues Committee Report 12-010 noted in Information Item (f)(iv) respecting an upcoming project at the Hamilton Art Gallery, that the matter be lifted from the Information Section and introduced as Item 23 for discussion.

CARRIED

The Motion to lift Item (f)(iv) from the Information Section CARRIED on a vote, as follows:

Yeas: B. Bratina, C. Collins, B. Clark, S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, R. Pasuta, M. Pearson and R. Powers
Total: 15
Nays: T. Whitehead
Total: 1

(McHattie/Farr)
(a) That the additional information (attached as Appendix “A”) provided by the General Manager of Public Works be received;

(b) That the Art Gallery of Hamilton proceed with a Request for Proposal for the Proposed Feasibility Study, Main Street – Entrance Improvements at their own expense;

(c) That the Art Gallery be advised that the following six key elements identified by staff be addressed in the Request For Proposal document as follows:

(i) A detailed structural review of the roof deck/ Commonwealth Square plaza, due to potential increases of weight from the proposed Galleria corridor structure and significant sculpture features;

(ii) As per the Downtown Secondary Plan - Putting People First: The consultant will recognize that Commonwealth Square will function as a prime civic gathering space for the citizens of Hamilton;

(iii) The consulting assignment will provide an integrated design which promotes pedestrian linkages to Hamilton Place, Hamilton Convention Centre, Summers Lane, the Board of Education property, Main Street and the City Hall forecourt'

(iv) The project schedule shall accommodate timing for stakeholder meetings, detail design, approvals, working drawings, specifications, and tendering;

(v) A public process be utilized for the commissioning of any art or sculpture feature for the outdoor space;

(vi) A staff stakeholder resource team provide assistance to the Art Gallery through the Feasibility Study, detail design and assist in defining maintenance and operating impacts.

Item 23 CARRIED on a STANDING RECORDED vote, as follows:

Yeas:	C. Collins, S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, R. Pasuta, R. Powers and T. Whitehead
Total:	13
Nays:	B. Bratina, B. Clark and M. Pearson
Total:	3

(Bratina/Partridge)
That the TENTH Report of the General Issues Committee be TABLED to allow for deliberations with respect to item 19 during the Private and Confidential portion of the agenda.

CARRIED

HAMILTON LICENSING TRIBUNAL REPORT 12-004

(McHattie/Morelli)
That the FOURTH Report of the Hamilton Licensing Tribunal be TABLED to the Wednesday May 9, 2012 Council meeting.

(McHattie/Morelli)
That the motion to table the FOURTH Report of the Hamilton Licensing Tribunal, be withdrawn.

CARRIED

(Merulla/Morelli)
That the FOURTH Report of the Hamilton Licensing Tribunal, be adopted, and the information section received.

CARRIED

MOTIONS

7.1 Lynwood Charlton Centre

(Farr/Merulla)
That the item respecting Lynwood Charlton Centre, be lifted from the table for consideration.

CARRIED

(Powers/Clark)
That Council waive its solicitor-client privilege to hear the Solicitor's advise in open session.

The motion respecting waiving the privilege was DEFEATED on a STANDING RECORDED vote, as follows:

Yeas:	B. Clark, B. Johnson, S. Merulla, J. Partridge, R. Pasuta and R. Powers
Total:	6
Nays:	B. Bratina, C. Collins, J. Farr, L. Ferguson, T. Jackson, B. McHattie, B. Morelli, M. Pearson and T. Whitehead
Total:	9
Absent:	S. Duvall
Total:	1

(Farr/Merulla)
Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 121 Augusta Street (Hamilton) (PED12002) (Ward 2) (Item 6.5)

That Zoning Application ZAR-11-034 by Lynwood Charlton Centre, Owner, for a change in zoning from the "L-mr-2/S-1345" (Planned Development - Multiple Residential) District, Modified, to the "L-mr-2/S-1345a-'H'" (Planned Development - Multiple Residential - Holding) District, Modified, with a Special Exception, to permit a residential care facility for 8 residents, on lands located at 121 Augusta Street (Hamilton), as shown on Appendix "A" to Report PED12002, be DENIED on the following basis:

(a) The proposal is contrary to By-law No. 01-142, in that it would further aggravate the existing over-intensification of residential care facilities within the central City.

The motion respecting Lynwood Charlton Centre CARRIED on a standing recorded vote, as follows:

Yeas:	B. Bratina, C. Collins, S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge and R. Powers
Total:	12
Nays:	B. Clark, R. Pasuta, M. Pearson and T. Whitehead
Total:	4

(Farr/Merulla)
That the item respecting the Lynwood Charlton Centre, be considered complete and removed from the Council outstanding business list.

CARRIED

7.2 Water Fluoridation: New Data and Recent Developments

(Partridge/Collins)
That subsection (b) of item 4 of Board of Health Report 11-005 respecting Water Fluoridation: New Data and Recent Developments, approved by Council on May 11, 2011, be amended by deleting it in its entirety and replaced with the following:

(b) That staff be directed to provide a report to the Board of Health respecting water fluoridation when requested by the Board of Health.

The motion respecting Water Fluoridation: New Data and Recent Developments CARRIED on a vote, as follows:

Yeas:	B. Bratina, C. Collins, B. Clark, S. Duvall, T. Jackson, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, R. Pasuta, M. Pearson and R. Powers
Total:	15
Nays:	T. Whitehead
Total:	1

7.3 Nomination for Election to FCM Board of Directors

(Powers/Ferguson)

(a) That the Council of the City of Hamilton endorses Councillors Scott Duvall and Terry Whitehead to stand for election on FCM's Board of Directors/and or Advisory Committees for the 2010-2014 Term of Council;

(b) That all associated costs regarding Councillors Scott Duvall and Terry Whitehead's attendance at the FCM Board of Directors and/or Advisory Committee meetings be charged to the General Legislative 300100 account.

CARRIED

7.4 Council Meeting Start Times

(Powers/ Ferguson)

That the pilot program respecting Council meeting start times of 5:00 p.m. be extended until June 2012, to allow the Governance Review Sub-Committee additional time to gauge public response with respect to the 5:00 p.m. Council start time.

CARRIED

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE AND CONFIDENTIAL

(Jackson/Merulla)

That the following items be referred to the next meeting of the General Issues Committee:

10.1 City Manager Performance Review (No Copy) (Referred from April 18, 2012 GIC meeting)

10.2 City Manager Remuneration Options (HUR12005) (Referred from April 18, 2012 GIC meeting)

CARRIED

(Morelli/Farr)

That Council move into Closed Session at 9:40 p.m. pursuant to sub-section 8.1 (e) and (f) of the City's Procedural By-law and Section 239.2 (e) and (f) of the Municipal Act, as amended, as the subject matter pertains to:

(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.

CARRIED

Council reconvened in Open Session at 9:47 p.m.

(Collins/Duvall)
That the TENTH Report of the General Issues Committee be lifted from the table.

CARRIED

19. City of Hamilton v Metcalfe & Mansfield (FCS09066(b)/LS09006(b)) (Item 12.3)

(Collins/Duvall)

(a) That Report FCS09066(b)/LS09006(b), including its appendices, be received;

(b) That Council ratify the commencement of the action by the City against Henry Juroviesky and Jurovieskyy & Ricci LLP for purposes of the litigation;

(c) That Report FCS09066(b)/LS09006(b) and its appendices remain confidential.

CARRIED

That the following be added as Item 24 to the General Issues Committee Report 12-010:

24. City of Hamilton v. Mansfield Metcalfe Corporation et al.

(Pearson/Clark)

(a) That Report FCS09066(c)/LS09006(c) respecting City of Hamilton v. Mansfield Metcalfe Corporation et al be received;

(b) That the contents of Report FCS09066(c)/LS09006(c) and direction also provided in closed session remain confidential.

CARRIED

(Collins/Jackson)
That the TENTH Report of the General Issues Committee, be adopted, as amended, and the information section received. (Attached hereto)

CARRIED

(Clark/Pearson)
That the Committee of the Whole Rise and Report.

CARRIED

BY-LAWS

(Collins/Jackson)
That Bills No. 12-092 to 12-103 be passed, as amended, 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:

Bill No.	By-law No.	
092	**12-092**	To Impose a Storm Sewer Charge upon owners of land abutting Binbrook Road West from 100m east of Fall Fair Way to 100m west of Fall Fair Way, in the City of Hamilton
093	**12-093**	To Incorporate City Land Designated as Block 122 on Plan 62M-872 into Theodore Drive
094	**12-094**	To Authorize the borrowing of monies by way of bank loans in the principal amounts of $38,000,000 and $14,740,000
095	**12-095**	To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 8 – No Parking Zones Schedule 12 – Permit Parking Zones
096	**12-096**	Respecting Removal of Part Lot Control, Blocks 20 and 32, Registered Plan No. 62M-1132, “Aquamarine”, 96, 100 and 104 Copes Lane (Stoney Creek)
097	**12-097**	Respecting Removal of Part Lot Control, Block 71 of Plan No. 62M-1167, “Silverwoods”
098	**12-098**	To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 515 Hamilton Street, in the former Town of Ancaster, now in the City of Hamilton
099	**12-099**	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits Schedule 3 – Flashing School Zones – Reduced Speed Limits Schedule 6 – One-Way Streets Schedule 10 – No Left Turns Schedule 13 – Designated Traffic Lanes
100	**12-100**	To Amend By-law No. 10-053, the Council Procedural By-law
101	**12-101**	To Amend By-law No. 07-17, A By-law to License and Regulate Various Businesses
102	**12-102**	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 260 Nebo Road, Hamilton
103	**12-103**	To Confirm the Proceedings of Council

CARRIED

(Pearson/Clark)
That there being no further business, the City Council meeting be adjourned at 10:00 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini
City Clerk
April 25, 2012

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE
REPORT 12-004

Tuesday, April 10, 2012
9:30 a.m.
Council Chambers
City Hall
71 Main Street West
Hamilton, Ontario

Present: Councillors B. Johnson (Chair), M. Pearson (Vice Chair)
B. Clark, B. Morelli and R. Powers

Also Present: Councillors T. Jackson, T. Whitehead
C. Murray, City Manager
R. Rossini, General Manager, Finance & Corporate Services
A. Zuidema, Director, Corporate Initiatives
G. Moore, Director, Engineering Services
B. Shynal, Director of Operations, Operations & Waste Management
D. McKinnon, Director, Water & Wastewater Operations
R. Male, Director, Financial Services (Treasury)
A. Pekaruk, Director, Audit Services
S. Robichaud, Manager, Development Planning
R. Morello, Project Manager, Operations & Waste Management
S. Harding-Cruz, Program Manager, Vector Borne Disease
S. Paparella, Legislative Coordinator, Office of the City Clerk

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 12-004 AND RESPECTFULLY RECOMMENDS:

1. Monthly Status Report of Tenders and Requests for Proposals for February 18, 2012 to March 9, 2012 (FCS12018(a)) (City Wide) (Item 5.1)

That Report FCS12018(a), respecting the Monthly Status Report of Tenders and Requests for Proposals for February 18, 2012 to March 9, 2012, be received.

2. Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Needs Assessment Quarterly Status Update (FCS11104(a)) (City Wide) (Item 5.2)

That Report FCS11104(a), respecting the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Needs Assessment Quarterly Status Update, be received.

3. Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS12007(c)) (City Wide) (Item 5.3)

(a) That Appendix "A" attached to Report 12-004, respecting the "Tax Write-Offs processed under Section 357 of the Municipal Act, 2001", in the amount of $143,530, be approved;

(b) That Appendix "B" attached to Report 12-004, respecting the "Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001", in the amount of $9,512, be approved.

4. Follow Up of Audit Report 2009-04 - Telecommunication Services (AUD12004) (City Wide) (Item 5.4)

That Report AUD12004, respecting the Follow up of Audit Report 2009-04 - Telecommunication Services, be received.

5. Treasurer's Investment Report 2011 Fiscal Year by AON Hewitt (FCS12034) (City Wide) (Item 5.5)

(a) That the City of Hamilton's Reserve Funds Treasurer's Investment Report 2011 Fiscal Year (attached as Appendix "A" to Report FCS12034), be received;

(b) That Report FCS12034 "Treasurer's Investment Report 2011 Fiscal Year by AON Hewitt" and the City of Hamilton's Reserve Funds Treasurer's Investment Report 2011 Fiscal Year (attached as Appendix "A" to Report FCS12034), be forwarded to the Hamilton Future Fund Board of Govenors for information.

6. Correspondence referred by Council, respecting Municipal Property Assessment Corporation's (MPAC) Classification of Condominiums as Residential Properties (Item 6.1(b))

That the correspondence received by Laurel Fenton and David and Linda Faulkner, respecting MPAC's Classification of Condominiums as Residential Properties, be received.

7. Written submission, containing 26 signatures, respecting Municipal Services and Property Taxation on Condominium Properties (Item 6.1(c))

That the written submission, containing 26 signatures, respecting Municipal Services and Property Taxation on Condominium Properties, be received.

8. Municipal Services and Property Taxation on Condominium Properties (FCS12020/PW12011) (Item 7.1)

(a) That Report FCS12020/PW12011 "Municipal Services and Property Taxation on Condominium Properties" be received for information;

(b) That, in an effort to mitigate the cost of services undertaken by Condominium Corporations, City staff provide the Condominium Corporations with a list of the City's current contractors and their respective pricing;

(c) That staff be directed to work with the Chairs of the Board of Health and the Standing Committees, to develop a report outlining the costs involved with maintaining condominium catch basins, fire hydrants, larviciding within common areas of the condominium corporations' properties, and street lighting, and report back to the Audit, Finance & Administration Committee;

(d) That staff be directed to evaluate the feasibility of reviewing the Guidelines for Site Plan Reviews with the Condominium Corporation Institute and report to the Planning Committee; and,

(e) That the Solid Waste Management Committee, with the appropriate staff, be directed to further review the condominium properties where the City currently does not provide waste collection services to determine if waste collection services can be provided to these sites on a go forward basis, and report back to the Public Works Committee.

9. Audit Report 2011-10 - Human Resources (HR) - Grievance Processes (AUD12007) (City Wide) (Item 8.1)

(a) That Report AUD12007, respecting Audit Report 2011-10, Human Resources (HR) – Grievance Processes, be received;

(b) That the Management Action Plans, as detailed in Appendix "C" of Report 12-004 be approved; and,

(c) That the City Manager be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix "C" to Report 12-004) implemented.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

(i) Added as Item 4.1 – a delegation request submitted by Joe Monkley, Wentworth Condominium Corporation #6, respecting Pick-up of Garbage at Condominium Properties by the City of Hamilton

(ii) Added as Item 4.2 – a delegation request submitted by Ron Evans, President, Wentworth Condominium Corporation #375, respecting Waste Water Management for Condominium Properties

(iii) Added as Item 4.3 – a delegation request submitted by Bryon Brown, President, Wentworth Condominium Corporation #236, respecting a Solution to Upgrade Parking / Signage to the Network of Condominium Properties

(iv) Added as Item 6.1(c) – a Written Submission, containing 26 signatures, respecting Municipal Services and Property Taxation on Condominium Properties

(v) Item 8.1 has been renumbered as Item 7.1, as a presentation has been added to Report FCS12020/PW12011, respecting Municipal Services and Property Taxation on Condominium Properties, and the other Discussion Items have been renumbered accordingly.

(vi) Added as Item 10.1, a Notice of Motion respecting Employee Absenteeism Performance Measures

The agenda for the April 10, 2012 Audit, Finance & Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor B. Morelli declared an interest to the Items respecting Municipal Services and Property Taxation on Condominium Properties, as he is a condominium owner.

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

(i) March 19, 2012 (Item 3.1)

The Minutes of the March 19, 2012 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Joe Monkley, Wentworth Condominium Corporation #6, respecting Pick-up of Garbage at Condominium Properties by the City of Hamilton (Item 4.1)

The delegation request submitted by Joe Monkley, Wentworth Condominium Corporation #6, respecting pick up of garbage at condominium properties by the City of Hamilton, was approved.

(ii) Ron Evans, President, Wentworth Condominium Corporation #375, respecting Waste Water Management for Condominium Properties (Item 4.2)

The delegation request submitted by Ron Evans, President, Wentworth Condominium Corporation #375, respecting Waste Water Management for Condominium Properties, was approved.

(iii) Bryon Brown, President, Wentworth Condominium Corporation #236, respecting a solution to upgrade parking / signage to the network of Condominium Properties (Item 4.3)

The delegation request submitted by Bryon Brown, President, Wentworth Condominium Corporation #236, respecting a solution to upgrade parking / signage to the network of Condominium Properties, was approved.

The Rules of Order were waived to allow the delegations of Joe Monkley, Rob Evans and Bryon Brown, of the Wentworth Condominium Corporation (6, 375 and 236 respectively), to appear before Committee today, regarding the Condominium Corporation matters.

(e) Various Advisory Committee Minutes (Items 5.6 – 5.8)

The following Advisory Committee meeting minutes were received:

(i) Hamilton Status of Women Committee Meeting Minutes, dated January 26, 2012 (Item 5.6)

(ii) Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee Meeting Minutes, dated January 19, 2012 (Item 5.7)

(iii) Hamilton Mundialization Committee Meeting Minutes, dated January 18, 2012 (Item 5.8)

(f) DELEGATIONS (Item 6)

(i) Ian Rowe, President, Wentworth Condominium Corporation 236, respecting the Hamilton Fair Tax Campaign for the Canadian Condominium Corporation Institute, Golden Horseshoe Chapter (Item 6.1(a))

Mr. Rowe addressed Committee. Mr. Rowe's comments included, but were not limited to, the following:

- The Canadian Condominium Institute (CCI) is a Canada-wide, independent, non-profit organization, which was formed in 1982, and deals exclusively with condominium issues. CCI acts as a collective voice of condominiums with all levels of government, and assists its members in establishing and operating successful condominium corporations through publications, education programs and technical assistance.

- One in three homes built today are condominiums. In Hamilton, there are more than 36,000 condominium residents in almost 500 condominium settings.

- CCI has and will continue to lead the way in promoting and improving condominium living. That includes CCI providing leadership and coordination to the Condominiums' Fair Tax Campaign across Ontario.

- Condominium Corporations accumulate reserve funds for major infrastructure maintenance and replacement without current or future costs to the City.

- The condominium setting provides support and security to older citizens, relieving them of looking after their outside premises, lessening the burden on the City's social services.

- Larger scale condominium corporations provide extensive social and recreational services; thereby, reducing the load on the City's services.

- On a per hectare basis, condominiums contribute significantly more taxes than freehold residences.

- Condominiums carry a burden of double taxation. Condominiums are taxed identically to freehold urban residents, based on Current Value Assessment. Typical condominium fee costs per household, provided without cost to freehold private dwellings:

    - Some high-rise garbage and recyclables removal $180
    - West Nile Control - Larviciding 8
    - Hydrant Inspections and Repairs 7
    - Catch Basin Cleaning and Maintenance 5
    - Waste Water Management 10
    - Street Lighting 39

- Not asking the City to larvicide the privately-owned catch basins.

- Condo developments do not automatically receive municipal services such as fire hydrant testing and repairs, street-lighting, sewer maintenance, larviciding for West Nile virus, snow plowing, city road signage, road maintenance, etc.

- Condominium corporations are forced to outsource for many municipal-type services through condo fees.

- CCI's Recommends that the City make a political commitment to reduce costs for condominium owners by initially: larviciding for West Nile control, hydrant inspections and repairs, catch basin cleaning and maintenance, and solutions for garbage and recyclables where it is not now in effect.

A full copy of CCI's presentation is available on-line at www.hamilton.ca, or through the Office of the City Clerk.

The presentation by Ian Rowe, President, Wentworth Condominium Corporation #236, respecting Fair Taxation for Condominium Corporations, was received.

(ii) Joe Monkley, Wentworth Condominium Corporation #6, respecting Pick-up of Garbage at Condominium Properties by the City of Hamilton (Item 6.2)

Mr. Monkley addressed Committee. Mr. Monkley's comments included, but were not limited to, the following:

- Mr. Monkley worked for the City of Hamilton for 32 years and is now retired and lives in a condo on Queenston Road (built around 1960).
- When Mr. Monkley originally moved into the condo (2003), the Superintendant had garbage bags in grey garbage bins. Once the garbage bags were full, they were removed from the bins and kept in a shed until it was time to put the garbage at the curbside. However, the animals were getting into the garbage bags before it could put out for pick up.
- The Superintendant brought in a bin to contain the garbage and a contractor now comes to pick it up.
- The blue bins (carts) are kept beside the garbage bin. The City currently comes to pick up the blue bins, which sit directly beside the garbage bin that is picked up by the contractor.
- The condominium corporation currently pays a contractor to come in and pick up the garbage bins.
- Compacting would be an ideal situation that would address the current garbage pick up issue.

The presentation provided by Joe Monkley, Wentworth Condominium Corporation #6, respecting pick up of garbage at condominium properties by the City of Hamilton, was received.

(iii) Ron Evans, President, Wentworth Condominium Corporation #375, respecting Waste Water Management for Condominium Properties (Item 6.3)

Mr. Evans addressed Committee. Mr. Evans' comments included, but were not limited to, the following:

- Garth Trails has a storm water retention pond. It is an important addition to any community, as it prevents flooding from excess storm water.
- It significantly benefits the residential homes to the south and west of the Garth Trails community.
- Prevents City's drainage system from overflowing.
- The pond needs to be inspected and monitored.

- Who is going to pay for the Garth Trails community storm water retention pond, which is approximately $62,000 per year?
- Be fair to Garth Trails, whose owners are paying for the maintenance of other area retention ponds as well as their own.

This full presentation may be viewed on-line at www.hamilton.ca.

The presentation provided by Ron Evans, President, Wentworth Condominium Corporation #375, respecting Waste Water Management for Condominium Properties, was received.

(iv) Bryon Brown, President, Wentworth Condominium Corporation #236, respecting a Solution to Upgrade Parking / Signage to the Network of Condominium Properties (Item 6.4)

Mr. Brown addressed Committee. Mr. Brown's comments included, but were not limited to, the following:

- Chairman of the Board of Management for Twenty Place.
- The Twenty Place condominium corporation has worked with City of Hamilton before, and were very well received and treated fairly by the City.
- Last year Twenty Place ran into a problem with signage, and through Municipal Law Enforcement and Emergency Services, the matters were resolved and everyone's concerns were satisfied.
- Not looking for special treatment, just good government fairness.

The presentation provided by Bryon Brown, President, Wentworth Condominium Corporation #236, respecting a solution to upgrade parking / signage on the network of Condominium Properties, was received.

(g) Municipal Services and Property Taxation on Condominium Properties (FCS12020/PW12011) (Item 7.1)

Rob Rossini, General Manager, Finance & Corporate Services, provided a PowerPoint presentation respecting Report FCS12020/PW12011. The presentation outlined, but was not limited to, the following points:

Condominium's Claim:

- Condos are taxed the same as single family homes, but do not receive the same services.

- Condos pay twice for certain services (through property taxes and condo fees) = double taxation.
- Unfair treatment – compared to traditional non-condo housing, condos provide greater tax revenue to the City, with less cost to the City.

Condominium's Concerns:

- Services in question:
    - Garbage / Recycling Collection
    - Storm Sewer (catch basin) Cleaning
    - Fire Hydrant Testing
    - Parking / Signage
    - West Nile Control
    - Street Lighting

Condominium's Request:

1. Municipalities to provide condos the same services as non-condo homes; or,
2. Municipality to provide condos with rebates for services not provided; or,
3. Allow the City's contract prices for delivery of services to be used by condos; or,
4. Request that the Province establish a new property class for condos, with a lower tax rate than non-condos.

Background:

- Infrastructure within condominium complex is private property.
- Some advantages in Planning process, when compared to non-condo homes.
- Ability to increase density.
- Buyer awareness of condo fees and service requirements.

1. Municipalities to Provide Condos the Same Services as Non-Condo Homes

   Response:

    - City provides services on public property.
    - City does not provide services on private property, regardless if condo or non-condo.

- Responsibility lies with the property owner for maintenance within their private property.
- Implications for other property classes (i.e.: Multi-Residential, Commercial, and Industrial).

2. Municipalities to Provide Condos with Rebates for Services Not Provided

Response:

- Property taxes are not a fee-for-service, instead are a method of distributing the cost of public services/programs throughout the municipality.
- Property taxes paid by both condo and non-condo properties go towards public services / programs.
- Both condo and non-condo taxpayers benefit from municipal services.

3. Allow City's Contract Prices for Delivery of Services to be Used by Condos

Response:

- Staff are recommending: "That, in an effort to mitigate the cost of services undertaken by Condominium Corporations, City staff provide Condominium Corporations with a list of the City's current contractors and their respective pricing."
- Assists condos in their negotiations with contractors.
- CCI could also assist individual condos in their negotiations as additional leverage.

4. Request Province to Establish a New Property Class for Condos, with a Lower Tax Rate than Non-Condos

Response:

- According to the Association of Municipalities of Ontario (AMO), the Province has no appetite for establishing any new property classes.
- Marcel Beaubien recommended that condos remain in the residential property class: "The fundamental premise of our property tax system is that properties should be taxed on the basis of their market value, not on the basis of the relative use that property owners make of local services".

Summary:

- It is the responsibility of the property owner (both condo and non-condo) for maintenance within their private property.
- Property taxes are not a fee-for-service – fund public services / programs that both condo and non-condo benefit from.
- Significant liability issues (if assume responsibility for maintenance of private property).
- Equity issues as it pertains to other types of private property (i.e. multi-residential, commercial and industrial).
- Would set a potential expensive precedent and much higher costs – to be borne by all taxpayers.
- Buyers know their cost responsibilities before they buy their condo.

Example of Equitable Treatment:

- Two identical high-rise buildings:
    1. High-rise condo
    2. High-rise rental apartment

- Assuming no physical constraints, both receive the same waste collection.
- Both are responsible for snow removal, catch basin cleaning, fire hydrant testing, fire route signage, etc. on their private property.
- The City is responsible for snow removal, catch basin cleaning, fire hydrant testing, fire route signage, etc. on the public property surrounding both properties – which both benefit from.
- High-rise condo pays the lower Residential tax rate (however, may potentially have a higher assessed value) while high-rise rental apartment pays higher Multi-Residential tax rate (however, may potentially have a lower assessed value).

The staff presentation, respecting Report FCS12020/PW12011 – Municipal Services and Property Taxation on Condominium Properties, was received.

Councillor B. Clark wished to be recorded as OPPOSED to receipt of the staff presentation.

(h) Employee Absenteeism Performance Measures (Item 10.1)

Staff had requested that the matter, respecting the Employee Absenteeism Performance Measures, be referred to the May 16, 2012 General Issues Committee meeting for consideration, as the Executive Director of Human Resources was going

to be absent for the May 14, 2012 Audit, Finance & Administration Committee. The Committee was not in agreement with the request and directed staff to bring the report forward to an Audit, Finance & Administration Committee rather than the General Issues Committee.

The matter, respecting the Employee Absenteeism Performance Measures, was deferred to the June 11, 2012 Audit, Finance & Administration Committee.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

11.1 Amendments to the Outstanding Business List

(a) The proposed new due dates for the following items, were approved:

(i) Item "A" – Process of Appointment of Citizens to the Purchasing Review Sub-committee
Current Due Date: April 10, 2012
Proposed New Due Date: May 14, 2012

(ii) Item "L" - Procurement Policy Stakeholder Consultation
Current Due Date: April 10, 2012
Proposed New Due Date: May 14, 2012

(j) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance and Administration Committee adjourned at 12:57 p.m.

Respectfully submitted,

Councillor B. Johnson, Chair
Audit, Finance and Administration Committee

Stephanie Paparella
Legislative Coordinator
April 10, 2012

City of Hamilton
Corporate Services Department
Taxation Division
Section "357" Appeals of the Municipal Act, 2001

Appeal No.	Property Address	Roll Number	Explanation	YEAR	Amount
357-11-186	322 Millen Rd	003130102000000	Demolition of free standing garage	2011	-71.38
357-11-187	260 Margaret St	003250274000000	Demolition of original structure new house under construction	2011	-909.59
357-11-223	23 Glengarry	003320314000000	Gross or Manifest Error in ground pool removed years ago	2011	-138.30
357-11-204	733 Green Mountain Rd	003510212000000	Tax Class Conversion all residential owner closed business after accident	2011	-1,284.60
357-11-106	Longwood Rd N	010056002300000	Exempt landlocked City property next to 403 is unusable	2011	-519.32
357-11-165	411 Wilson St	030213051900000	Demolition request denied house boarded up but still standing	2011	0.00
357-11-230	664-666 Main St E	030245061800000	Tax Class Conversion building used for day programs for developmentally disabled adults	2011	-4,263.03
357-11-259	150 Hillyard St	031247000710000	Gross or Manifest Error incorrect value on supp	2011	-37,080.71
357-11-229	385 Burlington St E	031789001000000	Demolition of structures on premises	2011	-56,560.86
357-11-044	155 Ottawa St N	040283087300000	Exempt Laidlaw church no longer leasing out their parking lot	2011	-2,560.63
357-11-208	145 Weir St N	040332521400000	Gross or Manifest Error detached garage has not existed for years	2011	-18.60
357-11-230	10 Elaine Ct	050362096200000	Demolition of in ground pool in October 2011	2011	-53.12
357-11-089	516 Parkdale Ave n	050401005200000	Demolition of buildings now vacant industrial lands	2011	-5,143.55
357-11-126	330 Nash Rd N	050481042400000	Demolition of buildings now vacant industrial lands	2011	-11,751.49
357-11-192	473 Melvin Ave	050492049400000	Tax Class Conversion now used as 100% residential	2011	-2,191.95
357-11-235	561 Quebec St	050501060700000	Demolition of original house and garage	2011	-675.63
357-11-181	368 Beach Blvd	050511026800000	Major Renovations house ripped out down to the studs	2011	-835.93
357-11-239	158 Stone Church Rd E	070861075300000	Gross or Manifest Error house in salvage condition	2011	-480.84
357-11-183	41 Eric Burke Ct	070871011900000	Demolition after house fire	2011	-1,310.80
357-11-194	366 Rymal Rd W	080961000500000	Demolition of in ground pool in 2009	2011	-170.44
357-11-210	0 Governors Rd	140110425500000	Exemption denied City property still being farmed	2011	0.00
357-11-211	3618 Governors Rd	140110428000000	Exemption denied City property still being farmed	2011	0.00
357-11-212	1180 Wilson St W	140220364000000	Demolition of old gas station in 2010	2011	-8,916.14
351.11-213	1180 Wilson St W	140220364000000	Demolition of Emma's in November of 2011	2011	-1,021.08
357-11-214	177 Lloyminn Ave	140230038000000	Gross or Manifest Error original house still showing on roll	2011	-2,475.87
357-11-240	177 Central Dr	140320206000000	Demolition of house and garage in November 2011	2011	-187.14
357-11-200	1208 Glancaster Rd	140420498000000	Exemption denied City property still being farmed	2011	0.00
357-11-179	25 Princess St	260180036000000	Demolition of original house and garage	2011	-875.50
357-11-177	67 Alma St	260180336000000	Demolition of original house and garage	2011	-2,494.99
357-11-216	1406 Gore Rd	301910626000000	Tax Class Conversion no longer running a home based business	2011	-1,538.69
			Total		**-143,530.18**

City of Hamilton
Corporate Services Department
Taxation Division
Section "358" Appeals of the Municipal Act, 2001
Realty Tax Applications for overcharges

B- overcharge (Assessment Roll)
B1 -overcharged-application denied
E - Exempt

Appeal No.	Property Address	Roll Number	Reason	Explanation	Year	Amount
358-11-126	23 Glengarry	003320314000000	B	The in ground pool was removed previous to current owners	2010	-134.44
358-11-127	23 Glengarry	003320314000000	B	purchase they were now aware it was on the roll	2009	-131.12
358-11-120	733 Green Mountain Rd	003510212000000	B	Business closed in 09 due to accident still on the roll as CT	2010	-1283.60
358-11-074	Longwood Rd N	010056002300000	E	Unusable lands abutting the 403 owned by the City	2010	-533.98
358-11-121	64-66 Blake St	030251006000000	B1	Appeals denied sale in 1990 owners have not submitted income	2010	0.00
358-11-122	64-66 Blake St	030251006000000	B1	information to MPAC therefore cannot determine if error occurred	2009	0.00
358-11-118	473 Melvin Ave	050492049400000	B	New owners using property as their residence no longer any CT	2010	-2161.24
358-11-128	561 Quebec St	050501060700000	B	Renovations turned into demolition new home under construction	2010	-802.20
358-11-112	368 Beach Blvd	050511026800000	B	The house was gutted in 08 due to financial set back house still	2010	-800.15
358-11-113	368 Beach Blvd	050511026800000	B	unliveable	2009	-754.61
358-11-114	41 Eric Burke Ct	070871011900000	B	Fire in 09 the house demolished still on the roll new house built	2010	-1941.14
358-11-119	366 Rymal Rd W	080961000500000	B	In ground pool removed in 09 still on the roll	2010	-169.86
358-11-123	177 Lloyminn Ave	140230038000000	B	New owners discovered original house still on the roll	2010	-799.11
				TOTAL		**-9,511.45**

CITY OF HAMILTON
INTERNAL AUDIT REPORT 2011-10
HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
1.	Grievance Deadlines Collective agreements outline timelines and deadlines which govern the grievance process. For instance, grievances must be filed within a specific number of days from the incident date giving rise to the issue for the grievance to be valid. Several deadlines may be associated with a single grievance depending on how far the grievance proceeds through the process.		
	Deadlines were surpassed by both the Unions and City in 12 of 34 (35%) and 15 of 24 (44%) grievances tested, respectively. In several instances, the Union and City both surpassed deadlines for the same grievance. In all cases, no agreed upon extensions were documented in the files.	That Labour Relations staff create union-specific forms for grievance files to monitor deadlines. This information can be used to assess the Section's performance in handling grievances.	Agreed. Effective immediately, timeline extensions agreed to by the parties will be formalized, in writing, with a copy of such agreement to be included in the grievance and/or file.
	Internal Audit could not assess actual timelines in 19 of 34 (56%) grievances tested due to not knowing the incident date or when correspondence was received from the Union as Labour Relations did not stamp or note the receipt date on the correspondence. In instances where the grievance date was noted by Labour Relations, it was the date on which the Union representative signed the grievance form rather than the receipt date. This skews the timeline monitoring.	That Labour Relations staff record in the grievance file the date on which correspondence is received from Unions.	Agreed. Effective immediately, all grievance forms will be date stamped by Human Resources/Labour Relations (HR/LR) upon receipt. A copy of the date stamped documentation shall be kept in the grievance and/or arbitration file.
	By not accurately monitoring deadlines, the City may incur settlement, legal, mediation and arbitration costs for grievances that should not have been entertained. Also, surpassed deadlines cannot be used as a defense in denying grievances in mediation and arbitration hearings.		While it is unlikely that the City would be at risk for incurring legal, mediation or arbitration costs as a result of surpassed timelines, it is agreed that tracking timelines would provide for a more efficient and tighter process.

HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES
JANUARY 2012

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
2.	<u>Inadequate Documentation</u> Grievance documentation is not consistent, complete or sufficient in many cases.		
	In 14 of 17 (82%) grievances tested that were heard or settled at the department level, files did not contain the department response, minutes or supporting documentation. Three of ten (30%) settled cases did not document the settlement terms. Three of five (60%) withdrawn grievances tested were not accompanied by a formal written withdrawal from the Union.	That Labour Relations create and distribute a form to all department staff which summarizes required information in regard to grievances settled at the department level. Labour Relations Officers should review and initial these forms before grievances are closed in the database.	Agreed. Effective Sept. 1, 2012, any grievances heard at Step 1 must be formally recorded on a form issued through Labour Relations (LR). Such forms will be developed and distributed to operating departments for completion at the Step 1 Level. The form will require the Manager to provide full details of the matter, including settlement details and associated costs (if any). These forms will be returned to Labour Relations for recording purposes only.
	Other examples of inadequate documentation were observed in selected files, the more pervasive ones being lack of: • Witness and management statements and other evidence to support Labour Relations' position and prove adequate due diligence occurred; • Meeting minutes in the paper file; and • Requests from the Union to escalate the grievance through the process.	That Labour Relations determine necessary documentation that is required in a grievance file and communicate this as part of a procedure, guideline or checklist. Staff should then be trained in this regard.	Agreed. Effective Sept. 1, 2012, a "check-list" form will be implemented for all grievance files. This "check-list" will itemize all particulars to be included for proper completion of a grievance file. This form will also include entry of settlement related costs for said grievance and/or arbitration. Once reviewed and completed, the appropriate Labour Relations Officer (LRO) will sign-off on the grievance / arbitration file.

HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES
JANUARY 2012

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
2.	Inadequate Documentation (Cont'd.) Lack of monitoring at the department level increases the risk that grievances are not resolved in a consistent manner and unfavorable precedents are set which may result in higher settlement costs. Labour Relations may not identify training opportunities to assist departments in handling complaints and grievances. Documentation must be complete to support the City's defense should the grievance proceed to mediation or arbitration. It provides reference for future grievances and proves the City's compliance with collective agreement provisions.		

HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES
JANUARY 2012

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
3.	<u>Inaccurate Database Information</u> Grievance information compiled in the Labour Relations Information System (LRIS) database is not accurate.		
	The level (i.e. department, Labour Relations, mediation, arbitration) or status (i.e. active, closed, settled, withdrawn) of grievances reported in LRIS was not accurate for 11 of 34 (32%) grievance files tested. In several instances, legal, mediation and arbitration costs were incorrectly classified as settlement costs, assigned to the wrong grievance file, inaccurately allocated between groups of grievances or not captured in LRIS, at all.	That Labour Relations develop a better process for entering and reviewing grievance information in LRIS. For example, Labour Relations Officers may be trained to enter information in LRIS which is reviewed by the Labour Relations Analyst when the grievance file is compiled.	Agreed, in part. Effective immediately, all grievance files shall be housed in the "corporate" LR office. This will help avoid lag time in recording data into LRIS. Having the LROs enter information into LRIS is not recommended as this process may lead to inaccuracies and inconsistencies that will ultimately have an adverse impact on LR Reporting.
	LRIS automatically assigns the next sequential grievance number when a grievance is entered in the database. This application control provides assurance that information in the database is complete. Internal Audit discovered one sequential grievance number that was deleted in its entirety from the database. Although Labour Relations staff identified the grievance as a duplicate entry, circumventing application controls increases the risk that grievances in the database are not complete. Currently, information from LRIS is used to compile data reported to the General Issues Committee (GIC) on an annual basis. As a result, data contained within LRIS must be accurate to aid in strategic, operating and budgeting decision-making.	That Labour Relations work with PeopleSoft programmers to create a specific grievance category, level or status to capture erroneous or duplicate grievances rather than deleting the entire record from the database.	Agreed. Effective immediately, a PeopleSoft program has been implemented that flags an "error" in the event there is an entry for the same grievance into LRIS. Consequently, there will no longer be any duplication of entries. As well, there will no longer be a need to delete (inaccurate) entries from the system.

HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES
JANUARY 2012

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
4.	Training Workshop Availability The Labour Relations training initiative, *Essentials of Managing in a Unionized Workplace* was offered to non-unionized managers. This training program consists of the following five workshops: • Introduction to Labour Relations (prerequisite for all other workshops); • Grievance Handling; • Investigations; • Performance Management and Progressive Discipline; and • Labour Management Meetings, Relationship Building and Negotiations. Close to two years after the launch, training has yet to be extended to unionized managers. Fourteen workshops were held in 2010, consisting of nine introductory and five grievance handling sessions. The number of workshops decreased to one grievance handling and four performance management sessions in 2011. The introductory workshop was not offered in 2011. The investigations and negotiations courses are yet to be provided. There is no indication in Labour Relations' strategic or operational plans of an action plan to roll out training to all staff. Lack of training increases the risks of grievances not being handled correctly, resolved in a consistent manner and setting unfavorable precedents which may result in a higher number of grievances and settlement costs.	That Labour Relations develop a realistically achievable action plan to roll out *Essentials of Managing in a Unionized Workplace* training to all non-union and unionized supervisors and managers. The action plan should outline responsibility for accomplishing tasks, related timelines, performance measures and required resources.	Agreed. Implementation of final module of *Essentials of Managing in a Unionized Workplace* (Collective Bargaining and Attendance Management) will be introduced by Sept. 30, 2012. Effective Jan. 1, 2013, LR will offer a modified version of the Training Program (geared towards unionized managerial staff within C1041 union group). Overall completion of the secondary training program for all four modules is expected to be finalized by Dec.31, 2015. LR will continue with on-going delivery of the training program for all non-union management employees.

HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES
JANUARY 2012

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
5.	<u>Completeness and Accuracy of Reported Costs</u> The *Labour Relations Grievance Activity Reporting & Analysis* report presented to the GIC on August 9, 2011 reported costs incurred for mediators, arbitrators and legal counsel. However, in Internal Audit's testing, it was noted that grievance settlements paid to the grievor were not included as costs.	That Labour Relations track all settlement costs in LRIS. This information should be included in the annual grievance activity reported to GIC.	Agreed. Once Step 1 forms are introduced by Sept. 1, 2012, all settlement costs will be included in the LRIS database. Such information will also be reported in an annual Grievance Activity Report to the General Issues Committee (GIC). As well, all settlement costs arising from grievances and/or arbitration activity shall be recorded and reported on an annual Grievance Activity Report to GIC.
	The Labour Relations (LR) Cost Spreadsheet is used to accumulate legal, mediation and arbitration costs to be reported in the GIC report. Expenses of $645,167 have been incurred for 2011. Approximately 48% of these costs do not specifically pertain to grievance activity. The more significant unrelated costs include fees associated with the Carpenters' litigation against and collective bargaining with the City and non-union termination fees. Only costs associated directly with grievance activity should be included in the GIC report.	That Labour Relations include only costs associated with grievances in their annual GIC report.	Agreed. All non-grievance and non-union related costs (e.g. legal expenses related to Carpenters' litigation and non-union terminations) will be recorded and reported on separately in an annual report to GIC.

HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES
JANUARY 2012

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
5.	<u>Completeness and Accuracy of Reported Costs (Cont'd.)</u> Internal Audit also identified formula and calculation errors as well as invoices that were not captured in the LR Cost Spreadsheet. Even though these errors would be identified as part of the annual reconciliation with PeopleSoft, the identification and correction of errors is not timely. Cost information must be accurate and complete in order for management and Council to make informed strategic, operating and budgeting decisions throughout the year.	That Labour Relations reconcile grievance-related costs to those reported in PeopleSoft on at least a quarterly basis.	Agreed. However, the effort required to reconcile these two systems will be very time consuming and onerous. Changes are required to methods used in recording these costs in the PeopleSoft system in order to facilitate the reconciliation. Staff will design a system going forward that will reconcile the LRIS with the PeopleSoft system. Anticipated to be implemented by January, 2013.
6.	<u>Inefficient Use of Resources</u> Legal, mediation and arbitration costs are recorded in both LRIS and the LR Cost Spreadsheet by two different staff members. Information pertaining to the grievance, which is already inputted in LRIS, is manually entered again in the LR Cost Spreadsheet. LRIS has the ability to capture the same invoice details and notes which are manually entered into the LR Cost Spreadsheet.	That Labour Relations record all legal, mediation and arbitration cost information in LRIS and discontinue use of the LR Cost Spreadsheet.	Agreed. Effective immediately, use of the Excel spreadsheet recording for legal and arbitration expenses will be eliminated. Also see Management Action Plan #5 above.
	Recording all information in LRIS and building reports to extract this information for reporting and reconciliation purposes will eliminate duplication of effort and make more efficient use of human and technological resources.	That Labour Relations work with Information Systems to develop an LRIS report to extract grievance and cost information required for reporting and reconciliation purposes.	Agreed. Staff will immediately undertake a review of grievance and cost information to be included in the LRIS Report. All previously recorded grievance related costs on Excel spreadsheets will now be incorporated into LRIS.

HUMAN RESOURCES (HR) - GRIEVANCE PROCESSES
JANUARY 2012

#	OBSERVATIONS OF EXISTING SYSTEM	RECOMMENDATION FOR STRENGTHENING SYSTEM	MANAGEMENT ACTION PLAN
7.	Goals and Performance Measures Labour Relations' overall objectives are to reduce grievances, improve labour relations and control costs. Labour Relations' strategic and operational plans do not contain a statement of objectives, specific goals, action plans or performance measures. In the *Labour Relations Grievance Activity Reporting & Analysis* report presented to the GIC on August 9, 2011, Labour Relations committed to working closely with operating departments as well as other human resources areas to determine effective strategies for better managing matters related to promotion, over-time and discipline, some of the major reasons for grievances. Although this goal was not explicitly communicated to staff, Labour Relations Officers provided evidence of activities throughout the year to try managing grievances within specific departments. These initiatives are not formally tracked or monitored. The ability to achieve and report on goals may be difficult if management does not track results. Goals, performance measures, monitoring and feedback are required to ensure Labour Relations initiatives are constructive and in line with the Corporate Strategic Plan.	That Labour Relations create specific strategic and operational goals to guide activities in the department. Goals should be supported by an action plan outlining responsibilities for accomplishing more specific tasks, related timelines, performance measures and required resources. That Labour Relations adopt additional performance measures that assess the effectiveness and efficiency of complaint and grievance handling. Measures that may be considered include: • Number of active, withdrawn, settled and closed grievances as a percentage of grievances received; • Number of grievances settled by a department, Labour Relations, mediation and arbitration as a percentage of settled grievances; • Average length of time and legal / settlement costs incurred to settle grievances; • Number and percentage of employees trained in grievance processes; and • Percentage of participants who were satisfied with the quality of training provided.	Agreed. Operational specific recommendations and associated action plans from the LR Activity Report shall be included as a standing item on all monthly LR team meetings. Agreed, in part. Performance measures such as average time for closed files, settlement costs, training satisfaction ratings, percentage of training activity, etc. shall be incorporated, effective immediately. However, in many cases, grievances remain "dormant" since there has not been any request for further activity or action by the Union on a file. To draw attention for purposes of reporting settled and closed grievances may be ill advised as it may provoke unnecessary and costly litigation.

REPORT 12-003
HAMILTON LICENSING TRIBUNAL

9:30 a.m.
Thursday, April 12, 2012
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Councillors T. Whitehead (Chair), C. Collins (Vice Chair), and S. Duvall
Absent with Regrets:	Councillor R. Pasuta – Vacation Councillor B. Clark – Personal
Also Present:	Vince Ormond, Manager, Licensing & Permits, Municipal Law Enforcement Justyna Hidalgo, Solicitor, Legal Services Karen Kelly, Solicitor, Legal Services Stephanie Paparella, Legislative Coordinator, Office of the City Clerk
Other Attendees:	Nicholas T. Macos, Black Sutherland LLP, Legal Counsel (Item 4.1) Peter Gassner, Appellant (Item 4.1)

THE HAMILTON LICENSING TRIBUNAL PRESENTS REPORT 12-003 AND RESPECTFULLY RECOMMENDS:

1. APPEAL HEARING: Nicholas T. Macos, Black, Sutherland LLP, on behalf of Peter Gassner, respecting the Refusal of an Application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited operating as Show World, located at 61 King Street East, Hamilton, Ontario (Item 4.1)

That the Application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited operating as Show World, located at 61 King Street East, Hamilton, Ontario, be accepted and a licence be issued, contingent upon the following conditions; and, providing that the applicant

satisfies all necessary requirements, as set out in the Licensing By-law 07-170, as amended:

(i) That the Licensee only exhibit adult films in rooms that comply with the By-law, ensuring that every room where adult films are exhibited contains seating for not less than 50 individuals and has direct access to a lobby; and,

(ii) That the Licensee notify the Issuer of Licences, in writing, which exhibit areas are being used for exhibition and are compliant with the Licensing By-law regulations;

(iii) That the Licensee prominently displays signs that are easily read, in the lobbies and theatre entrances that say:

- Sexual Activity is Prohibited; and,
- Sexually Transmitted Infections Can Be Passed on through Unprotected Sexual Contact;

(iv) That the Licensee shall post Smoke Free Ontario signs to the satisfaction of Municipal By-law Enforcement; and,

(v) That the Licensee shall ensure that the establishment's staff are alert and assist with inspections.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

There were no changes to the agenda.

The April 12, 2012 agenda for the Hamilton Licensing Tribunal was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) February 23, 2012 (Item 3.1)

The Minutes of the February 23, 2012 meeting of the Hamilton Licensing Tribunal were approved, as presented.

(d) APPEAL HEARING: Nicholas T. Macos, Black, Sutherland LLP, on behalf of Peter Gassner, respecting the Refusal of an Application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited operating as Show World, located at 61 King Street East, Hamilton, Ontario (Item 4.1)

On December 21, 2011, the Director of Municipal Law Enforcement sent correspondence to Mr. Peter Gassner advising that, in accordance with the City of Hamilton Licensing By-Law 07-170, as amended, the renewal application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited, operating as Show World, located at 61 King Street East, Hamilton, Ontario was refused and a licence would not be issued, based on the following grounds:

(i) In accordance with Section 12(1)(c) of the City of Hamilton Licensing By-Law 07-170, as amended, the business would put public safety at risk; and,

(ii) In accordance with Section 12(1)(d) of the City of Hamilton Licensing By-Law 07-170, as amended, the business will not be carried on in compliance with the law, or the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law or with honesty or integrity.

Namely:

1. On May 26, 2010, Hamilton City Council refused to accept an application for Adult Entertainment Establishment – Adult Video "B" Licence, submitted by Karsten Rumpf, Karrum Amusements Ltd., and Mr. Peter Gassner, for a period of six months:

    - The Licence Holder permitted the viewing of adult videos on a television screen on the licensed premises contrary to Sub-sections 26(1), 26(2) and 26(3) of the General Provisions of the City of Hamilton Licensing Code By-law 07-170; Sub-Section

25(e) of Schedule 1 of the By-law; and, Sections 13, 38(1)(c) and 38(2) of the Film Classification Act, S.O. 2005, c.17;

- The Licence Holder permitted the exhibition of adult videos in twenty-nine (29) private video display booths without holding a licence for the exhibition, contrary to Sub-Sections 26(1), 26(2) and 26(3) of the General Provisions of the City of Hamilton Licensing Code By-law 07-170; Sub-Section 25(e) of Schedule 1 of the By-law; and, Sections 13, 38(1)(c) and 38(2) of the Film Classification Act, S.O. 2005, c.17;

2. On May 26, 2010, Hamilton City Council directed that, subsequent to the six month waiting period, no application would be accepted and no licence would be issued until the applicant had provided evidence, before the Hamilton Licensing Tribunal, indicating complete compliance with the Hamilton Licensing By-law 07-170, as amended, and any applicable provincial laws;

3. The facility does not meet the requirements of the Licensing By-law 07-170, Adult Film Theatre, Schedule 1 (as amended May 25, 2011), namely;

   - ensure that every room where adult films are exhibited contains seating for not less than 50 individuals and has direct access to a lobby; and,

   - ensure that the door to a room under subsection 29(h) is not equipped with a locking device of any kind, or with anything else which could delay anyone from obtaining access to the room;

4. There are violations of the Smoke Free Ontario Act; and,

5. Hamilton Police Service has concerns about the operation of the facility.

On January 16, 2012, a Notice of Hearing was sent to Mr. Macos advising of him of a hearing, for his client, which was set for February 23, 2012.

On January 23, 2012, Mr. Macos corresponded with the Legislative Coordinator to request an adjournment of the January 23, 2012 hearing date, as he had a conflict with his schedule on that date. The adjournment request was subsequently approved by the Tribunal and a second Notice of Hearing was sent to Mr. Macos, on February 27, 2012, advising of the new hearing date of April 12, 2012.

On February 9, 2012, Mr. Ormond sent correspondence to Mr. Macos outlining additional grounds for the refusal of Mr. Gassner's application for an Adult Theatre Licence:

(i) Section 12(1)(c) of the City of Hamilton Licensing By-Law 07-170, as amended, the business would put public safety at risk;

(ii) Section 12(1)(d) of the City of Hamilton Licensing By-Law 07-170, as amended, the business will not be carried on in compliance with the law, or the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law or with honesty or integrity; and,

(iii) Section 12(2) of the City of Hamilton Licensing By-Law 07-170, as amended, the Issuer of Licenses shall refuse to issue a licence for a business where a response received from a Department indicates that there is non-compliance with this By-Law or other applicable law, or that there will be such non-compliance if the business is allowed to operate.

Namely:

June 12, 2010	Hamilton Police Service General Occurrence Report, 10001837 Property Check, Business Unattended, Rear Door Left Open.
July 2, 2010	Hamilton Police Service General Occurrence Reports, 10237896 and 10239550, Possession of Cocaine and Indecent Act.
July 5, 2010	Hamilton Police Service General Occurrence Report, 10239792 Indecent Act, Provincial Offence Notice issued Trespass to Property Act.
July 20, 2010	Hamilton Police Service Street Check Report, SC10001484, individual charged under Trespass to Property Act and Prohibited Act.
July 21, 2010	Hamilton Police Service General Occurrence Report, 10253542 Indecent Act. Provincial Offence Notice issued.
July 23, 2010	Hamilton Police Service General Occurrence Report, 10255031 Indecent Act. Appearance Notice issued.

July 28 - 30, 2010	Public Health Services, Tobacco Control Inspection – 6 Provincial Offence Notices issued under Smoke Free Ontario Act. Karrum Amusements Ltd. (3): • PON#0997384A Failure of proprietor to give notice that smoking prohibited; • PON#0997386A Failure to post no smoking signs where smoking is prohibited; and, • PON#0997387A Failure of proprietor to ensure compliance with Section 9(6)(a). Mr. Peter Gassner (3): • PON#0997390A Failure of proprietor to give notice that smoking prohibited; • PON#0997391A Failure to post no smoking signs where smoking is prohibited; and, • PON#0997389A Failure of proprietor to ensure compliance with Section 9(6)(a).
July 30, 2010	Hamilton Police Service Street Check Report, SC10001542, individual observed committing Indecent Act.
August 24, 2010	Hamilton Police Service General Occurrence Report, 10281336 Indecent Act. Provincial Offence Notice issued.
August 24, 2010	Hamilton Police Service General Occurrence Report, 10001838 Property Check, attendant on duty intoxicated and unconscious.
September 1, 2010	Hamilton Police Service Street Check Report, SC10002019, Indecent Act.

September 8, 2010 — Public Health Services, Tobacco Control, 4 Charges laid under Smoke Free Ontario Act.

Karrum Amusements Ltd. (2):

- Part III Summons, Failure of proprietor to give notice that smoking prohibited; and,
- Part III Summons, Failure of proprietor to ensure compliance with Section 9(6)(a).

Mr. Peter Gassner (2):

- Part III Summons, Failure of proprietor to give notice that smoking prohibited; and,
- Part III Summons, Failure of proprietor to ensure compliance with Section 9(6)(a).

October 5, 2010 — Hamilton Police Service Street Check Report, SC10002339, prohibited activity. Provincial Offence Notice issued.

Public Health Services, Tobacco Control, 4 Charges laid under Smoke Free Ontario Act.

Karrum Amusements Ltd. (2):

- Part III Summons, Failure of proprietor to give notice that smoking prohibited.
- Part III Summons, Failure of proprietor to ensure compliance with Section 9(6)(a)

Mr. Peter Gassner (2):

- Part III Summons, Failure of proprietor to give notice that smoking prohibited.
- Part III Summons, Failure of proprietor to ensure compliance with Section 9(6)(a)

October 19, 2010	Hamilton Police Service General Occurrence Report, 10326738 Indecent Act. Provincial Offence Notice issued.
November 11, 2010	Hamilton Police Service General Occurrence Report, 10344710 Trespass to Property Act, individual causing a disturbance. Provincial Offence Notice issued.
December 20, 2010	Hamilton Police Service General Occurrence Report, 10374512 Possession of Cannabis Marihuana. Provincial Offence Notice issued for smoking in public place.
March 14, 2011	Hamilton Police Service General Occurrence Report, 11556268 Assault – With a Weapon/Cause Bodily Harm.
April 10, 2011	Hamilton Police Service General Occurrence Report, 11580082 Possession of Cocaine.
May 4, 2011	Hamilton Police Service Street Check Report, SC11201273, Indecent Act.
May 31, 2011	Hamilton Police Service General Occurrence Report, 11623140 Robbery – Knife.
July 1, 2011	Hamilton Police Service General Occurrence Report, 11652795 Excise Act, individual with contraband cigarettes.
July 16, 2011	Hamilton Police Service Street Check Report, SC11201873, individual trespassing.
July 18, 2011	Hamilton Police Service Street Check Report, SC11201929, Indecent Act.
July 23, 2011	Hamilton Police Service Street Check Report, SC11201927, Indecent Act.
August 5, 2011	Hamilton Police Service Street Check Report, SC11202050, individual loitering in basement.
August 5, 2011	Hamilton Police Service General Occurrence Report, 11682937 – Assist – Person to Hospital (Patient).

August 7, 2011	Hamilton Police Service Street Check Report, SC11202032, individual trespassing.
August 21, 2011	Hamilton Police Service Street Check Report, SC11202183, individual trespassing. Provincial Offence Notice issued.
August 29, 2011	Hamilton Police Service General Occurrence Report, 11704584 Possession of Cannabis Marihuana – 30 grams or less.
October 31, 2011	Hamilton Police Service General Occurrence Report, 11759434 Assist – Unwanted Person.
December 5, 2011	Hamilton Police Service General Occurrence Report, 11787352 Trespass to Property Act. Provincial Offence Notice issued.
January 10, 2012	Public Health Services, Health Protection inspection revealed: • sewage odour on third floor; • human fecal matter on floor in movie theatre; • human fecal matter on movie screen; • human fecal matter outside rear exit of theatre; • used condom on floor; • hot air dryers in two washrooms in disrepair; • semen on floor in movie theatre in basement; and, • dirty stains on walls, floors and seats throughout all movie theatres.
January 11, 2012	Public Health Services, Health Protection inspection revealed: • human fecal matter on movie screen; • condom behind movie screen; • sewage odour on third floor; • poor lighting in individual theatres; • dirty stains on movie theatre seats; and, • hot air dryers in two washrooms in disrepair.

Mr. Ormond provided his Opening Statement. Mr. Ormond's comments included, but were not limited to, the following:

- Mr. Ormond advised that both parties had signed off on an Agreed Statement of Facts, and would like to put the Statement before the Tribunal for consideration.

Mr. Macos, provided his Opening Statement. Mr. Macos' comments included, but were not limited to, the following:

- Mr. Nicholas Macos introduced himself and his client, Mr. Peter Gassner.

- The business has operated for over 25 years, providing employment and taxes, in a difficult area of town and without much controversy.

- Over the last while there has been considerable police patrols; about 5 times per day.

- You will always find little things that are wrong with any business that is under such scrutiny.

- Not to undermine or dismiss the issues, my client is working to find a proper way to operate in the City of Hamilton.

- When you have such extreme and obvious scrutiny, it tends to filter out the good clientele and not filter out those we prefer to filter out.

- The business is in a bit of a tired state. However, proposals were made about a year and a half ago to renovate the building, including the most dramatic requirement of a 50 seat theatre.

- Mr. Gassner is willing to make the necessary investment and improve the appearance of the business in the downtown core, but is hesitant to make an investment of that size if the licence is in question.

- We have reviewed the City's concerns, and if the business is able to be put in area where it can be more attractive, and attract a better clientele, which is wanted not only by the City and police, but also by the operator, Mr. Gassner would be willing to do so.

- We are hoping that the Tribunal will accept the Agreed Statement of Facts. Then my client will close the business for a substantial amount of time to renovate and update the premises. The business has been in operation for more than 25 years and is in need of renovations.

- My client would like to see the rehabilitation of the downtown core as well and is hoping that you will accept the Statement in order that we can move on in a commercial manner.

Mr. Ormond entered as Exhibit 1, the following Agreed Statement of Facts, and provided an overview of same:

AGREED STATEMENT OF FACTS

Application for City of Hamilton Adult Film Theatre Establishment Licence
501857 New Brunswick Limited O/A Show World
61 King Street East, Hamilton, Ontario File No. 11 281941

Establishment History and Current Application:

1. The Adult Film Theatre, located at 61 King Street East, Hamilton, Ontario has been operating as Show World since 1985.

2. 501857 New Brunswick Limited O/A Show World holds a valid Class B Exhibitor licence issued by the Province under the Film Classification Act, 2005, which authorizes the licensee to exhibit or offer to exhibit adult sex films at the premises specified in the licence. O. Reg. 452/05, s. 11 (3).

3. On May 25, 2011, City of Hamilton Council passed By-law 11-142 that added Adult Film Theatre Establishments as a category of a business that is required to obtain a business licence under Schedule 1 of the Licensing By-law 07-170. Existing theatres, including the Show World theatre, located at 61 King St. East, Hamilton, Ontario were provided 90 days to apply for the Adult Film Theatre Establishment Licence and are required, among other matters, to ensure that each adult theatre has a minimum of 50 seats.

4. On October 18, 2010, 501857 the ownership of New Brunswick Limited transferred to Peter Gassner.

5. Peter Gassner is the sole Officer, Director and Shareholder of 501857 New Brunswick Limited.

6. On August 23, 2011, 501857 New Brunswick Limited O/A Show World applied for an Adult Film Theatre Establishment Licence.

7. On December 22, 2011, the licence for the Adult Film Theatre Establishment Licence was refused for the following reasons:

(a) In accordance with Section 12(1)(b) of the City of Hamilton Licensing By-law 07-170, as amended, where requirements of the By-law are not met;

(b) In accordance with Section 12(1)(c) of the City of Hamilton Licensing By-law 07-170, as amended, the business would put public safety at risk;

(c) In accordance with Section 12(1)(d) of the City of Hamilton Licensing By-law 07-170, as amended, the business will not be carried on in compliance with the law, or the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law or with honesty or integrity; and,

(d) In accordance with Section 12(2) of the City of Hamilton Licensing By-law 07-170, as amended, responses from a Department under Section 11, indicate that there is non-compliance with this By-law or other law.

8. On or about January 23, 2012, 501857 New Brunswick Limited O/A Show World appealed the decision of the Issuer of Licences to refuse to issue the Adult Film Theatre Establishment Licence.

Establishment History:

9. Show World operated by 501857 New Brunswick Limited previously held a Food Shop Licence, an Adult Entertainment Establishment – Adult Video "B" Licence and a Cigarette/Tobacco Sales Licence.

10. On May 26, 2010, Hamilton City Council approved Hamilton Licensing Tribunal Report 10-003 and rendered a decision refusing to accept an application for an Adult Entertainment Establishment – Adult Video "B" Licence, submitted by 501857 New Brunswick Limited, for a period of six months.

11. On May 26, 2010, Hamilton City Council directed that, subsequent to the six month waiting period, no application for an Adult Entertainment Establishment – Adult Video "B" Licence be accepted and no licence be issued until the applicant had provided evidence, before the Hamilton Licensing Tribunal, indicating complete compliance with the Hamilton Licensing By-law 07-170, as amended, and any applicable provincial laws.

12. On or about October 25, 2010, 501857 New Brunswick Limited advised the Issuer of Licences that it was withdrawing its application for the Adult Entertainment Establishment – Adult Video "B" Licence.

Establishment Current Status:

13. Since July 2010, Show World has been operating 6 theatre screens with a total of 88 seats, under the Class B Exhibitor Licence issued under the Film Classification Act, 2005. The Class B Exhibitor Licence permits 18 screens and 135 seats. None of the theatres currently has a minimum of 50 seats required by Schedule 1 of Licensing By-law 07-170.

14. Between July 2010 and September 2010, there have been 6 occasions when the Hamilton Police Service have attended the Show World premises and have reported a patron masturbating in the theatre.

15. Between October 2010 and April 2012, there have been 4 occasions when the Hamilton Police Service have attended the Show World premises and have reported a patron masturbating in the theatre.

16. On or about July of 2010, 501857 New Brunswick Limited o/a Show World pled guilty to a Smoke Free Ontario Act violation for not having sufficient signage indicating that smoking is prohibited in the facility. Additional signage to the satisfaction of by-law enforcement was quickly posted.

17. Hamilton Police Services, as part of core area patrols (ACTION Team), enter the facility regularly.

JOINT SUBMISSIONS RESPECTING DISPOSITION

18. That the facts, as outlined in the Agreed Statement of Facts, establish that in accordance with Section 12(1)(b) of the City of Hamilton Licensing By-Law 07-170, the requirements of the By-law are not being met as not all exhibition areas meet the required minimum seating requirements of the By-law. The applicant has indicated that he is prepared to invest in bringing the theatres into compliance with the minimum seating requirements as a condition of a licence.

19. That the facts, as outlined in the Agreed Statement of Facts, establish that In accordance with Section 12(1)(c) of the City of Hamilton Licensing By-law 07-170, as amended, the business would put public safety at risk; by having sexual activity occurring in the establishment. The applicant agrees that such activity is to be discouraged and prohibited.

20. That the facts, as outlined in the Agreed Statement of Facts, establish that in accordance with Section 12(1)(d) of the Licensing By-law 07-170, the business operating as Show World by 501857 New Brunswick Limited did not carry on in compliance with the law or with honesty or integrity by not having the required Smoke Free Ontario signs posted on the premises. The applicant agrees that smoking should be clearly discouraged and prohibited.

21. That the application for an Adult Film Theatre Establishment Licence, submitted by 501857 New Brunswick Limited o/a Show World, located at 61 King St East, Hamilton, Ontario, be approved and the licence be issued subject to the following conditions:

    (a) That the Licensee only exhibit adult films in rooms that comply with the theatre 50 seat minimum and have direct access to a lobby;

    (b) That the Licensee notify the Issuer of Licences, in writing, which exhibit areas are being used for exhibition and are compliant with the Licensing By-law regulations;

    (c) That the Licensee prominently displays signs, that are easily read, in the lobbies and theatre entrances that say:

        - Sexual Activity is Prohibited; and,
        - Sexually Transmitted Infections Can Be Passed On Through Unprotected Sexual Contact;

    (d) The Licensee shall post Smoke Free Ontario signs to the satisfaction of by-law enforcement; and,

    (e) The Licensee shall ensure that staff are alert and assist with inspections.

The Hamilton Licensing Tribunal recessed for 10 minutes to allow time for the Tribunal to review the Agreed Statement of Facts, and reconvened at 10:10 a.m.

The Tribunal suggested that Mr. Gassner consider having an attendant make frequent visits into the theatre to discourage sexual activity among the patrons.

Mr. Ormond commented regarding the Tribunal's suggestion. Mr. Ormond's comments included, but were not limited to, the following:

- This would be similar to the maintenance checks / logs that are completed in restaurant washrooms. However, it is up to the business as to how they determine they wish to operate the business. The business should be in

compliance with the law. For instance, with regard to ensuring that patrons are not masturbating or smoking – letting the business determine the best way to manage the business, but if Municipal Law Enforcement finds these issues ongoing or finds new issues, and the business is in non-compliance with the law, the City (MLE) would address those matters, at that time.

Mr. Macos commented regarding the Tribunal's suggestion. Mr. Macos' comments included, but were not limited to, the following:

- That the business has been in operation since 1985 and for the past 25 years there have not been any issues. If the business is upgraded/renovated it will attract a better clientele and these matters should resolve themselves

- My client wants the business to act in a lawful manner and wants to see its patrons behave in a lawful manner while at the establishment.

- Only recently has there been a category for this type of business in the Hamilton Licensing By-law.

- Due to pressure and the deterioration/down grade of the business, these issues are now arising.

- We are respectfully requesting that the licence be granted and if there are still issues, once the business is renovated and re-opened, then perhaps we can come before the Tribunal to present these issues.

- This is a legal business and it is my client's intent is to comply with the Licensing By-law. However, we are looking for flexibility, in the interim period, until the business is renovated and operating.

Mr. Ormond provided further comments, which included, but were not limited to, the following:

- Our records go back to the previous Tribunal hearing. The pornography industry has changed with the internet and cable, and the business' clientele may have changed over the years.

- The establishment would now be licensed and the Licensee will now know what the requirements of the By-law are, and would be accountable for the incidents that occur at that establishment.

- The Police ACTION Team frequents many businesses in the downtown core on a regular basis.

Mr. Macos' final comments included, but were not limited to, the following:

- My client is prepared to close down the business, apply for a building permit to upgrade the premises, which would include the addition of a 50 seat theatre in order to comply with the By-law. The establishment would be closed throughout the renovations.

- The Operator would like to see the business updated and attract a better level of clientele.

- My client has also shown civic mindedness with his involvement in the renovation of the premises several doors down. That restoration won an award; however, it has since been taken over by a jeans store and the façade has been recovered by advertising. Mr. Gassner would be willing to join the BIA and other groups; becoming more involved with the community.

The Hamilton Licensing Tribunal moved into Closed Session, at 10:27 a.m., to deliberate upon the submissions of the parties, respecting the Refusal of an Application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited operating as Show World, located at 61 King Street East, Hamilton, Ontario.

Members of the Public were invited to return to hear any further deliberations upon the Tribunal reconvening in Open Session.

The Tribunal reconvened in Open Session at 10:34 a.m.

Having heard the submissions of the parties, the Tribunal provided their recommendations, which are shown as Item 1 of the Hamilton Licensing Tribunal Report 12-003.

(e) Closed Session Minutes – February 23, 2012 (Item 5.1)

The Closed Session Minutes of the February 23, 2012 meeting of the Hamilton Licensing Tribunal were approved, as presented.

(f) ADJOURNMENT (Item 6)

There being no further business, the Hamilton Licensing Tribunal adjourned at 10:36 a.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
Hamilton Licensing Tribunal

Stephanie Paparella
Legislative Coordinator
Hamilton Licensing Tribunal
April 12, 2012

Public Works Committee

Special Meeting - Solid Waste Management Master Plan

REPORT 12-005

9:30 a.m.
Monday, April 16, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

Present:	Mayor B. Bratina Councillor B. McHattie (Chair) Councillors C. Collins, R. Pasuta, T. Jackson, S. Duvall, R. Powers, T. Whitehead
Absent with Regrets:	Councillor S. Merulla – City Business Councillor L. Ferguson - Personal
Also Present:	Councillors M. Pearson, J. Partridge G. Davis, General Manager Public Works J. Mater, Senior Director of Transportation, Energy & Facilities P. Chapman, Mayor's Chief of Staff D. McKinnon, Director of Water and Wastewater Operations B. Shynal, Director of Operations P. Parker, Director of Support Services C. Murdoch, Director of Environmental Services A. Grozelle, Legislative Co-ordinator, City Clerk's Office

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 12-005 FOR THE INFORMATION OF COUNCIL:

(a) CEREMONIAL ACTIVITIES (Item A)

(i) Cheque Presentation of funds raised through the Public Works 8th Annual World Water Day Walkathon to the Ancaster Rotarians/Haiti Water For Life Project

Chair McHattie recognized the efforts of Public Works staff for the 8th Annual World Water Day Walkathon held on March 22, 2012. The Walkathon raised funds for the Ancaster Rotary's *Haiti Water for Life* project that is dedicated to building water wells in Haiti.

Chair McHattie indicated that over the last eight years, the walkathon has raised nearly $150,000. He presented Roy Sheldrick of the Ancaster Rotary with the proceeds of this year's event, nearly $19,000. These funds were raised through the efforts of students, community members and City staff. Chair McHattie indicated that Rotary International has installed around 230 wells to-date in the Artibonite Valley in central Haiti, providing clean water to over 200,000 people.

Roy Sheldrick, Shane McCauley and Janet Vandehaar came forward for the cheque presentation. Mr. Sheldrick addressed the Committee respecting the importance of providing clean drinking water and thanked those that volunteered and donated for all their efforts over the last eight years.

(b) CHANGES TO THE AGENDA (Item 1)

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

The April 16, 2012 Public Works Committee Agenda was approved, as presented.

(c) DECLARATIONS OF INTEREST (Item 2)

None

(d) CONSENT ITEMS (Item 5)

(i) Solid Waste Management Master Plan Steering Committee, Minutes:

The following Minutes of the Solid Waste Management Master Plan Steering Committee, were received:

(a) March 8, 2012
(b) March 19, 2012

(e) PRESENTATIONS (Item 7)

(i) Solid Waste Management Master Plan Review (PW12004a) (City Wide) (Item 7.1))

Councillor Pearson, Chair of the Solid Waste Management Master Plan Steering Committee, provided an overview of the work done by the steering committee and discussed the recommendations included in staff Report PW12004a.

Pat Parker, Director of Support Services addressed the committee with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

Pat Parker discussed the background of the 2001 recommendations of the SWMMP. She outlined the 2001 objectives of increasing diversion, preserving landfill capacity and looking at long-term objectives such as a state-of-the-art recycling facility, energy from waste and user pay systems.

John Smith of EXP Consulting, addressed the committee respecting the strategy and principles behind the SWMMP Review. He discussed the consultations done with the public and stakeholders. He outlined the work done on forming the guiding principles, goals and objectives of the SWMMP. He discussed the gap analysis done and the increased diversion to achieve the 65% diversion rate. He discussed maintaining the status quo, introducing an enhanced waste diversion program to increase diversion to 65%, or creating a maximized system with a 75% diversion rate.

- Committee members asked about the consultation process and the extent of public and stakeholder involvement.
- Mr. Smith indicated they had a very good response to the consultation process and estimated that around 3000 stakeholders commented. He indicated that there was a good public turnout at the town hall meetings as well as through the web survey.

- Committee members asked about the estimated diversion rate of 55% as compared to the current diversion rate of 49% and how this impacted the landfill closure date by moving it from 2036 to 2040.
- Staff indicated that the 55% diversion estimation is not just based upon the 2013-2020 timeframe but also predicts future improvements in waste diversion rates over the lifespan of the landfill.

- Committee members discussed the prospect of inter-municipal partnerships for waste diversion. Committee members expressed concern over making agreements with other municipalities. There was some debate about including the principle that the City of Hamilton does not want to become a processing centre for other areas waste.
- Staff indicated that the inter-municipal partnerships principle is included to give staff the flexibility to discuss possible agreements with other areas; any such relationships would have to be beneficial for the City of Hamilton and brought before Committee for approval.

- Committee members discussed illegal dumping and how it would be included in the SWMMP work going forward.
- Staff indicated that illegal dumping would be included as a policy implication in reports brought forward to ensure it is considered.

- Committee members discussed how changes will be represented moving forward, such as single streaming recycling and reductions to garbage collection.
- Staff indicated that they will be bringing all these items forward to Committee for consideration prior to the consideration of the next seven year contract term.

- Committee members discussed separating the lobbying function from the enhancements section as it is an ongoing activity. Committee members discussed the need to focus on linking waste diversion efforts with them to producer responsibility and education.

- Committee members asked about the budgetary implications of implementing the Enhanced Waste Diversion as outlined in guiding principle R2.
- Staff indicated that what is being presented is a strategic overview, and they would have to come back during the budget process for approval of these additional projects.

- Committee members asked for the cost of improving waste reduction in municipal facilities to approach 0%.
- Staff indicated that they would look into this and possible have information provided for the 2013 budget deliberations.

- Committee members asked about the cost implications if enhancements are implemented.
- Staff indicated that they can bring back a 25 year budget for the project that outlines the operating and capital costs year-by-year over this period.

The staff presentation respecting the Solid Waste Management Master Plan Review, was received.

Report PW12004a respecting Solid Waste Management Master Plan Review was referred to an upcoming Public Works Committee meeting.

(f) ADJOURNMENT

There being no further business, the Public Works Committee adjourned at 12:35 p.m.

Respectfully submitted,

Councillor B. McHattie, Chair
Public Works Committee

Andy Grozelle
Legislative Co-ordinator
April 16, 2012

BOARD OF HEALTH

REPORT 12-003

1:30 p.m.
April 16, 2012
Council Chambers
Hamilton City Hall

Present: Mayor B. Bratina, Chair
Councillors B. McHattie, J. Farr, B. Morelli, C. Collins, T. Jackson, S. Duvall, T. Whitehead, M. Pearson, R. Pasuta, J. Partridge

Absent with regrets: Councillor S. Merulla – City Business
Councillor B. Clark – Personal Business
Councillor B. Johnson – City Business
Councillor L. Ferguson – Personal Business
Councillor R. Power – City Business

Also Present: Dr. E. Richardson, Medical Officer of Health
Dr. C. Mackie, Associate Medical Officer of Health
Dr. N. Tran, Associate Medical Officer of Health
D. Barr-Elliott, Director; S. Brown, Healthy Living Division
R. Hall, Director; E. Mathews, Health Protection Branch
G. McArthur, Director; Clinical and Preventative Services
D. Sheehan, Director; Family Health Division
T. Bendo, Director; Planning and Business Improvement
C. Newman, Legislative Coordinator

THE BOARD OF HEALTH PRESENTS REPORT 12-003 AND RESPECTFULLY RECOMMENDS:

1. Communicable Diseases and Health Hazard Investigations Quarterly Report (Q3) (July 1, 2011 to September 30, 2011) BOH11019(b) (City Wide) (Item 5.1)

That Report BOH11019(b) respecting Communicable Diseases and Health Hazard Investigations Quarterly Report (Q3) (July 1, 2011 to September 30, 2011), be received.

2. Communicable Diseases and Health Hazard Investigations Quarterly Report (Q4) (October 1, 2011 to December 31, 2011) BOH11019(c) (City Wide) (Item 5.2)

That Report BOH11019(c) respecting Communicable Diseases and Health Hazard Investigations Quarterly Report (Q4) (October 1, 2011 to December 31, 2011), be received.

3. Water Fluoridation: New Data and Recent Developments BOH08024(c) (City Wide) (Item 7.1)

That report BOH08024(c), respecting Water Fluoridation: New Data and Recent Developments, be received.

4. Water Fluoridation: New Data and Recent Developments BOH08024(c) (City Wide) (Item 7.1)

That the General Manager of Public Works, and Legal Services, report to the Public Works Committee respecting the pending changes to the *Safe Drinking Water Act*.

FOR THE INFORMATION OF THE COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

1. ADDED DELEGATION REQUESTS

(i) Terry Wilson respecting the social and economic problems associated with water fluoridation (Added as Item 4.10)

(ii) Peter Ormond representing the Green Party of Canada, Hamilton Centre Riding, respecting fluoridation in other jurisdictions and requesting that Hamilton remove fluoride from Hamilton's water (Added as Item 4.11)

(iii) Sheldon Thomas representing the Clean Water Legacy respecting the chemical fluorosilicic acid in the practice of water fluoridation, with specific attention to the health effects of certain contaminants that are known to accompany the fluorosilicic acid product (Added as Item 4.12)

(iv) Bob Green Innes respecting concurs of potential health and environmental hazards associated with water fluoridation (Added as Item 4.13)

(v) Tim Burton respecting how water fluoridation discriminates against those living in poverty (Added as Item 4.14)

(vi) Victoria Wondergem respecting health concerns with respect to fluoride in the City of Hamilton's water supply (Added as Item 4.15)

(vii) Gerald Cooper representing People for Safe Drinking Water respecting the safety and legality of fluoridating Hamilton's drinking water (Added as Item 4.16)

(viii) Simon J Kiss representing Wilfrid Laurier University respecting research into the politics and public options towards fluoridation in the City of Waterloo (Added as item 4.17)

2. ADDED CORRESPONDENCE WITH RESPECT TO WATER FLUORIDATION

(i) Correspondence from Mary Pearson respecting concerns with water fluoridation (Added Item 7.1(b)(viii))

3. ADDED GENERAL INFORMATION

(i) CORRESPONDENCE

(a) Ministry of Health and Long-Term Care Public Health Accountability Agreement with the City of Hamilton dated January 1, 2011 (Added Item 11.1(a)

The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST

None

(c) MINUTES (Item 3)

(i) March 5, 2012 (Item 3.1)

The minutes from the March 5, 2012 Board of Health Meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Lorna Moreau respecting health concerns related to neighbourhood air quality (Item 4.1)

The delegation request by Lorna Moreau respecting health concerns related to neighbourhood air quality, was approve to speak at the May 5, 2012 meeting of the Board of Health.

(ii) Dr. Peter Cooney representing Health Canada, Office of the Chief Dental Officer, respecting Health Canada's position on water fluoridation (Item 4.2)

(iii) Dr. Ron Yarascavitch representing the Royal College of Dental Surgeons of Ontario (RCDSO), respecting the RCDSO's support of the use of fluoridation as a method for good oral health (Item 4.3)

(iv) Peter Van Caulart representing the Environmental Training Institute respecting new information regarding drinking water fluoridation (Item 4.4)

(v) Paul Connett representing the Fluoride Action Network respecting stopping water fluoridation as it unnecessary, unethical, ineffective and potentially dangerous (Item 4.5)

(vi) Anthony Matthews representing the Council of Canadians – Hamilton Chapter respecting water fluoridation in Hamilton (Item 4.6)

(vii) Dr. Raymond Ray respecting his research on water fluoridation in Europe (Item 4.7)

(viii) George Pastoric representing Hydro-Logic Environmental respecting concerns about water fluoridation in Hamilton (Item 4.8)

(ix) Heather Dawn Gingerich representing the International Medical Geology Association (Canada) respecting the presentation of recent peer-reviewed research concerning municipal water fluoridation and maternal child health outcomes (Item 4.9)

(x) Terry Wilson respecting the social and economic problems associated with water fluoridation (Added as Item 4.10)

(xi) Peter Ormond representing the Green Party of Canada, Hamilton Centre Riding, respecting fluoridation in other jurisdictions and requesting that Hamilton remove fluoride from Hamilton's water (Added as Item 4.11)

(xii) Sheldon Thomas representing the Clean Water Legacy respecting the chemical fluorosilicic acid in the practice of water fluoridation, with specific attention to the health effects of certain contaminants that are known to accompany the fluorosilicic acid product (Added as Item 4.12)

(xiii) Bob Green Innes respecting concurs of potential health and environmental hazards associated with water fluoridation (Added as Item 4.13)

(xiv) Tim Burton respecting how water fluoridation discriminates against those living in poverty (Added as Item 4.14)

(xv) Victoria Wondergem respecting health concerns with respect to fluoride in the City of Hamilton's water supply (Added as Item 4.15)

(xvi) Gerald Cooper representing People for Safe Drinking Water respecting the safety and legality of fluoridating Hamilton's drinking water (Added as Item 4.16)

(xvii) Simon J Kiss representing Wilfrid Laurier University respecting research into the politics and public options towards fluoridation in the City of Waterloo (Added as item 4.17)

a) Delegation request 4.2 through to 4.17 were approved to speak at today's meeting, as they are respecting a matter on today's agenda;

b) The delegations were renumbered 7.1(a)(iii) through 7.1(a)(xvii) respectively.

(e) CONSENT ITEMS

The following Advisory Committee meeting minutes were received:

(a) Community Food Security Stakeholder Advisory Committee meeting of October 5, 2011

(b) Community Food Security Stakeholder Advisory Committee meeting of November 2, 2011

(c) Community Food Security Stakeholder Advisory Committee meeting of December 7, 2011

(d) Community Food Security Stakeholder Advisory Committee meeting of January 4, 2012

(e) Community Food Security Stakeholder Advisory Committee meeting of February 1, 2012

(f) Community Food Security Stakeholder Advisory Committee meeting of March 7, 2012

(f) PRESENTATIONS (Item 7)

(i) Water Fluoridation: New Data and Recent Developments BOH08024(c) (City Wide) (Item 7.1)

Dr. Mackie addressed the Board with the assistance of a PowerPoint presentation. His Comments included but were not limited to the following:

Dr. Mackie indicated that Health Services (PHS) have completed a review of recent studies on water fluoridation. The results of the review continue to show that fluoridating water lowers the risk of tooth decay, and contributes to better oral health.

The Clerk retained a copy of Dr. Mackie's presentation.

Dr. Arlene King, Chief Medical Officer of Health, for the Province of Ontario, gave a presentation to the Board. Her Comments included but were not limited to the following:

Dr. King spoke to the Board respecting fluoridation as a safe, effective, economical, and equitable means of preventing dental decay.

The Clerk retained a copy of Dr. King's presentation.

The Board asked questions of the presenters. Their questions included but were not limited to the following:

The Board inquired on the safety and alternative means to delivering safe oral health. The Board expressed some concern with the polarized views on fluoridation, and the variations in available literature on the topic.

The delegation requests by Dr. Peter Cooney representing Health Canada, Office of the Chief Dental Officer, and Dr. Yarascavitch representing the Royal College of Dental Surgeons of Ontario, were reordered and permitted to speak as 7.1(a)(i) and 7.1(a)(ii) respectively.

(i)(a) Delegates respecting water fluoridation (Item 7.1(a)):

(i) Dr. Peter Cooney representing Health Canada, Office of the Chief Dental Officer, respecting Health Canada's position on water fluoridation (Item 4.2)

Dr. Cooney gave a presentation in support of water fluoridation. A copy of his presentation was retained for the record.

(ii) Dr. Ron Yarascavitch representing the Royal College of Dental Surgeons of Ontario (RCDSO), respecting the RCDSO's support of the use of fluoridation as a method for good oral health (Item 4.3)

Dr. Ron Yarascavitch gave a presentation in support of water fluoridation. A copy of his presentation was retained for the record.

At 3:10 p.m., the Board of Health lost quorum.

(iii) Shane Coleman respecting issues surrounding fluoridation of water, City of Calgary vote to remove fluoride and new information on the effects of fluoride on children (Item 7.1(a)(i))

(iv) Cindy Mayor respecting new information on water fluoridation and water fluoridation in Hamilton (Item 7.1(a)(ii))

At 3:27 p.m., the Board of Health attained quorum.

(v) Peter Van Caulart representing the Environmental Training Institute respecting new information regarding drinking water fluoridation (Item 4.4

Mr. Van Caulart was not in attendance at the meeting.

(vi) Paul Connett representing the Fluoride Action Network respecting the stopping of water fluoridation as it unnecessary, unethical, ineffective and potentially dangerous (Item 4.5)

Mr. Connett gave a presentation in opposition of water fluoridation. A copy of his presentation was retained for the record.

(vii) Anthony Matthews representing the Council of Canadians – Hamilton Chapter respecting water fluoridation in Hamilton (Item 4.6)

Mr. Matthews spoke to the Committee in opposition of water fluoridation. A copy of his speaking notes was retained for the record.

(viii) Dr. Raymond Ray respecting his research on water fluoridation in Europe (Item 4.7)

Dr. Ray was not in attendance at the meeting.

(ix) George Pastoric representing Hydro-Logic Environmental respecting concerns about water fluoridation in Hamilton (Item 4.8)

Mr. Pastoric gave a presentation in opposition to water fluoridation. A copy of his presentation was retained for the record.

(x) Heather Dawn Gingerich representing the International Medical Geology Association (Canada) respecting the presentation of recent peer-reviewed research concerning municipal water fluoridation and maternal child health outcomes (Item 4.9)

Ms. H.D. Gingerich gave a presentation in opposition to water fluoridation. A copy of her presentation was retained for the record.

(xi) Terry Wilson respecting the social and economic problems associated with water fluoridation (Added as Item 4.10)

Mr. Wilson gave a presentation in opposition to water fluoridation. Mr. Wilson indicated his concern with fluoridation and submitted a petition to the Board requesting that Hamilton water not be treated with hydrofluorosilicic acid.

A copy of a petition was presented, and has retained by the Clerk.

(xii) Peter Ormond representing the Green Party of Canada, Hamilton Centre Riding, respecting fluoridation in other jurisdictions and requesting that Hamilton remove fluoride from Hamilton's water (Added as Item 4.11)

Mr. Ormond gave a presentation in opposition to water fluoridation. A copy of his presentation was retained for the record.

(xiii) Sheldon Thomas representing the Clean Water Legacy respecting the chemical fluorosilicic acid in the practice of water fluoridation, with specific attention to the health effects of certain contaminants that are known to accompany the fluorosilicic acid product (Added as Item 4.12)

Mr. Thomas gave a presentation in opposition to water fluoridation. A copy of his presentation was retained for the record.

(xiv) Bob Green Innes respecting concurs of potential health and environmental hazards associated with water fluoridation (Added as Item 4.13)

Mr. Innes gave a presentation in opposition to water fluoridation. His concerns surrounded fluoridated drinking water and osteoporosis.

(xv) Tim Burton respecting how water fluoridation discriminates against those living in poverty (Added as Item 4.14)

Mr. Burton gave a presentation in opposition to water fluoridation. His concerns surrounded those living in poverty and the effects of fluoridation.

(xvi) Victoria Wondergem respecting health concerns with respect to fluoride in the City of Hamilton's water supply (Added as Item 4.15)

Ms. Wondergem gave a presentation in opposition to water fluoridation. Her concerns surrounded fluoridated drinking water and osteoporosis.

(xvii) Gerald Cooper representing People for Safe Drinking Water respecting the safety and legality of fluoridating Hamilton's drinking water (Added as Item 4.16)

Mr. Cooper gave a presentation in opposition to water fluoridation. A copy of his presentation was retained for the record.

(xviii) Simon J Kiss representing Wilfrid Laurier University respecting research into the politics and public options towards fluoridation in the City of Waterloo (Added as item 4.17)

Mr. Kiss gave a presentation in support of water fluoridation and displayed his research findings with respect to Waterloo's decision to take fluoride out of their water supply. A copy of his presentation was retained for the record.

Copies of the presentations can be found as Appendix "A" to Board of Health Report 12-003.

The delegates respecting BOH08024(c), respecting Water Fluoridation: New Data and Recent Developments, were received.

(i)(b) Correspondence respecting water fluoridation 7.1(b):

(i) Correspondence from Sheldon Thomas representing the Clean Water Legacy's opposition to water fluoridation in Hamilton

(ii) Correspondence from Gideon Forman representing the Canadian Association of Physicians for the Environment (CAPE) requesting the City of Hamilton to cease the practice of water fluoridation

(iii) Correspondence from Robert Fleming representing the Canadians Opposed to Fluoridation (COF) respecting the harms of water fluoridation

(iiii) Correspondence from The Council of Canadians respecting their opposition to the use of fluoride in drinking water

(v) Correspondence from James Beck respecting Canadian Water Fluoridation Deputation

(vi) Correspondence from Diane Sprules respecting her Critique of Health Canada's 2010 Technical Guideline on Fluoride

(vii) Correspondence from Peter Ormond respecting concerns with respect to the continued use of inorganic fluorides as a public health policy

(viii) Correspondence from Mary Pearson respecting concerns with water fluoridation (Added Item)

The correspondence respecting BOH08024(c) respecting Water Fluoridation: New Data and Recent Developments, was received.

(g) NOTICES OF MOTION (Item 10)

Councillor Whitehead introduced the following notice of motion:

(i) Water Fluoridation: New Data and Recent Developments BOH08024(c) (City Wide)

(a) That Health Canada be requested to regulate the fluorosilicate hexafluorosilicic acid (H2SiF6) and sodium Silicofluoride (Na2SiF6), used as a treatment for dental cavities in drinking water, as drugs under the *Food and Drug Act;*

(b) That all chemicals, especially fluorosilicates, added to drinking water for the purpose of treating dental decay undergo new drug applications and be assigned drug numbers by Health Canada;

(c) That classification of fluorosilicates as a drugs shall be based on at least one long term toxicology study to determine health effects in humans;

(d) That at least one properly conducted, double blinded, randomized placebo controlled clinical trial be used to provide effectiveness as the basis for a new drug classification;

(e) That staff contact Dr. Satish Deshpande, Team Leader, Water Standards Section, Ontario Ministry of the Environment, to request a copy of the NSF Standard 60 required toxicology studies of the product used for fluoridation in Hamilton, to ensure its safety at the maximum use level, including effects from any potential contaminants in the product;

(f) That the City of Hamilton make the above recommendations to Health Canada, to reassure the citizens of Hamilton that the use of

fluorosilicates added to drinking water for the purpose of treating dental decay is safe and what the health effects are;

(g) That a copy of this resolution be sent to the Federal and Provincial Minister of Health, and Hamilton area MPs and MPPs;

(h) That Hamilton area MPs and MPPs be requested to follow up on this issue with the Minister of Health and report back to the Hamilton Board of Health with a response.

Councillor Jackson introduced the following notice of motion:

(ii) Oral Health Reports to the Board of Health

That the Medical Officer of Health and Public Health Services be directed to provide writen “Oral Health” reports, beginning in 2013 and thereafter once per term of City Council or as required or requested by the Board of Health.

(h) GENERAL INFORMATION (Item 11)

CORRESPONDENCE (Item 11.1)

(i) Ministry of Health and Long-Term Care Public Health Accountability Agreement with the City of Hamilton dated January 1, 2011 (Added Item 11.1(a))

Dr. Richardson stated that the Ministry of Health has responded and accepted the amendments made to the targets outlined in the Public Health Accountability Agreement.

The correspondence from the Ministry of Health and Long-Term Care respecting the Public Health Accountability Agreement with the City of Hamilton, was received.

(g) ADJOURNMENT (Item 13)

The Board of Health adjourned at 6:15 p.m.

Respectfully submitted,

Mayor R. Bratina
Board of Health

Christopher Newman
Legislative Coordinator
April 16, 2012

BOH 08024(c)

Hamilton

Public Health Services
Water Fluoridation Review

Brief History in Hamilton

- 1950s and 60's
  - Four plebiscites on water fluoridation
- 1964
  - Water fluoridation initiated
- 2007
  - Facilities required upgrading
- 2008
  - City Council reaffirmed support

Hamilton

2

Findings of the 2012 PHS Review

New data on safety or effectiveness?

- Australian study: 28.7% more caries in baby teeth and 31.6% more in adult teeth in unfluoridated cities
- Australian study: If Brisbane and South East Queensland fluoridated their water, they would prevent 10,437 years of disability and $666 million in state and private expenses
- American study: 0.26 more teeth at age 20, larger impact for individuals of lower socio-economic status, i.e. 1 in four people would lose a tooth by age 20 without fluoridation

Hamilton

3

Findings of the 2012 PHS Review
(continued)

- University of Calgary review
  - Ample evidence of effectiveness
  - Important to monitor fluoride concentrations, particularly in rural areas to help prevent fluorosis
  - Practical way to address oral health inequities
  - Majority of various Canadian populations are supportive of or not opposed to fluoridation

Hamilton

4

Decisions by Political Bodies

Continue or Initiate

- Halton Region: continue fluoridation (January 2012)
- Peel Region: continue fluoridation (April 2011)
- Toronto: continue fluoridation (April 2011)
- Maquoketa, Iowa City: initiate fluoridation (January 2012)
- Pinellas Park, Florida: initiate fluoridation (January 2012)
- State of Arkansas: initiate fluoridation on systems serving over 5000 (February 2011)
- Port Macquarie-Hastings, Australia: initiate fluoridation (February 2012)

Discontinue

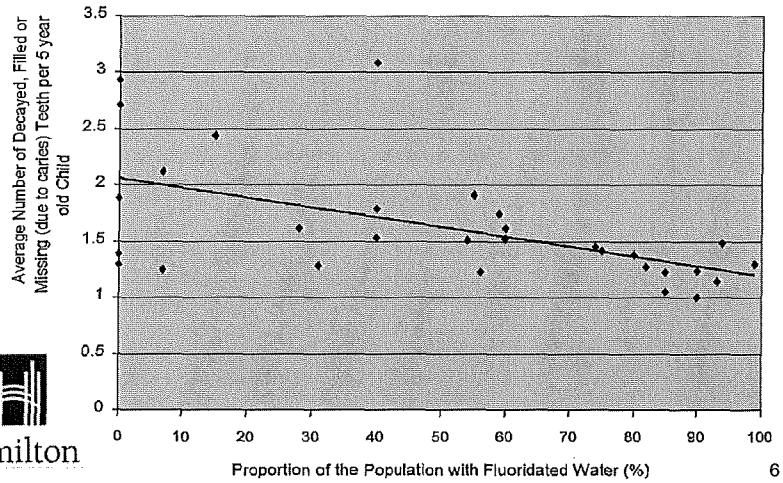
- Amherstburg, Ontario: discontinue fluoridation (January, 2012)
- Lakeshore (which neighbours Amherstburg): discontinue fluoridation (November 2011)
- Williams Lake, BC and Lake Cowichan, BC: discontinue fluoridation (November 2011)

Hamilton

5

Ontario by Health Unit

Relationship Between Oral Health of 5 year olds and Proportion of the Population with Fluoridated Water in 30/36 of Ontario Health Units, 2005-07



Hamilton

6

Community Drinking Water Fluoridation

Dr. Arlene King, Chief Medical Officer of Health
Presentation to Hamilton Board of Health
April 16, 2012

Ontario

Community Water Fluoridation

- Community water fluoridation is, **"one of the greatest public health achievements of the 20th century."**
- Community water fluoridation is **supported by more than 90 national and international organizations** as the most cost effective and equitable strategy for the prevention of dental decay.
- Fluoridating drinking water is:
  - Safe
  - Effective – it works
  - Economical – it's cost effective
  - Equitable – it reaches everyone

Community Water Fluoridation is Safe

- In Ontario, fluoride additives must meet standards of quality and purity before they can be used.
- In Ontario, fluoride additives are regulated by the Ministry of the Environment.
- Systems that fluoridate must also ensure that a water sample is taken at the end of the fluoridation process at least once every day and tested.

Community Water Fluoridation is Safe - II

- Hydrofluorosilicic acid is the most commonly used compound for water fluoridation.
- When added to water it dissolves completely to release fluoride ions and break down into harmless compounds – it ceases to exist as hydrofluorosilicic acid. [1], [2]
- People do not ingest hydrofluorosilicic acid when they drink fluoridated water. [2]
- Fluoride is not a fertilizer. Fluoride is a naturally occurring mineral found in soil, air, plants, animals and water supplies in the environment.

[1] Health Canada, March 18, 2008, Joint Government of Canada Response
[2] John Braam, P.Eng. Director Of Water And City Engineer, London. Report to Chair And Members Civic Works Committee. Jan 2012

Community Water Fluoridation is Safe - III

- Drinking water systems that fluoridate are required to maintain a range of 0.5 to 0.8 mg/L fluoride.
- In concentrations used for water fluoridation, fluoride is not toxic or harmful. [1] [2]
- Difference in the effect of a massive dose of fluoride and the effect of taking small amounts of fluoride daily to reduce tooth decay.
  - Like many essential substances needed for good health (i.e. salt, iron, vitamins and oxygen) fluoride can be toxic in excessive quantities [1]
- The possibility of adverse health effects from continuous low level consumption of fluoride over long periods has been studied extensively - scientific evidence indicates that fluoridation of community water supplies is both safe and effective.
- The optimal range of fluoride used for water fluoridation already has a built in margin of safety that takes into consideration the use of fluorides from other sources. [3]

[1] American Dental Association. Fluoridation facts. Chicago, IL: ADA; 2005. http://www.ada.org/sections/news/AnEvents/pdfs/fluoridation_facts.pdf

[2] Health Canada. *Guidelines for Canadian Drinking Water Quality: Fluoride Guideline Technical Document.* Environmental and Workplace Health, Prepared by the Federal-Provincial-Territorial Committee on Health and the Environment. December 2010.

[3] Ontario Dental Association. Myths and Facts. March 2011

Community Water Fluoridation is Safe - IV

- After more than 60 years of research, scientific evidence indicates that the fluoridation of community water supplies is safe with little to no evidence that fluoridation is associated with cancer, bone disease, kidney disease, birth defects, or other adverse health effects. [1] [2]
- Since 1997 alone, there have been 18 major reviews examining fluoridation, including an expert panel convened by Health Canada in 2007 which concluded that the weight of evidence from all currently available studies shows no harmful health risk at current fluoride levels.

[1] Rabb-Waytowich D. Water fluoridation in Canada: past and present. J Can Dent Assoc. 2009 Jul;75(6):451-4.

[2] McDonagh MS, Whiting PF, Wilson PM, Sutton AJ, Chestnutt I, Cooper J, Misso K, Bradley M, Treasure E, Kleijnen J. Systematic review of water fluoridation. BMJ. 2000 Oct 7;321(7265):855-9.

Community Water Fluoridation is Safe - V

- Most common side effect of excess fluoride consumption is dental fluorosis.
- Questionable, very mild, mild and moderate dental fluorosis have no effect on tooth function. [1]
- Prevalence of moderate and severe fluorosis in Canada is extremely low.
- The *Canadian Health Measures Survey: Oral Health Statistics 2007-2009* concluded that:

  "[so] few Canadian children have moderate or severe fluorosis that, even combined, the prevalence is too low to permit reporting. This finding provides validation that dental fluorosis remains an issue of low concern in this country." [2]

[1] Denbesten P, Li W. Chronic fluoride toxicity: dental fluorosis. Monogr Oral Sci. 2011;22:81-96.

[2] Health Canada. Report on the findings of the oral health component of the Canadian Health Measures Survey 2007-2009. http://www.fptdwg.ca/assets/PDF/CHMS CHMS-E-tech.pdf

Community Water Fluoridation is Effective

- Water fluoridation can reduce tooth decay in children's primary teeth by up to 60 %, and in their permanent teeth by up to 35 %. [1]
- Adults experience a 20 to 40 % reduction in tooth decay from lifelong exposure to water fluoridation. [1]
- Water fluoridation can reduce root surface decay up to 35 percent in individuals aged 60 years and older with a history of long-term residence in optimally fluoridated areas.[2]
- Dryden, Ontario - after fluoridation was discontinued in 2001, children within the community's schools showed an increase in decay rates of approximately 26 percent.[3]

[1] American Dental Association. Fluoridation facts. Chicago, IL: ADA; 2005. http://www.ada.org/sections/newsAndEvents/pdfs/fluoridation_facts.pdf

[2] Hunt, R, Eldredge, J and Beck, J. *Effect of residence in a fluoridated community on the incidence of coronal and root caries in an older adult population.* J Public Health Dent 1989, 49(3): 138-141.

[3]Health Canada. Chief Dental Officer.

Community Water Fluoridation is Highly Cost-Effective

- Adding fluoride to water is the best way to provide fluoride protection to a large number of people at a low cost.
- The average lifetime cost per person to fluoridate a community can be less than the cost of one dental filling. [1], [2]
- For most cities, every $1 invested in water fluoridation saves $38 in dental treatment costs. [3]

[1] Griffin SO, Jones K, Tomar SL. An economic evaluation of community water fluoridation. J Public Health Dent. 2001;61:78–86.

[2] Campain AC, Mariño RJ, Wright FA, Harrison D, Bailey DL, Morgan MV. The impact of changing dental needs on cost savings from fluoridation. Aust Dent J. 2010 Mar;55(1):37-44.

[3] Centers for Disease Control and Prevention Cost Savings of Community Water Fluoridation http://www.cdc.gov/fluoridation/fact_sheets/cost.htm

Community Water Fluoridation is Equitable

- Water fluoridation benefits all residents, regardless of age, socioeconomic status, education, employment, or dental insurance status.
- It promotes equality among all segments of the population, particularly the underprivileged and the hardest to reach, where other preventive measures may be inaccessible or not affordable.
- It also has been shown to provide the greatest benefits to those that need it the most, meaning those most at risk for disease. [1]

[1] McDonagh M, Whiting P, Bradley M, Cooper J, Sutton A, Chestnutt I, Misso K, Wilson P, Treasure E, Kleijnen J. A systematic review of public water fluoridation. http://www.york.ac.uk/inst/crd/CRD_Reports/crdreport18.pdf

Parting thoughts...

- Tooth decay is the single most common chronic disease among Canadians of all ages
- The dangers associated with poor oral health extend well beyond cavities – poor oral health has been linked to poor nutritional status, low birth weight, childhood obesity, diabetes, cardiovascular disease and respiratory infections
- Even with other sources of fluoride available today, fluoridated water supplies still have an impact on reducing the rates of tooth decay not only in children, but adults and seniors as well
- Discontinuation of drinking water fluoridation risks reducing the impact of low income dental programs, such as Children in Need of Treatment and Healthy Smiles Ontario
- Drinking water fluoridation is safe, effective, highly cost-effective and reaches the entire population

Parting thoughts...

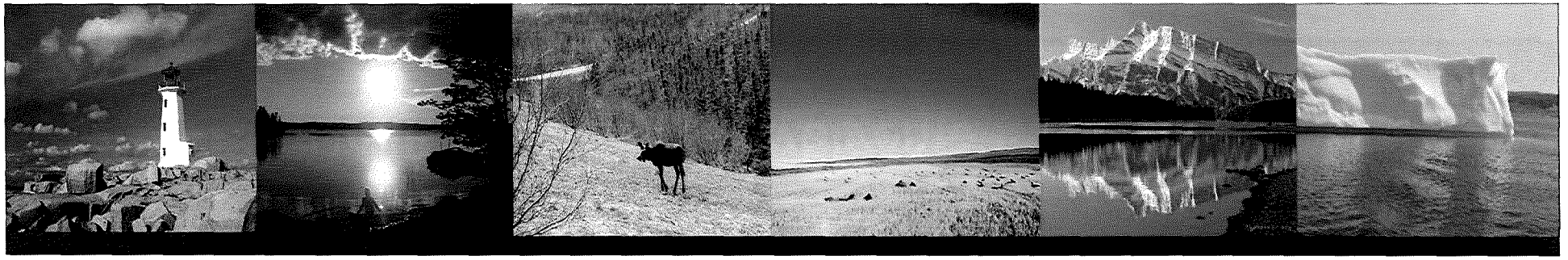
THANK YOU

Office of the Chief Dental Officer

Health Canada's Position on Fluoride

ocdo-bdc@HC-SC.GC.CA

Health Canada Santé Canada



Health Canada's Involvement to date.

- By Invitation;
- Present Science (from Health Canada's expert review panel);
- Present International Information;
- Respect Provincial / Territorial / Municipal Parameters.

Oral Health and Overall General Health

Dental disease is:

- the #1 chronic disease in children & adolescents;
(U.S. Surgeon General's Report, May 2000)
http://www.surgeongeneral.gov/library/oralhealth/

- five (5) times more common than asthma;

- one of the main reasons preschool children receive a general anaesthetic;

- the second most expensive disease category in Canada;
http://www.fptdwg.ca/English/e-documents.html

- 47% of Canadians have had dental disease by 6 years of age, 96% have had it in their lifetime.
http://www.fptdwg.ca/English/e-documents.html

- Oral health is linked to a number of systemic diseases.

In 2006, Health Canada initiated a review of fluoride. This process included:

-3 external experts drafted technical reports on toxicology/intake of fluoride/risks & benefits
-External peer-review of technical reports by 3 experts (2006)

-Expert Panel Meeting with 6 experts & stakeholders (2007)

-Findings & Recommendations of Expert Panel Meeting (2008)
http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/2008-fluoride-fluorure/index-eng.php

-Guideline Technical consultation document prepared
-2 month national public consultation undertaken (2009)
http://www.hc-sc.gc.ca/ewh-semt/consult/_2009/fluoride-fluorure/index-eng.php

-Approval on the updated technical report received from 2 Federal-Provincial-Territorial Committees
-Release of Guideline Technical Document (2010)
http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/2011-fluoride-fluorure/index-eng.php

Findings & Recommendations from Review

Total Daily Intake:

General decrease in recent years (Use of supplements has decreased and concentrations of fluoride in infant formulas have decreased)

Dental Fluorosis:

First 3 years of age is period of most significant concern;

Point of concern should be moderate dental fluorosis (Dean's Index);

Other Health Effects:

No conclusive evidence related to bone fracture, cancers, intelligence quotient, skeletal fluorosis, immunotoxicity, reproductive and developmental toxicity, genotoxicity and neurotoxicity based on a MAC of 1.5 mg/L.

The **MAC** of 1.5 mg/L for fluoride in drinking water should be reaffirmed.

To adopt a level of 0.7 mg/L as the **optimal** target concentration

On Health Canada's process:

"Health Canada has established a comprehensive process for developing new guidelines and reviewing existing ones that require an update. The process is consultative, transparent, and based on risk and science."

Commissioner on Environment and Sustainable Development in his report tabled in September 2005

http://www.oag-bvg.gc.ca/internet/English/parl_cesd_200509_04_e_14951.html#ch4hd4a

Fluorosis → 6 - 12 year olds

Normal teeth	Questionable[1]	Very Mild	Mild	Moderate /severe[2]
60%	24%	12%	4%	<0.3%

[1] ill defined and could be due to antibiotic usage, infection, severe fever, trauma etc.
http://www.fptdwg.ca/English/e-documents.html

Note:

- Initial WHO central calibration
- Recalibration on first day of each new site
- Recalibration at mid point of each site
- Recalibration before end

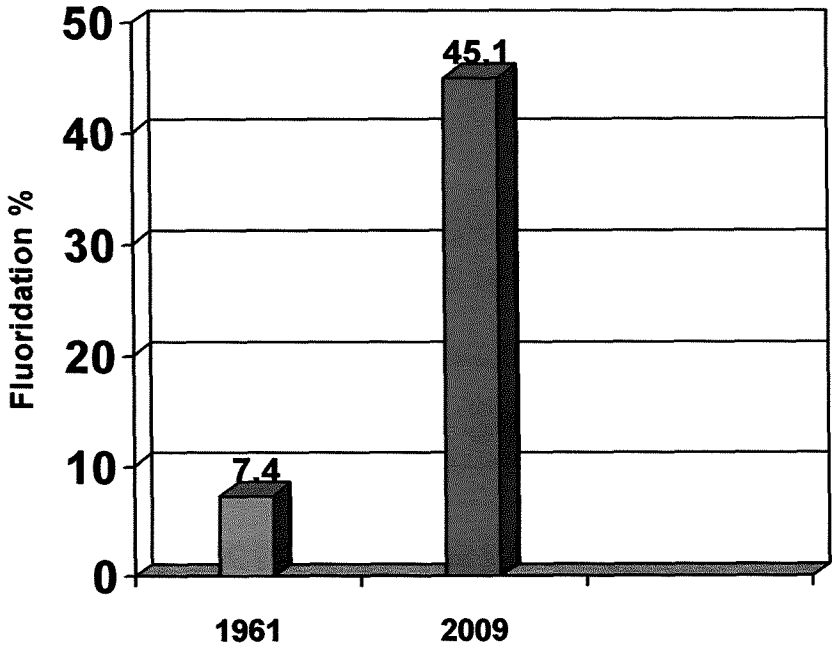
[2] Statistics Canada criteria for withholding reporting value:

- Highly unstable numbers (<10)
- Coefficient of variation > 33.3%

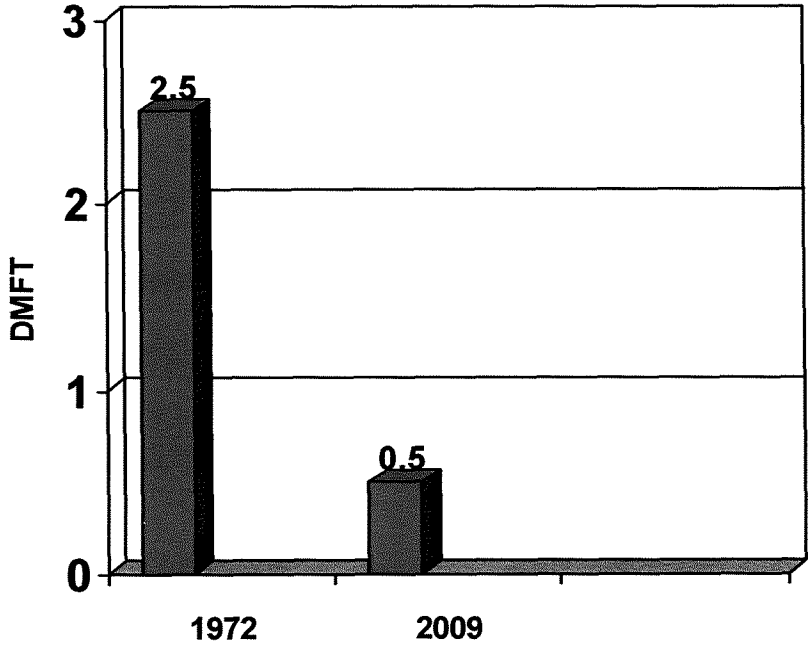
For information regarding measures spread in data see the Statistics Canada web site:
http://www.statcan.gc.ca/edu/power-pouvoir/ch12/5214876-eng.htm

1961-2009 Trends in Water Fluoridation and Dental Decay in Canada.

Fluoridation %



Children's Decay (DMFT) Rates



Dr. Carlos Quinonez, Faculty of Dentistry, University of Toronto

http://www.hc-sc.gc.ca/ahc-asc/branch-dirgen/fnihb-dgspni/ocdo-bdc/project-eng.php

http://www.fptdwg.ca/English/e-documents.html

Conclusions

Health Canada continues to recognize the benefits of community water fluoridation, and supports it as a safe and an effective method to prevent tooth decay.

A Message from the Chief Public Health Officer

Water Fluoridation

Dental disease is the number one chronic disease in North America. It affects a staggering 96% of Canadian adults, is on the rise among young Canadian children in some areas, and poor dental health increases the risk of other diseases.

The Public Health Agency of Canada supports water fluoridation for our oral health. Simply put, it is a safe and cost effective public health measure which has the potential to benefit everyone, regardless of age, socioeconomic status, education, or employment.

David Butler Jones
Chief Public Health Officer of Canada

September 2011
http://www.phac-aspc.gc.ca/cpho-acsp/statements/20110913-eng.php

Royal College of
Dental Surgeons of Ontario

Ensuring Continued Trust

6 Crescent Road
Toronto, ON Canada M4W 1T1
T: 416.961.6555 F: 416.961.5814
Toll Free: 800.565.4591 www.rcdso.org

DELEGATION IN SUPPORT OF FLUORIDATION
CITY OF HAMILTON BOARD OF HEALTH

DR. RON YARASCAVITCH
COUNCIL MEMBER
ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO

Monday, April 16, 2012
Council Chambers, Hamilton City Hall
Hamilton, Ontario

Good afternoon. I want to thank the Board of Health for the opportunity to speak on this very important issue.

My name is Dr. Ron Yarascavitch and I am a member of the governing council of the Royal College of Dental Surgeons of Ontario.

RCDSO is a provincial health-care regulatory body. We are mandated by provincial law to protect the public's right to quality oral health care in Ontario.

We do not represent dentists but license and regulate the dental profession in Ontario.

I want to emphasize that point: RCDSO does not speak on behalf of the dental profession. We are the body mandated by provincial law to work in the interests of public protection and safety.

We take this mission very seriously. That is why in 2003 our governing Council passed a policy in support of water fluoridation.

The College's Council, composed both of dentists and public members appointed by government, is convinced that fluoridation of community water systems, at the appropriate levels, is a safe and effective public health measure.

Tooth decay is really a health care issue. The current disparities in oral health are sometimes referred to as a "silent epidemic."

This burden of disease restricts activities in school, work and home, and often significantly diminishes the quality of life.

Tooth decay is an infectious disease. It is the #1 chronic disease in children and adolescents in Canada. It is five times more common that asthma.

Untreated tooth decay can lead to infection, pain and abscesses. It can affect school performance, even a child's sense of self-worth.

One of water fluoridation's biggest advantages is that it benefits all residents of a community – at home, work, school or play – throughout their lifetime.

This is of key importance for families when income level or ability to receive routine dental care is a barrier to good oral health.

Most people know about the benefits that water fluoridation brings to children -- less tooth decay, less pain, fewer fillings and fewer emergency visits to the dentist.

However, not many people realise that those same benefits also apply to adults, including older people. In fact, anyone who still has any of their own teeth will benefit from drinking fluoridated water.

Research tells us that oral health and general health are strongly linked. Fluoridation improves a population's dental health, and as a consequence, its general health.

Studies and independent reviews of the relevant medical and scientific literature over many years consistently affirm the beneficial effects of fluoridation.

This view-point is reinforced in the impressive information report compiled by your public health services department. Medical literature continues to confirm, yet again, that fluoridation is safe and effective.

Fluoridation has now been used throughout the world for at least 60 years.

Around 400 million people in at least 53 countries drink fluoridated water -- including over two-thirds of the population of the United States.

About 70% of the population in Ontario has access to fluoridated water.

This means there is a wealth of experience and evidence about its positive health effects.

Fluoridation is supported at the highest international levels of health policy-making.

The World Health Organisation continues to support water fluoridation. Health Canada supports the use of fluoridation, as does the Chief Medical Officer of Health in Ontario.

The Ontario Medical Association also supports the addition of fluoride to drinking water.

RCDSO is pleased to bring the endorsements of fluoridation from the dean of the dental faculty at the University of Toronto and from the director of the dental department at the Schulich School of Medicine and Dentistry at the University of Western Ontario.

These two dental schools are the premiere leaders in dental education and research in this country.

In closing, on behalf of the Royal College of Dental Surgeons of Ontario (RCDSO), I want to thank you for your serious consideration of this issue.

We sincerely hope, with your usual thoughtfulness and vision, you will ensure that all Hamilton residents will continue to have the benefit of this safe, effective and economical way to help prevent tooth decay in infants, children, adults and seniors.

Thank you for your attention.

Western

Schulich
MEDICINE & DENTISTRY

July 3, 2009

President
Royal College of Dental Surgeons

Dear Sir or Madame,

I am writing in strong support of the RCDSO's position and to provide further a strong endorsement to the fluoridation in municipal drinking water.

Water fluoridation is known to be one of the greatest public health and disease-preventive measures world-wide. Evidence gathered by the Center for Disease Control, National Institute of Dental Research and Health Canada demonstrates that fluoride treated water continues to provide dental health benefits to all ages.

Epidemiological studies have concluded that a daily and frequent small amount of fluoride appears to dramatically reduce the incidence of dental caries in all populations. It has proven to be a safe and effective method of reducing dental decay and retaining tooth structure. More importantly, it suggests that the greatest population who benefits from water fluoridation is children from economically depressed communities.

Opposition of water fluoridation has existed ever since it was introduced in Michigan in the 1940s. Many opposed individuals view fluoridation as limiting their freedom of choice. The latter opposition who believe it is a health concern stems from misinterpretations of the scientific studies of fluoride.

It could conceivably be unethical to not add fluoride in the municipality water supply, because of its sustained record of significantly improving the oral health of local people of all ages, and helping to lower high levels of dental disease for our most vulnerable populations – low or no income families.

Sincerely,

Harinder S. Sandhu, DDS, PhD, Diploma in Perio
Director, Schulich Dentistry

Schulich School of Medicine & Dentistry • The University of Western Ontario
Dentistry • Room 1003, Dental Sciences Building
London, Ontario • N6A 5C1 • Canada
Telephone: (519) 661-3330 • Fax: (519) 661-3875 • www.schulich.uwo.ca/dentistry

Faculty of Dentistry
University of Toronto

OFFICE OF THE DEAN

David Mock, DDS, PhD, FRCD(C)
Professor & Dean
Arthur Zwingenberger Decanal Chair

July 2, 2009

President,
Royal College of Dental Surgeons of Ontario

Dear Sir/Madam:

I am writing in support of the RCDSO's position on water fluoridation. Our position has been clearly stated in a submission prepared in conjunction with the Ontario Agency for Health Protection and Promotion, the Ontario Dental Association and the RCDSO some time ago.

Dental caries is the most prevalent infectious disease and the commonest cause of tooth loss in humans. Besides the obvious pain and suffering it causes, poor oral health and resultant infections have more recently been associated with many other diseases and therefore poor general health. The adverse economic, sociological and psychological effects of dental disease are not inconsequential. Fortunately, a relatively simple, effective and inexpensive means to reduce the occurrence of this condition is available: fluoridation. While fluoride can be delivered in a variety of ways - through toothpaste or direct application by dental professionals - the most efficient means of achieving impact is through fluoridation of public water supplies. In 1999 the United States Centers for Disease Control and Prevention identified fluoridation of water as one of the ten greatest achievements of public health in the previous century. Unfortunately, in Ontario, we are witnessing a concerted effort to reverse fluoridation of public water. The opponents of fluoridation have selectively presented research to make their case but the fact is there are few health interventions for which the benefits and risk are so clear.

Claims that therapeutic concentrations cause diseases such as cancer do not stand up to scientific scrutiny. Thorough reviews have been undertaken by reputable and trustworthy scientific and health related organizations including Health Canada, the CDC, the Office of the Surgeon General of the United States, and the World Health Organization. The result has been unanimous support for the safety and efficacy of water fluoridation in the control of dental caries. Furthermore, major dental and medical associations and public health agencies, both nationally and internationally support its use. The most significant beneficiaries are the most vulnerable, children from lower income families, who can least afford to obtain either preventive dental services, or the even most expensive treatments if caries are not prevented.

It is illogical to deprive our population, particularly our children, of the benefit of water fluoridation based on unsupported speculation while disregarding sound scientific evidence and the advice of the leading national and international health authorities. Like all therapeutic treatments, research should and will continue in order to maximize the safety and efficacy of fluorides so that future generations will reap even more benefit. Millions of children, now adults, have benefitted to date and, if reason prevails, millions more will.

Yours sincerely,

David Mock

David Mock

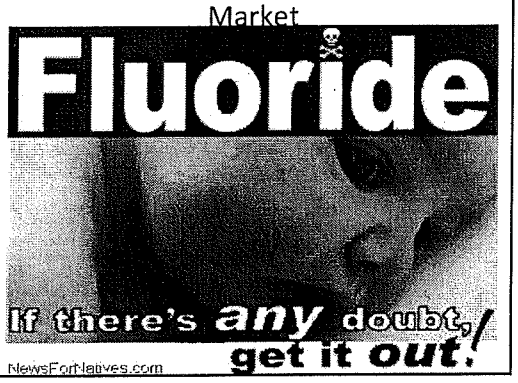
124 Edward Street Toronto Ontario M5G 1G6
Phone (416) 979-4910 Ext. 4382
Facsimile (416) 979-4937
E-mail david.mock@dentistry.utoronto.ca

End the practice of Artificial Fluoridation of water

By Shane Coleman

University of Waterloo graduate Biology/Chemistry

President of the Hamilton Farmers Market



Sometimes we need to rethink science practices

- Remember thalidomide
  Woman took morning sickness pills that was reported "to be Safe"

DEET insecticide

Lead in paint and gas

BiPhenol A in plastics causes hormone disruptions.
(Canada was first country to declare BPA a toxic substance)

The Globe and Mail

Flouridation may not do much for cavities

MARTIN MITTELSTAEDT
From Friday's Globe and Mail
Published Thursday, Apr. 15, 2010 4:12PM EDT
Last updated Friday, Apr. 16, 2010 7:49AM EDT

When it comes to fluoridating drinking water, Ontario and Quebec couldn't be further apart. Ontario has the country's highest rate of adding the tooth-enamel-strengthening chemical into municipal supplies, while Quebec has one of the lowest, with practically no one drinking fluoridated water.

But surprisingly, the two provinces have very little difference in tooth-decay rates, a finding that is likely to intensify the ongoing controversy over the practice of adding fluoride to water as a public health measure.

Fluoridation is one major and obvious difference between the provinces. More than three-quarters of Ontario residents live in areas where municipal water supplies contain the chemical. In Quebec, 94 per cent have water free of the additive, according to figures published by Health Canada in 2007.

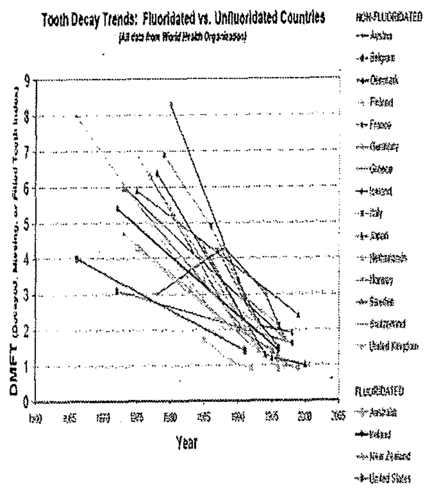
Since then, Quebec City has voted to stop fluoridating, indicating that the difference between the two provinces is currently even more pronounced.

Some critics of fluoridation say the survey does raise questions about the practice.

"Fluoridation is no longer effective," contends Hardy Limeback, head of the preventive dentistry program at the University of Toronto, who says adding the chemical to water is "more harmful than beneficial."

- **Nov. 15, 2011 letter by Dr. Hardy Limeback, professor and head of preventive dentistry at the University of Toronto.**
- **Limeback has "personally conducted years of funded research at the University of Toronto on the topic of fluorosis (fluoride poisoning) and bone effects of fluoride intake. A bone study, for which we received national funding, comparing hip bones of people who live in Toronto (fluoridated since 1963) to the bones of people from Montreal (Montreal has never been fluoridated) suggests disturbing negative changes in the bone quality of Torontonians. This is not good."**
  Limeback's letter also stated that fluoride has not been shown to be safe and effective and that the pendulum is shifting to where fluoride is being considered "not safe, and no longer effective."

Figure 1.



Conclusion: Tooth decay rates have decreased in both Fluoridated and non fluoridated countries

Cities which have stopped fluoridation since 1990

				Test Valley Borough Council (UK)	November 11, 2008
Ashenburg, Ontario, Canada	February 7, 2012	[illegible]	[illegible]	Jackman, Maine	November 4, 2008
[illegible]	February 7, 2012	[illegible]	[illegible]	Moose River, Maine	November 4, 2008
Myerstown PA	January 11, 2012	[illegible]	[illegible]	Corning, New York	November 4, 2008
[illegible]	December 20, 2011	[illegible]	[illegible]	Ainsworth, Nebraska	November 4, 2008
Hampton, New Brunswick, Canada	December 19, 2011	[illegible]	[illegible]	[illegible], Nebraska	November 4, 2008
[illegible], New Brunswick, Canada	December 12, 2011	[illegible]	[illegible]	Battle Creek, Nebraska	November 4, 2008
Lake Cowichan British Columbia, Canada	November 19, 2011	[illegible]	[illegible]	[illegible], Nebraska	November 4, 2008
Williams Lake, British Columbia, Canada	November 19, 2011	[illegible]	[illegible]	Beatrice, Nebraska	November 4, 2008
Amesbury, MA	November 8, 2011	[illegible]	[illegible]	Bridgeport, Nebraska	November 4, 2008
Lawrenceburg, TN	October 18, 2011	[illegible]	[illegible]	Broken Bow, Nebraska	November 4, 2008
Churchill, Manitoba, Canada	October 18, 2011	[illegible]	[illegible]	Cambridge, Nebraska	November 4, 2008
New Plymouth, New Zealand	October 15, 2011	[illegible]	[illegible]	Central City, Nebraska	November 4, 2008
Spencer, IA	October 13, 2011	[illegible]	[illegible]	Chadron, Nebraska	November 4, 2008
Palmer, AK	October 11, 2011	[illegible]	[illegible]	Cozad, Nebraska	November 4, 2008
Pinellas County, Florida	October 4, 2011	[illegible]	[illegible]	Crawford, Nebraska	November 4, 2008
College Station, TX	September 22, 2011	[illegible]	[illegible]	David City, Nebraska	November 4, 2008
Slave Lake, Alberta, Canada	September 12, 2011	[illegible]	[illegible]	Eagle, Nebraska	November 4, 2008
Hohenwald, TN	September 6, 2011	[illegible]	[illegible]	Friend, Nebraska	November 4, 2008
[illegible], PA	August 16, 2011	[illegible]	[illegible]	Geneva, Nebraska	November 4, 2008
Spring Hill, TN	August 15, 2011	[illegible]	[illegible]	Gothenburg, Nebraska	November 4, 2008
[illegible], OR	August 8, 2011	[illegible]	[illegible]	Grand Island, Nebraska	November 4, 2008
Taber, Alberta, Canada	July 20, 2011	[illegible]	[illegible]	Grant, Nebraska	November 4, 2008
Meadow Lake, Saskatchewan, Canada	July 4, 2011	[illegible]	[illegible]	Hastings, Nebraska	November 4, 2008
[illegible], New Zealand	June 30, 2011	[illegible]	[illegible]	Hebron, Nebraska	November 4, 2008
Fairbanks, Alaska	June 8, 2011	[illegible]	[illegible]	[illegible], Nebraska	November 4, 2008
Mount Clemens, Michigan	May 18, 2011	[illegible]	[illegible]	Kimball, Nebraska	November 4, 2008
Lago Vista, Texas	April 21, 2011	[illegible]	[illegible]	Lexington, Nebraska	November 4, 2008
[illegible]	March 17, 2011	[illegible]	[illegible]	Madison, Nebraska	November 4, 2008
Independence, Virginia	February 18, 2011	[illegible]	[illegible]	Milford, Nebraska	November 4, 2008
Calgary, Alberta, Canada	February 8, 2011	[illegible]	[illegible]	Mitchell, Nebraska	November 4, 2008
Yellow Springs, Ohio	February 7, 2011	[illegible]	[illegible]	North Platte, Nebraska	November 4, 2008
Varennes, Quebec, Canada	February 7, 2011	[illegible]	[illegible]	Ord, Nebraska	November 4, 2008
				Pawnee City, Nebraska	November 4, 2008

Cities which have stopped fluoridation since 1990

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

Cities which have stopped fluoridation since 1990

		Hardwick, Vermont	November 7, 2000	[illegible]	April 7, [illegible]
Kalispell, Montana	November 5, 2002	[illegible], Vermont	November 7, 2000	[illegible], British Columbia, Canada, Canada	[illegible]
Washoe County, Nevada	November 5, 2002	[illegible] City, Utah	November 7, 2000	[illegible]	February [illegible]
Methuen, Massachusetts	November 5, 2002	Hyrum City, Utah	November 7, 2000	[illegible], Oregon	December 22, 1997
Redding, California	November 5, 2002	Providence City, Utah	November 7, 2000	Largo, Florida	July 15, 1997
Watsonville, California	November 5, 2002	Smithfield City, Utah	November 7, 2000	Clearwater, Florida	July 15, 1997
Texarkana, Arkansas	November 5, 2002	Logan City, Utah	November 7, 2000	[illegible] Florida	July 15, 1997
Ashdown, Arkansas	November 5, 2002	River Heights, Utah	November 7, 2000	[illegible], New York	May 21, 1997
Oneida, New York	August 6, 2002	Pequannock, New Jersey	November 7, 2000	[illegible], California	May 1, 1997
Franklin, North Carolina	May 2002	[illegible], Missouri	November 7, 2000	[illegible], Pennsylvania	April 15, 1997
[illegible], Massachusetts	April 1, 2002	Wooster, Ohio	November 7, 2000	Village of [illegible], Wisconsin	December 1, 1996
Monroe, Louisiana	February 26, 2002	Squamish, British Columbia, Canada	October 18, 2000	[illegible] County, New York	[illegible]
Colorado Springs, Colorado	January 16, 2002	Woodside, California	September 2000	[illegible], British Columbia, Canada	[illegible]
Kennewick, Washington	January 15, 2002	Ste. Genevieve, Missouri	August 8, 2000		
[illegible], Vermont	January 8, 2002	Winfield, Kansas	March 6, 2000		
Lanai, Hawaii	January 2002	Wilmington, Massachusetts	February 15, 2000		
Cobalt, Ontario, Canada	December 11, 2001	Santa Barbara, California	November 23, 1999	[illegible]	December [illegible]
Erie, Colorado	November 2001	Johnstown, New York	November 19, 1999	[illegible], Wisconsin	[illegible]
Modesto, California	November 7, 2001	Wichita, Kansas	October 26, 1999	[illegible]	July [illegible]
[illegible], Massachusetts	November 7, 2001	Boca Raton, Florida	October 25, 1999	[illegible], New York	February 1, [illegible]
Flagstaff, Arizona	November 7, 2001	El Cajon, California	April 27, 1999	[illegible], Florida	January [illegible]
[illegible], Oregon	November 7, 2001	Helix Water District, California	April 7, 1999	[illegible]	December [illegible]
Kamloops, British Columbia, Canada	October 13, 2001	Lakeside Water District, California	April 6, 1999	[illegible], Pennsylvania	[illegible]
White Salmon, Washington	September 2001	Hutchinson, Kansas	March 30, 1999	[illegible], Maryland	February [illegible]
Goldendale, Washington	September 2001	[illegible] Water District, California	March 24, 1999	[illegible], New York	December [illegible]
[illegible], South Carolina	June 2001	La Mesa, California	March 9, 1999	[illegible], England	[illegible]
Harper, Kansas	May 31, 2001	Santa Cruz, California	March 4, 1999 _banned	[illegible], Massachusetts	[illegible]
Brewster, Massachusetts	May 15, 2001	Bremerton, Washington	February 2, 1999		
McPherson, Kansas	April 3, 2001	Olympia, Washington	December 15, 1999	[illegible], Oklahoma	[illegible]
[illegible], Maine	May 5, 2001	Seward, Nebraska	November 3, 1998	[illegible], California	[illegible]
Blue River, Wisconsin	February 2001	Whitehorse, Yukon Territory, Canada	July 21, 1998 _ quit after [illegible]	[illegible], California	[illegible]
[illegible], Oregon	January 2001	Grand Island, Nebraska	May 13, 1998 _ quit	[illegible], British Columbia, Canada	April 1993 _ quit after [illegible] years
Ithaca, New York	November 7, 2000	Norfolk, Nebraska	May 13, 1998	[illegible], British Columbia, Canada	November 1993 _ quit after [illegible] years
Spokane, Washington	November 7, 2000	North Platte, Nebraska	May 13, 1998	[illegible], British Columbia, Canada	November 1993 _ quit after [illegible] years
[illegible], Vermont	November 7, 2000				

With a forward thinking Council

- Hamilton Ends Water Fluoridation

- 2012

Fluoride **is Dangerous** to infants

How can parents and caregivers follow the recommendations?

- Breast milk is the most complete form of infant nutrition. The American Academy of Pediatrics recommends that babies be breastfed for the first full year of life.
- When liquid concentrate or powdered infant formula is used, it should be mixed with water that is fluoride-free, or contains very low levels of fluoride.*
- *The Department of Health checked several brands of locally available bottled waters for fluoride content and found all brands contained very low or zero amounts.
- Ready-to-feed formula may also be used.
- Only reverse osmosis filtering systems can remove fluoride from tap water. Filters such as Brita cannot remove fluoride from fluoridated water.

Resources

Vermont Department of Health
Office of Oral Health
108 Cherry Street
Burlington, VT 05401
802-863-7341, or 1-800-464-4343
http://healthvermont.gov/family/dental/fluoride/formula.aspx

Burlington Board of Health
645 Pine Street, PO Box 849
Burlington, VT 05402
802-863-0442
http://www.ci.burlington.vt.us/health

Burlington Community Health Center
617 Riverside Ave.
Burlington, VT 05401
802-864-0309
http://www.communityhealthcenterburlington.org/about_us.htm

La Leche League International
802-985-4228, or 802-863-7981
http://www.lalecheleague.org

American Dental Association
http://www.ada.org/public/topics/fluoride/index.asp

Centers for Disease Control and Prevention
Division of Oral Health
http://www.cdc.gov/fluoridation/safety/infant_formula.htm

The Facts about Fluoridated Water and Infant Formula

City of Burlington Board of Health

VERMONT DEPARTMENT OF HEALTH

Fluoride Dangerous to infants

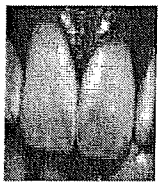
- **What is the concern about infant formula and fluoridated water?**
- Research has raised the possibility that infants under 12 months of age may be getting too much fluoride, if they drink formula mixed with fluoridated water.
- While more research is being done, the American Dental Association and the Vermont Department of Health recommend mixing powdered or concentrated baby formula **with water that is fluoride-free or contains very low levels of fluoride**, for feeding infants under 12 months of age.
- **Why has the recommendation changed?**
- A child's teeth (baby teeth and permanent teeth) may develop **very mild to mild fluorosis** from drinking fluoridated water as an infant.
- The Vermont Department of Health and the Burlington Board of Health want parents and childcare providers to know how to avoid the possible risk of fluorosis. **What is fluorosis?**
- Fluorosis is not a disease. Fluorosis affects the way teeth look:
- In very mild fluorosis, teeth may have faint white lines or streaks not readily visible.
- In the **mild form**, teeth begin to show more visible white spots.
- In **moderate** to **severe** fluorosis, the appearance and form of teeth are seriously affected.
- (Photos of fluorosis can be found on the Vermont Department of Health website: http://healthvermont.gov/family/dental/ fluoride/formula.aspx)
- **Why is fluoride added to water?**
- Fluoride is added to water to reduce tooth decay in children and adults.
- Communities add fluoride to water systems by adjusting the amount of natural fluoride found in the water, to a level that is best for the dental health of its residents. **How would you know if your town water is fluoridated?**
- Burlington's community water supply is fluoridated. If you live in another town, contact your family dentist, doctor or the Vermont Department of Health to find out if the water you drink is fluoridated.
- Call the Department of Health at:
- 802-863-7341, or
- toll-free at 1-800-464-4343
-

1. The Journal of the American Dental Association
January 2011 vol. 142 no. 1 79-87
Evidence-Based Clinical Recommendations Regarding Fluoride Intake From Reconstituted Infant Formula and Enamel Fluorosis

- SCOPE AND PURPOSE OF THE RECOMMENDATIONS

- A multidisciplinary panel, comprising experts on fluoride, epidemiologists, methodologists and practitioners, reviewed the available literature to determine the risk of developing enamel fluorosis as a result of ingesting fluoride from reconstituted infant formula. The American Dental Association (ADA) Council on Scientific Affairs (CSA) convened a panel to evaluate the available scientific evidence on the topic of fluoride intake from infant formula and any association with fluorosis. Although some evidence suggests that fluoride's caries-preventive benefit may be best achieved when a person receives both topical and pre-eruptively administered systemic fluoride,36–39 **the preventive benefit derived from systemic fluoride intake specifically in the first six months of life has not been established.**

Fluorosis Rates



- **A Review by Foulkes RG, "Investigation of inorganic fluoride and its effect on the occurrence of dental caries and dental fluorosis in Canada - final report", *Fluoride*, 1995 Aug, 28:3, 146-148**
- a mean score of 40.5%
- Dental Fluorosis is an epidemic!
- Your teeth are a window to your bones and what is occurring in your body

Dentists have never been trained to know the effect of fluoride on the body

- **Fluoride may damage the brain.** According to the National Research Council (2006), "It is apparent that fluorides have the ability to interfere with the functions of the brain."
- **Fluoride may lower IQ.** There have now been 24 studies from China, Iran, India and Mexico that have reported an association between fluoride exposure and reduced IQ
- **Fluoride affects the pineal gland.** Studies by Jennifer Luke (2001)
- **Fluoride affects thyroid function.** According to the U.S. National Research Council (2006)
- **Fluoride causes arthritic symptoms.** Some of the early symptoms of skeletal fluorosis (a fluoride-induced bone and joint disease that impacts millions of people in India, China, and Africa), mimic the symptoms of arthritis (Singh 1963; Franke 1975; Teotia 1976; Carnow 1981; Czerwinski 1988; DHHS 1991)
- **Fluoride damages bone.** An early fluoridation trial (Newburgh-Kingston 1945-55
- **Fluoride may cause reproductive problems.** Fluoride administered to animals at high doses wreaks havoc on the male reproductive system - it damages sperm and increases the rate of infertility in a number of different species (Kour 1980; Chinoy 1989; Chinoy 1991; Susheela 1991; Chinoy 1994; Kumar 1994; Narayana 1994a,b; Zhao 1995

Fluoride added to our water is not pharmaceutical NaFl- Sodium Fluoride it is industrial waste from fertilizer and aluminum production –NaSiF6 Sodium Fluorosilicate

Sodium Fluorosilicate

Sodium Fluorosilicate
Material Safety Data Sheet

Chemical: Sodium Fluorosilicate

NFPA: Hed Fed Is 0 Se-None
HMIS: He3 Fe3 Re0 PPE- Supplied by user, dependent on conditions

MSDS Number: Na2F6-1103
Effective Date: 11 October 2007
Issued by: Solvay Chemicals, Inc. Regulatory Affairs Department

Not valid three years after effective date or after issuance of superseding MSDS, whichever is earlier. French or Spanish translations of this MSDS may be available. Check www.solvaychemicalsusa.com or call Solvay Fluorides, LLC to verify the latest version or translation availability.

Material Safety Data Sheets contain country specific regulatory information; therefore, the MSDS's provided are for use only by customers of Solvay Fluorides, LLC in North America. If you are located in a country other than the United States, please contact the Solvay Group company in your country for MSDS information applicable to your location.

1. Company and Product Identification

1.1 Product Name: Sodium Fluorosilicate
Chemical Names: Sodium Silicofluoride
Synonyms: Sodium Fluosilicate, Sodium Fluorosilicate, Sodium Silica Fluoride, Disodium Hexafluoro- Silicate(2-)
Chemical Formula: Na_2SiF_6
Molecular Weight: 188.1
CAS Number: 16893-85-9
EINECS Number: 240-934-8
Grower/Trade Names: N/A

1.2 Recommended Uses: Fluoride source for water

1.3 Supplier: Solvay Fluorides, LLC
PO BOX 27238 Houston, TX 77227-7238
3333 Richmond Ave. Houston, Texas 77098

1.4 Emergency Telephone Numbers
General: 1-877-765-8293 (Solvay Fluorides, LLC)
Emergencies (USA): 1-800-424-9300 (CHEMTREC®)
Transportation Emergencies (INTERNATIONAL/MARITIME): 1-703-527-3887 (CHEMTREC®)
Transportation Emergencies (CANADA): 1-613-996-6666 (CANUTEC)
Transportation Emergencies (MEXICO -SETIQ): 01-800-00-214-00 (MEX. REPUBLIC)
-0-11-525-559-1588 (elsewhere)

Solvay Fluorides
A Subsidiary of Solvay Chemicals, Inc.

Why do the Safty Data Sheets comment :no Data available?

Sodium Fluorosilicate

Sodium Fluorosilicate
Material Safety Data Sheet

10. Stability and Reactivity

Stability: Stable under certain conditions (see below).

10.1 Conditions to avoid: Temperatures above decomposition temperature see section 9.

10.2 Materials and substances to avoid:
- Strong acids-reacts
- Strong alkalis-reacts
- Oxidizing agents-reacts
- Metals-reacts

10.3 Hazardous decomposition products:
- Hydrofluoric Acid
- Fluorine

10.4 Hazardous Polymerization: Not applicable

10.5 Other Information: None

11. Toxicological Information

11.1 Acute toxicity:
Inhalation: No data available.
Oral LD_{50} rat, 125mg/kg (Sodium hexafluorosilicate)
Dermal: No data available.
Irritation: No data available.
Sensitization: No data available.
Comments: No data available.

11.2 Chronic toxicity: No data available.

11.3 Carcinogenic Designations: None

12. Ecological Information

12.1 Acute ecotoxicity: No data available.

12.2 Chronic ecotoxicity: No data available.

12.3 Mobility: No data available.

12.4 Degradation
Abiotic: No data available.
Biotic: No data available.

12.5 Potential for bioaccumulation: No data available.

Note Canada DSL Registration (toxic)
WHMIS CLASSIFICATION:D2B Material causing other toxic effect

Sodium Fluorosilicate

Sodium Fluorosilicate
Material Safety Data Sheet

13. Disposal Considerations

13.1 Waste treatments: Consult current federal, state and local regulations regarding the proper disposal of this material.

13.2 Packaging treatment: Consult current federal, state and local regulations regarding the proper disposal of emptied containers.

13.3 RCRA Hazardous Waste: Not listed.

14. Transport Information

Note	DOT	IMDG	IATA
UN Number	UN 2674	UN 2674	UN 2674
Class	6.1	6.1	6.1
Proper Shipping Name	Sodium Fluorosilicate	Sodium Fluorosilicate	Sodium Fluorosilicate
Hazard label	Toxic	Toxic	Toxic
Subsidiary	Not a marine pollutant	Not a marine pollutant	Not a marine pollutant
Hazard	Toxic	Toxic	Toxic
Packing Group	III	III	III
ERG			
Emergency Info	ERG: 154	EmS: 6.1-04	ERG Code: 6L

15. Regulatory Information

National Regulations (US)

TSCA Inventory status: Yes

SARA Title III Sec. 302/303 Extremely Hazardous Substances (40 CFR355): No

SARA Title III Sec. 311/312 (40 CFR 370):
Hazard Category: None

SARA Title III Sec. 313 Toxic Chemical Emissions Reporting (40 CFR 372): No

CERCLA Hazardous Substance (40CFR Part 302):
Da Ioz: No
Unlisted Substance: No

State Component Listings: No Data.

National Regulations (Canada): Canadian DSL Registration: DSL

WHMIS Classification: D2B - Material causing other toxic effect

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations and the MSDS contains all the information required by the Controlled Products Regulations.

Canada

Canadian Centre for Occupational Health and Safety

www.ccohs.ca

Fluorosilicate Acid

National Regulations (Canada) Canadian DSL Registration: DSL

WHMIS Classification: D2B - Material causing other toxic effect

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations and the

MSDS contains all the information required by the Controlled Products Regulations.

WHIMIS Classifications

What are WHMIS classes or classifications?

WHMIS (Workplace Hazardous Materials Information System) uses classifications to group chemicals with similar properties or hazards. The Controlled Products Regulations specifies the criteria used to place materials within each classification. There are six (6) classes although several classes have divisions or subdivisions. Each class has a specific symbol to help people identify the hazard quickly

Division 2: Materials Causing Other Toxic Effects

These materials are poisonous as well. Their effects are not always quick, or if the effects are immediate but they are only temporary. The materials that do not have immediate effects, however, may still have very serious consequences such as cancer, allergies, reproductive problems or harm to the baby, changes to your genes, or irritation / sensitization which have resulted from small exposures over a long period of time (chronic effects).

Subdivision D2B (toxic) covers mutagenic (to non-reproductive cells), sensitization of the skin, skin or eye irritation, as well as chronic toxic effects.

Examples include: asbestos fibres, mercury, acetone, benzene, quartz silica (crystalline),lead and cadmium. The symbol for materials causing other toxic effects looks like a "T" with an exclamation point "!" at the bottom inside a circle.

Great Lakes United / Unies Grands Lacs

An international coalition to protect and restore the Great Lakes and St. Lawrence River

Resolution regarding artificial water fluoridation

Whereas the Basel Convention, Environment Canada and United States' Environmental Protection Agency (US EPA) all state that the chemicals used in artificial water fluoridation are hazardous waste which may not be put directly into lakes, rivers and oceans; and,

Whereas artificial water fluoridation chemicals contain between 20 to 30% hydrofluorosilicic acid (inorganic fluoride), trace amounts of arsenic, lead, mercury, radionuclides and other heavy metals, all considered to be toxic substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Priority List of Hazardous Substances in USA, 1989 First Priority Substances lists in Canada and proposed for "virtual elimination" under the Canadian Environmental Protection Act, the 1997 Binational Toxic Strategy and the 1978 Great Lakes Water Quality Agreement; and,

Whereas fluoride is not removed in sewage treatment and remains a toxic constituent of the effluent discharged by treatment plants to rivers and lakes; and,

Whereas background levels of fluoride in the Great Lakes exceed the Canadian Water Quality Guideline (CWQG) and fluoride concentrations in sewage effluent are 5-10 times in excess of the CWQG. At these concentrations fluoride is known to be toxic to a variety of water species such as salmon, caddisfly, daphnia magna & others; and,

Whereas the US EPA labor unions, the Canadian Association of Physicians for the Environment (CAPE), and professionals world-wide state that artificial water fluoridation is not effective in the prevention of cavities and not safe to vulnerable populations, as demonstrated in the recent US National Research Council 2006 Review; and,

Whereas there is a wide range of health vulnerabilities in a population and a wide range of consumption patterns for fluoridated water and beverages and foods made with fluoridated water, which means that an individual's daily dose of fluoride chemicals from drinking water cannot be controlled;

Whereas imposing chemicals used as a medication to a population without a prescription or their informed consent is unacceptable; and,

Whereas less than one percent of treated water is actually ingested by the body and the remaining 99 percent put into the environment; and,

Therefore be it resolved that Great Lakes United supports statements by the United States Environmental Protection Agency labor unions, Canadian Association of Physicians for the Environment (CAPE), and professionals worldwide that the practice of artificial drinking water fluoridation be terminated; and,

Therefore be it further resolved that Great Lakes United works to reverse existing government policies supporting artificial drinking water fluoridation;

Water Fluoridation: Health Canada is Misleading the Public

Paul Connett, PhD
Professor Emeritus of Environmental Chemistry
St. Lawrence University, Canton, NY
Director, Fluoride Action Network
www.FluorideALERT.org
pconnett@gmail.com
Hamilton, April 16, 2012

Outline of presentation

1. Health Canada's failure to organize health studies in fluoridated communities
2. HC's bias
3. HC's superficial review of the literature
4. Fluoride and the brain
5. HC's confusion between concentration and DOSE
6. Margin of Safety
7. Precautionary Principle

1. Health Canada's failure to study the health of fluoridated communities

In Canada there has been NO investigation of a possible relationship between the consumption of fluoridated water and

lowered IQ in children
behavioral changes in children
increased bone fractures in children
arthritic symptoms in adults
hypo-thyroidism
Early onset of puberty
Alzheimer's disease in adults

If you don't look, you don't find.

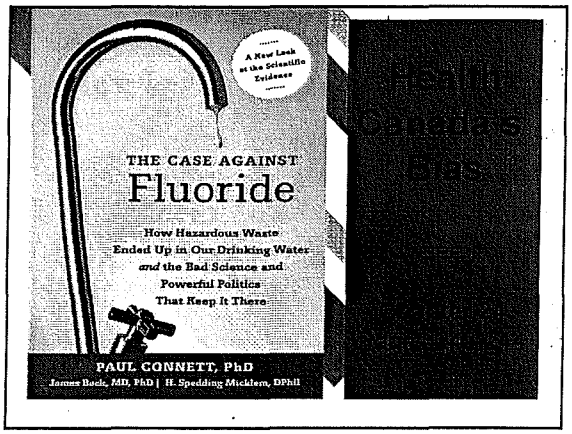
The absence of study is not the same as absence of harm.

Instead of science we are getting politics from Health Canada

Dr. Peter Cooney

- Dr. Peter Cooney, the Chief Dental Officer of Canada, told an audience in Dryden, Ontario (April 1, 2008),
- "I walked down your High Street today, and I didn't see anyone growing horns, and you have been fluoridated for 40 years!"

2. Health Canada's Bias



Health Canada's bias on fluoridation

- In 2006-2008 Health Canada picked a panel of six experts to review the literature on the safety of fluoridation. **4 of these 6 experts were dentists known to be pro-fluoridation.**
- Jay Kumar (from NY), Chris Clark (from BC), Stephen Levy (from Iowa) and Michael Levy (from Quebec)

Dr. Cooney's history of the "Expert Panel"

- 3 external experts drafted technical reports on toxicology/intake of fluoride/risks & benefits (2006)
- External peer-review of technical reports by 3 experts (2006)
- Expert Panel Meeting with 6 experts & stakeholders (2007)
- Findings & Recommendations of Expert Panel Meeting (2008)
- http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/2008-fluoride-fluorure/index-eng.php

(Cooney, slide 4)

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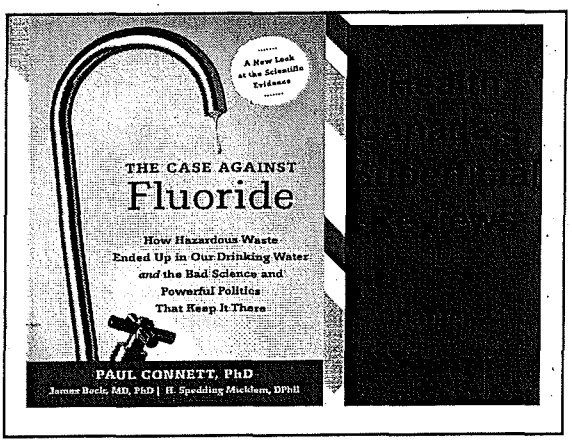
- Findings & Recommendations of Expert Panel Meeting (2008)
- http://www.hc-sc.gc.ca/ewh-semt/pubs/water-eau/2008-fluoride-fluorure/index-eng.php (Cooney, slide 4)

3. Health Canada's superficial reviews of the health literature



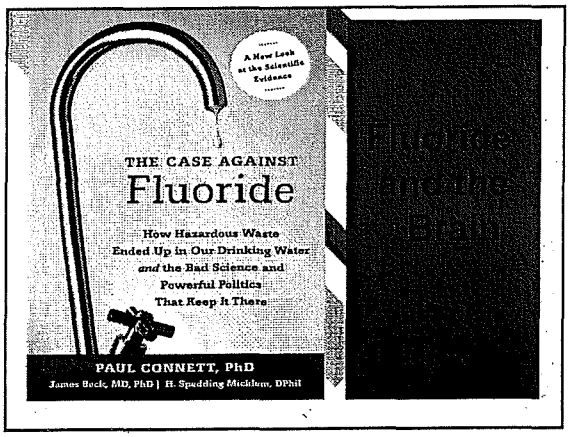
Health Canada superficial

When Health Canada published a draft of their review in 2009 it was **superficial.** For example they only looked at **FIVE** of **23** published studies showing an association between exposure to fluoride and lowered IQ.

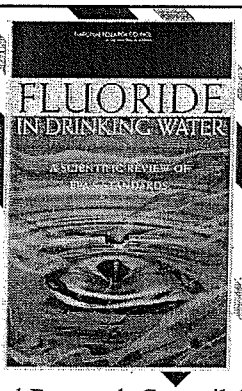
Health Canada *ignores* scientific input

- I sent in citations to the missing 18 IQ studies. But, in its final review in 2011 Health Canada had still only reviewed the 5 **(not 23)** studies on IQ.
- They asked for public input but they ignored scientific input when it was given.
- WHY?

4. Fluoride and the brain



- Over 100 animal studies show fluoride damages animal brain
- Over 10 animal studies show that fluoride changes animal behavior
- Three studies show that fluoride damages fetal brain
- 26 studies show an association between modest exposure to fluoride and lowered IQ



National Research Council (2006)

"it is apparent that fluorides have the ability to interfere with the functions of the brain."

Health Canada Expert Panel

- **Intelligence Quotient:** Weight of evidence does not support a link between fluoride and intelligence quotient deficit. There are significant concerns regarding the available studies, including quality, credibility, and methodological weaknesses such as the lack of control for confounding factors, the small number of subjects, and the dose of exposure . . .

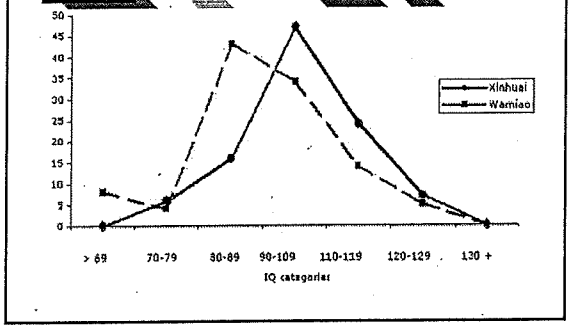
Human studies

- As of 2012, there are now 26 published studies (from China, Iran, India and Mexico) indicating that fluoride exposure is associated with lowered IQ in children (Health Canada only looked at five of these)

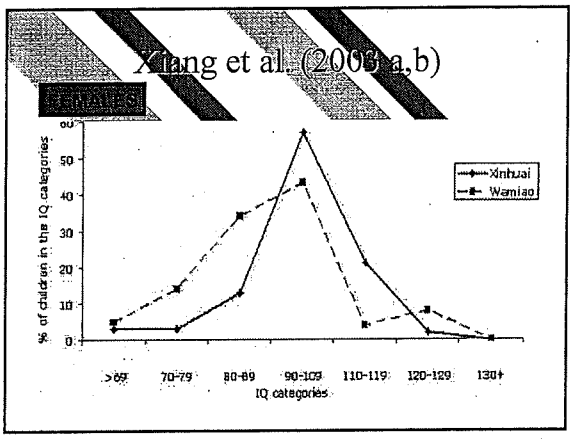
Xiang et al. (2003 a,b)

- Compared children in two villages (<0.7ppm versus 2.5 - 4.5 ppm F in water)
- Controlled for lead exposure and iodine intake, and other key variables (NOTE: both lead exposure and low iodine also lower IQ).
- Found a drop of 5-10 IQ points across the whole age range
- The whole IQ curve shifted for both males and females

Xiang et al. (2003 a,b)



Xiang et al. (2003 a,b)



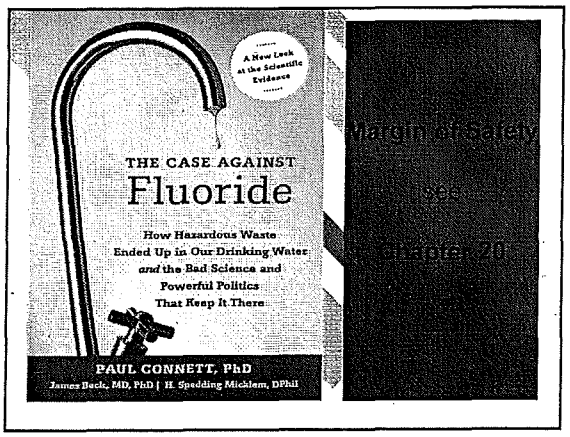
Xiang et al. (2003 a,b)

- Estimated that IQ in children lowered at
- 1.9 ppm fluoride in water (threshold)

5. Health Canada's confusion between Concentration and DOSE

A child drinking 3 liters of water at 0.7 ppm would get a HIGHER DOSE (2.1 mg/day) than a child drinking ONE Liter of water at 1.9 ppm (DOSE = 1.9 mg/day)

6. Margin of Safety



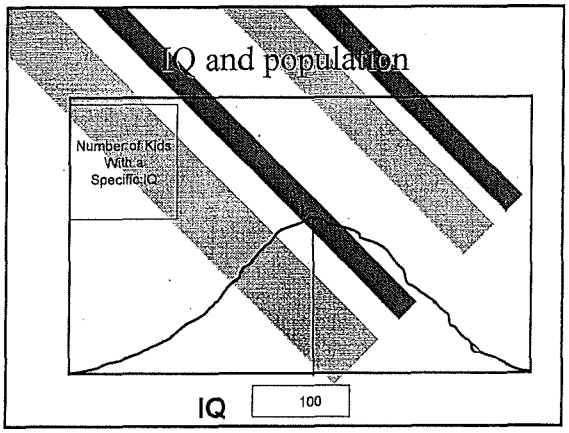
There is no adequate margin of safety

- Normally we apply a safety factor of 10 to the toxic dose found in a small study in order to protect the whole population
- If we assume that the Chinese children were drinking **one** liter of water per day (at 1.9 mg/liter) the dose that lowered IQ was 1.9 mg/day
- That would mean to protect the intelligence of ALL the children in a large population a safe dose would be 0.19 mg/day (1.9 divided by 10)
- **That is about one glass of water at 0.7 ppm!**

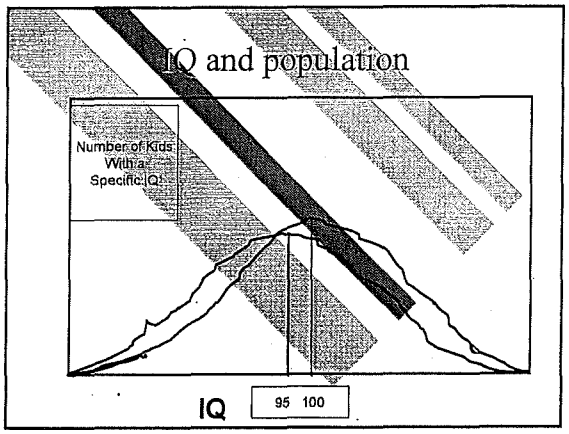
Two preposterous notions

- What parent in their right mind would put their children's teeth above their brains?
- What government would support a program aimed at lowering tooth decay - by at most 0.6 of one tooth surface – if it lowered the IQ of the population by even a small amount?

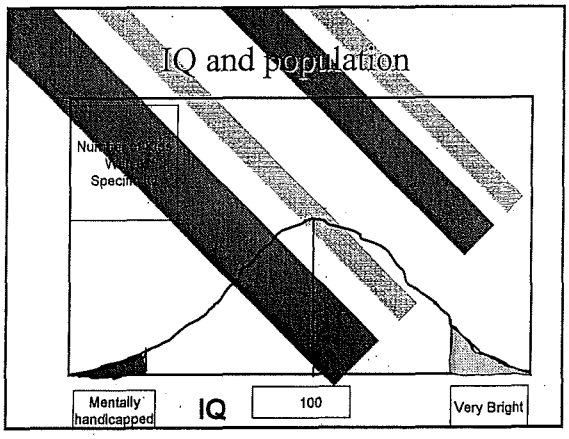
IQ and population



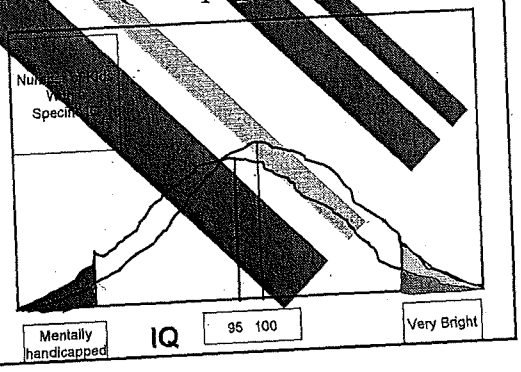
IQ and population



IQ and population



IQ and population

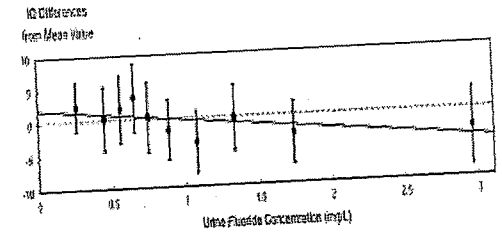


Ding et al. 2011 (J. Hazardous Materials)

- "Mean value of fluoride in drinking water was 1.31 ± 1.05mg/L (range 0.24–2.84)."
- **" Conclusions"**
- Overall, our study suggested that low levels of fluoride exposure in drinking water had negative effects on children's intelligence...

Ding et al, 2011: The higher the level of fluoride in the urine the lower the IQ

Ding et al. 2011



Xiang et al, 2012: The higher the level of fluoride in the plasma the lower the IQ

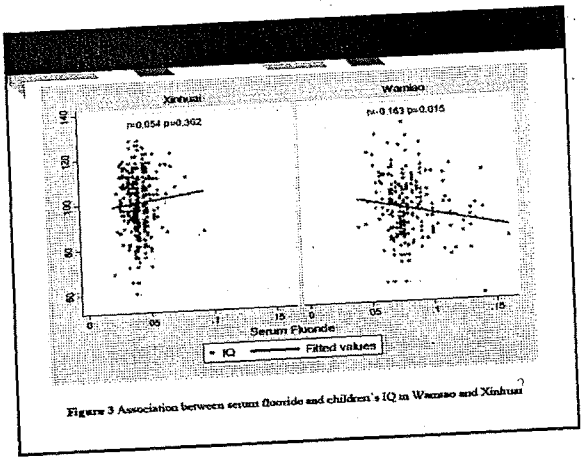
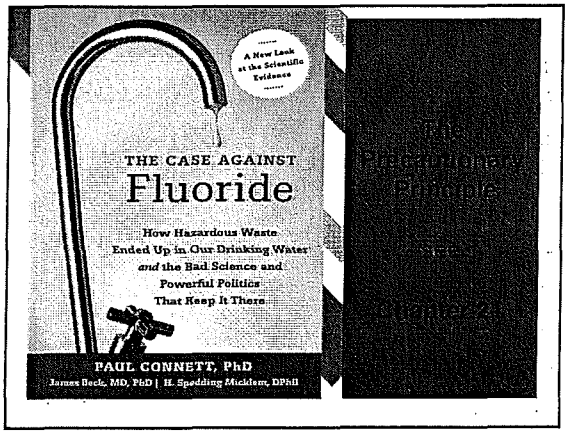


Figure 3 Association between serum fluoride and children's IQ in Wanxiao and Xinhuai

7. The Precautionary Principle



The Precautionary Principle

"If there is uncertainty, yet credible scientific evidence or concern of threats to health, precautionary measures should be taken. In other words, preventive action should be taken on early warnings even though the nature and magnitude of the risk are not fully understood."

Joel Tickner and Melissa Coffin

The Precautionary Principle – Our criteria for application

1. Is the risk of harm plausible?
2. Is the evidence of harm supported by a number of peer-reviewed, published studies?
3. Is the potential harm serious?
4. Are the effects reversible?
5. Is the public being fully informed of the potential health risks?
6. Does the proposed intervention achieve the desired benefit?
7. How significant are the consequences if the practice is halted?
8. Are there alternatives?

The Precautionary Principle – Tickner and Coffin's questions

- Are there other ways of delivering fluoride besides the water ?
- Does Fluoride need to be swallowed to prevent tooth decay?
- Has tooth decay dropped at the same rate in countries with and without water fluoridation?
- Are people now receiving fluoride from many other sources besides the water supply?
- Do studies indicate fluoride's potential to cause a range of adverse systemic health effects?

Tickner and Coffin in March 2006 issue of the Journal of Evidence-Based Dental Practice

What risks should we take to save at most

- 0.6 of one tooth surface?
- (Brunelle and Carlos, 1990)

Fluoride may cause bone cancer (osteosarcoma)

Fluoridation may actually be killing a few young men each year

Osteosarcoma: Science vs Politics

- The science: In 2001, Dr. Elise Bassin (a dentist) successfully defended her doctoral thesis at Harvard.
- She found (in a matched case-control study) that if young boys were exposed to fluoridated water in their 6th/7th or 8th years, they had a 5-7 fold increase in developing osteosarcoma by the age of 20, compared to non-exposed boys.
- Now the politics
- Between 2001 and 2005, Bassin's thesis adviser - Prof. Chester Douglass three times concealed Bassin's findings from his peers, the NRC and his funders.
- Bassin's thesis "discovered" by Michael Connett in Jan 2005.

Osteosarcoma

- Bassin publishes research in the May 2006 issue of the journal ***Cancer Causes and Control***.
- In a **letter** published in the same issue, Douglass promises a study that he claims will discount Bassin's findings.
- Douglass promised his study for the Summer of 2006 – Meanwhile,

Osteosarcoma

- Health authorities in fluoridation practicing countries like Australia, Canada, the UK and the US used Douglass's promise of a study as if it was a fully fledged peer-reviewed and published study

What does 2008 Health Canada expert panel say about Osteosarcoma?

"It is important to avoid any generalization and overinterpretation of the results of the Bassin et al. paper and to await the publication of the full study before drawing conclusions and particularly before influencing any related policy . . ."

What does Health Canada 2011 REVIEW say about Osteosarcoma?

A letter to the editor was published by Douglass (Bassin's thesis director) and Joshipura (2006) to warn readers not to generalize or overinterpret the results of the Bassin et al. (2006) paper. According to the authors, Bassin et al. (2006) presented only the first of two sets of cases with their own control group. Douglass and Joshipura's (2006) research group also found some positive associations between fluoride and osteosarcoma

What does Health Canada 2011 Fluoride REVIEW say about Osteosarcoma?

in the analysis of the first set of cases; however, their preliminary findings from the analysis of the second set of cases (1993-2000) did not appear to replicate the overall findings from the first part of the study. The authors state that their findings do not suggest an overall association between fluoride exposure and osteosarcoma (Douglass and Joshipura, 2006).

Osteosarcoma

- The Douglass study was finally published in August 2011 (Kim et al, 2011). BUT
  - **it did NOT refute Bassin's findings!**

Hamilton Board of Health (April 16, 2012) report

- "Many claims have been made that water fluoridation causes serious health risks, but existing scientific evidence refutes these claims."
- Where is the existing scientific evidence that refutes:
- The 26 IQ studies and other studies on the brain?
- Bassin's study on osteosarcoma?

The confidence of their convictions?

- I would like to recommend that Hamilton Council organize a public debate on this issue so that those experts who have presented their views on this subject – some with considerable confidence – can have their views visibly tested by doing so in the context of those holding a different point of view AND
- So that these same experts can be asked questions directly by the public.
- I am prepared to come to Hamilton virtually any time within the next few months to participate in such a debate

EXTRA SLIDES

Part 1. Fluoridation is a poor medical practice

Fluoridation is a poor medical practice

1. Except for an early experiment with iodine, fluoridation is the only time we have used the public water supply to deliver medicine.

The REASONS for not doing so are fairly obvious:

2. You can't control who gets the medicine.
3. You can't control the DOSE (mg/day) that people drink.

Proponents claim

1. That water fluoridation is not medication.
2. BUT the definition of a medicine is a substance given to people to help prevent or combat a disease.
3. Fluoride is added to water to help combat or prevent tooth decay (a disease).
4. Fluoride is being used as a medicine.
5. Water fluoridation is "mass medication."

Fluoridation is a poor medical practice

4. Fluoride is NOT a nutrient.
5. Not one single biological process needs fluoride (fluoride's benefit is topical not systemic).
6. Many biological processes are harmed by fluoride

Part 2.
Fluoridation violates medical ethics

Fluoridation violates medical ethics

1. The supreme medical ethic as laid down by Hippocrates 2000 years ago is "First Do No Harm"
2. Modern medical ethics requires doctors to allow their patients "informed consent to medicine and medical practices."
3. No government has the right to force medication on its people.
4. A local government (usually with no medical qualifications) is doing to EVERYONE what a doctor can do to NO ONE.

Proponents claim

1. That they are merely adjusting the levels of a naturally occurring mineral.
2. But, just because a substance occurs naturally does not make it safe – arsenic occurs naturally!

Part 3.
Fluoridation violates nature's guidelines for babies!

Nature's guideline for babies

1. The best indicator of what a baby needs for healthy development is the composition of mothers' milk
2. The level of fluoride in mothers' milk is VERY, VERY low – 0.004 ppm (US NRC, 2006, p 40)
3. This suggests that babies do not need much fluoride and that MAYBE fluoride is dangerous for the baby.
4. 0.7 ppm is 175 times the levels in mothers' milk
5. A bottle fed baby in a fluoridated community is getting about 200 times Nature's guideline!

Part 4.
Fluoridation violates common sense

Fluoridation violates common sense

- Even promoters of fluoridation now admit that fluoride works TOPICALLY not SYSTEMICALLY (CDC, 1999)
- In other words fluoride works on the outside surface of the tooth NOT from inside the body.
- Fluoridation should have ended in 1999!

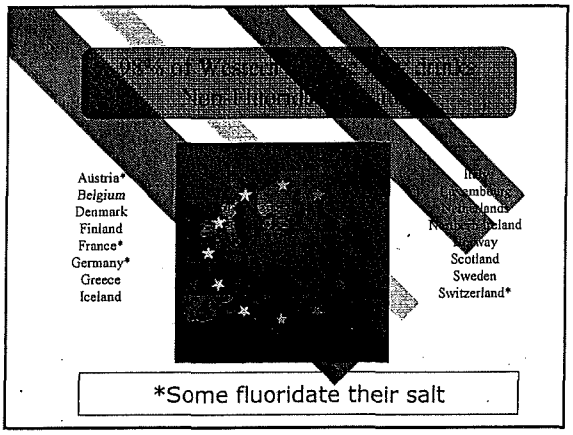
Fluoridation violates common sense

- If fluoride works on the outside of the tooth why swallow it? Why put it in the drinking water?
- If you want fluoride brush your teeth with fluoridated toothpaste and then spit it out.
- This way you avoid exposing tissues that a) don't need it and b) may be harmed by it
- And you also avoid forcing it on people who don't want it!

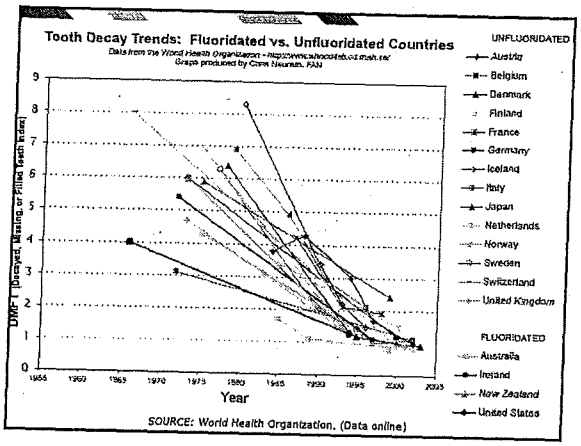
Fluoridation violates common sense

- Very few countries fluoridate their water
- But there is very little difference in tooth decay between fluoridated and non-fluoridated countries

- Only SEVEN Countries have more than 50% of the population drinking fluoridated water (Australia, Ireland, Israel, Malaysia, New Zealand, Singapore and the United States)



According to WHO data tooth decay in 12-year-olds is coming down as fast in F as NF countries



Part 5.
Fluoridation chemicals are not pharmaceutical grade

Fluoridation chemicals are not pharmaceutical grade

- The chemicals used are not pharmaceutical grade as used in dental products
- They come from the wet scrubbers of the phosphate fertilizer industry
- A spray of water captures two very toxic gases (HF and SiF_4) and forms H_2SiF_6 (hexafluoro silicic acid) .
- This hazardous waste cannot be dumped into the sea by international law, BUT in the US if this waste is PURCHASED it becomes a PRODUCT and no longer covered by US hazardous waste regs!

Fluoridation chemicals

The main chemicals used are the silicon fluorides:

H_2SiF_6 (hexafluorosilicic acid) or its sodium salt Na_2SiF_6 (sodium hexafluorosilicate).

Neither of these chemicals, either in their pure form, or the contaminated solutions used, have been put through any rigorous toxicological testing.

Fluoridation chemicals contain cancer-causing substances

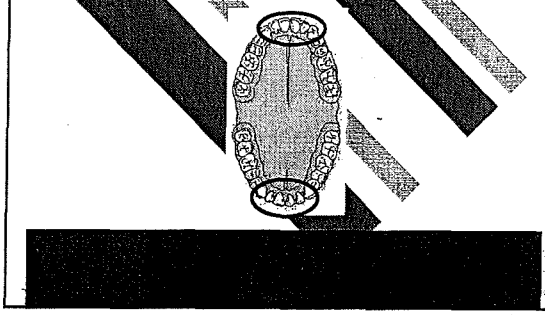
- One of the contaminants of the industrial grade fluoridating agents is ARSENIC
- According to the US EPA there is no safe level for arsenic because it is a known human carcinogen
- The use of these fluoridating chemicals INEVITIBALY will lead to an increase in cancer

Part 6.
The evidence of benefit is very, very weak

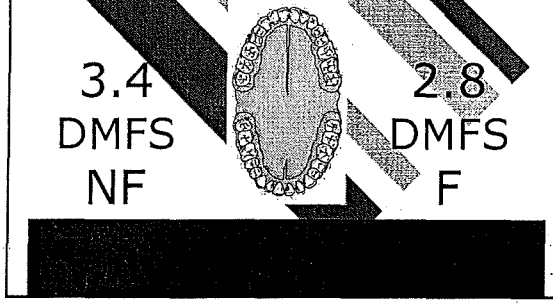
NIDR conducted the largest survey of tooth decay ever conducted in the US (1986-7)

- The teeth of over 39,000 children in 84 communities were examined (Brunelle & Carlos, 1990).
- They measured tooth decay as DECAYED, MISSING and FILLED SURFACES (DMFS)

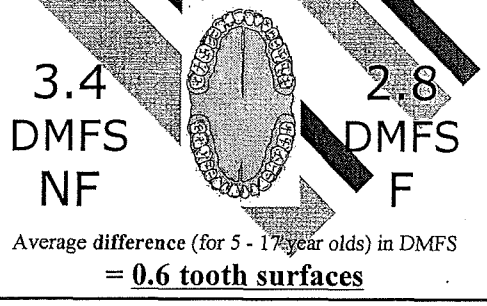
Decayed Missing and Filled surfaces (DMFS)



Decayed Missing and Filled surfaces (DMFS)



The largest US survey of tooth decay
Brunelle & Carlos, 1990



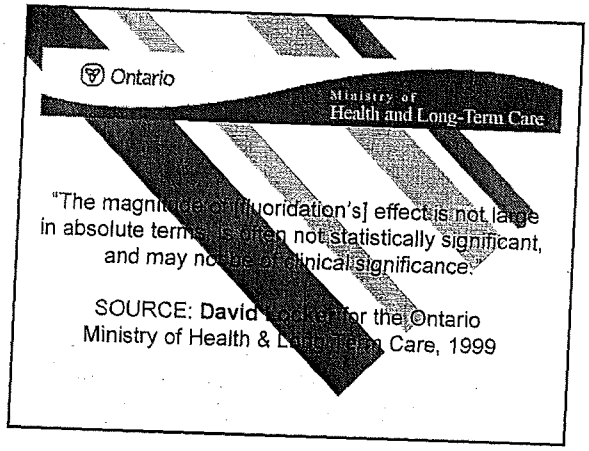
Average **difference** (for 5 - 17 year olds) in DMFS
= **0.6 tooth surfaces**

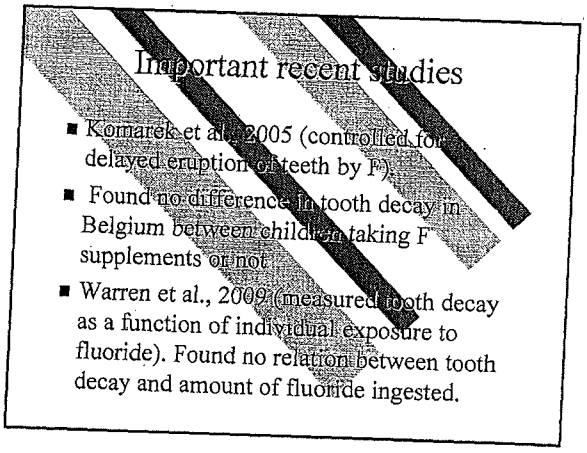
What risks should we take to save at most

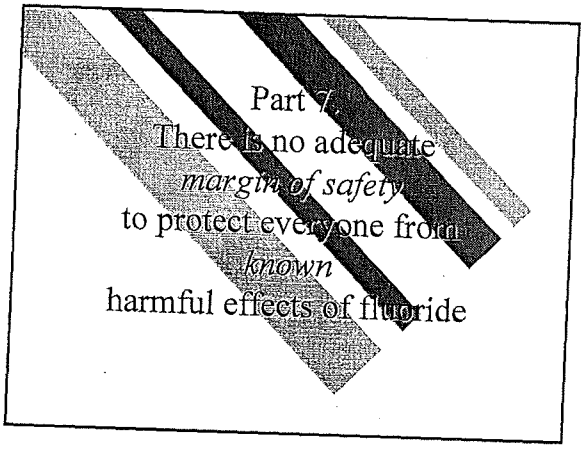
- 0.6 of one tooth surface?
- (Brunelle and Carlos, 1990)

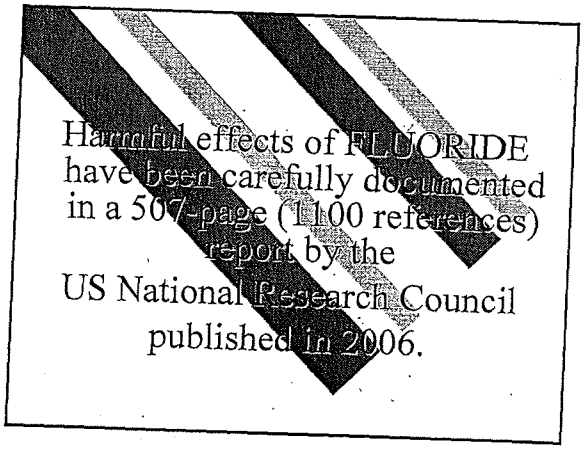
Studies in Australia have found even less saving than O.6 of one tooth surface!

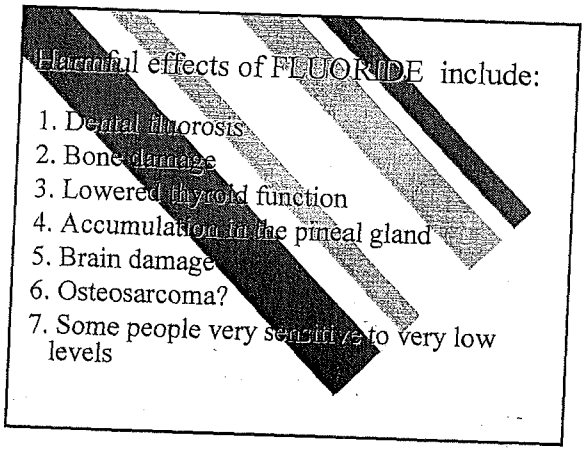
- Spencer et al. (1996) found a saving in two states of ONLY 0.12 – 0.3 permanent tooth surfaces.
- Armfield and Spencer (2004) found no statistically significant difference in tooth decay in the permanent teeth between children in South Australia who had drunk fluoridated water all their lives and those who had drunk bottled or tank water.

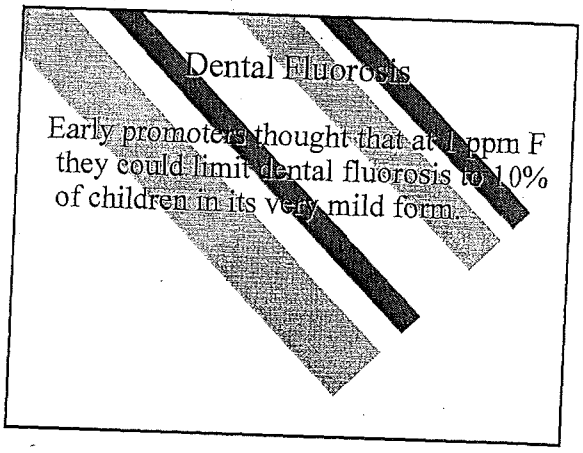

Ontario
Ministry of
Health and Long-Term Care
"The magnitude of [fluoridation's] effect is not large in absolute terms, is often not statistically significant, and may not be of clinical significance."
SOURCE: David Locker for the Ontario Ministry of Health & Long-Term Care, 1999

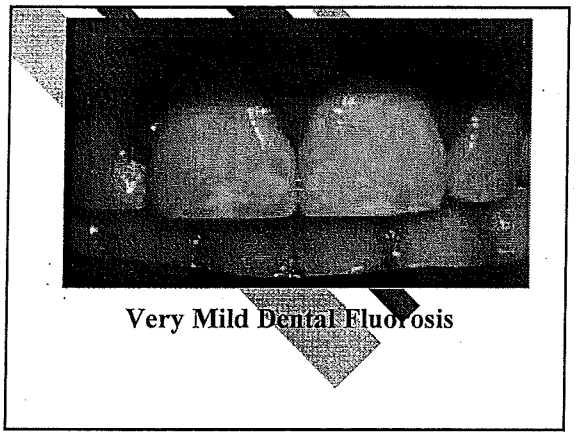

Important recent studies
Komarek et al., 2005 (controlled for delayed eruption of teeth by F).
Found no difference in tooth decay in Belgium between children taking F supplements or not.
Warren et al., 2009 (measured tooth decay as a function of individual exposure to fluoride). Found no relation between tooth decay and amount of fluoride ingested.


Part 7.
There is no adequate
margin of safety
to protect everyone from
known
harmful effects of fluoride


Harmful effects of FLUORIDE
have been carefully documented
in a 507-page (1100 references)
report by the
US National Research Council
published in 2006.


Harmful effects of FLUORIDE include:
1. Dental fluorosis
2. Bone damage
3. Lowered thyroid function
4. Accumulation in the pineal gland
5. Brain damage
6. Osteosarcoma?
7. Some people very sensitive to very low levels

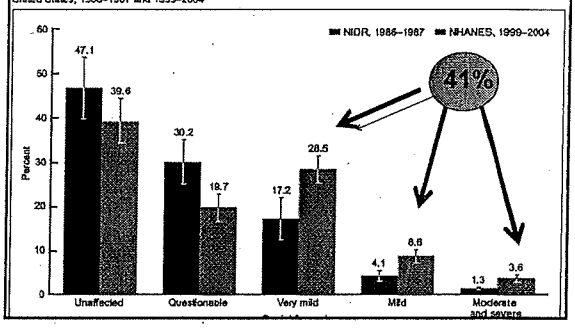

Dental Fluorosis
Early promoters thought that at 1 ppm F they could limit dental fluorosis to 10% of children in its very mild form.

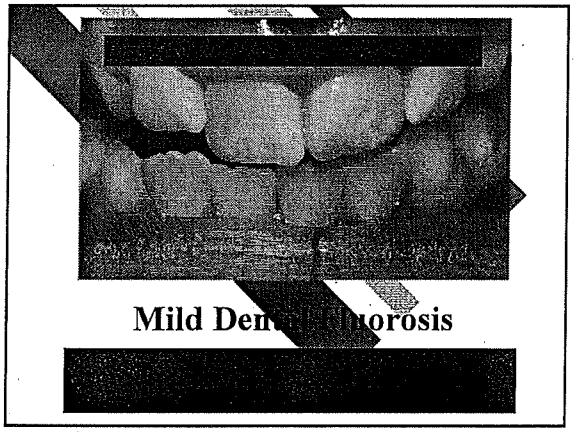


Very Mild Dental Fluorosis

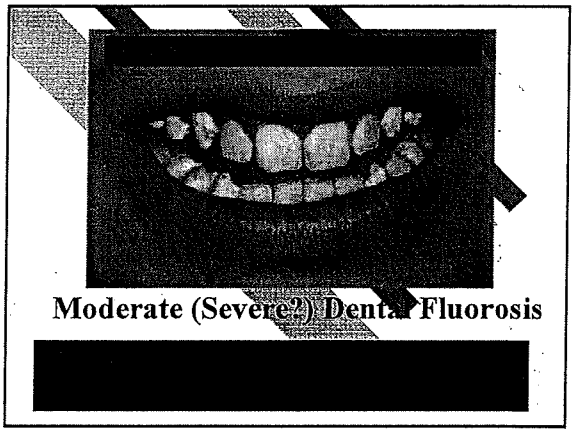
CDC, 2010: 41% of American children aged 12-15 have DF

Figure 3. Change in dental fluorosis prevalence among children aged 12–15 participating in two national surveys: United States, 1986–1987 and 1999–2004





Mild Dental Fluorosis



Moderate (Severe?) Dental Fluorosis

A reckless assumption

It is reckless to assume that when fluoride is causing harm to the growing tooth cells that it is not causing harm to bone cells, brain cells or other developing tissues in a baby's body.

The baby's developing brain

The baby should NOT be exposed to fluoride of up to 200 times the level of fluoride that occurs in mothers milk.

Fluoride and the Thyroid gland

"several lines of information indicate an effect of fluoride exposure on thyroid function."

If fluoride lowers thyroid function

- It could explain:
- 1) delayed eruption of primary teeth
- 2) lowered IQ in children
- 3) Increase in hypothyroidism among US population, plus the accompanying symptoms – obesity, lethargy, tiredness not relieved by sleep etc

Fluoride and the Pineal gland

Fluoride & Pineal Gland

- In 1997 Jennifer Luke confirmed that fluoride accumulates in the human pineal gland. She found an average of 9,000 ppm on the calcium hydroxy apatite crystals (highest 21,000 ppm) (Luke, 2001).
- In animals (Mongolian gerbils) fluoride lowers melatonin production and shortens time to puberty (Luke, Ph.D. thesis, 1997).

Fluoride and bone fractures in children

Fluoride and Children's Bone

The Newburgh-Kingston, NY trial (Schlesinger et al. 1956) also reported about twice the incidence of cortical bone defects in the children in the fluoridated community (13.5%) compared with the non-fluoridated community (7.5%).

Alarcon-Herrera et al. (2001)

- In a Mexican study researchers found that as the severity of dental fluorosis went up so did the incidence of bone fractures in both children and adults

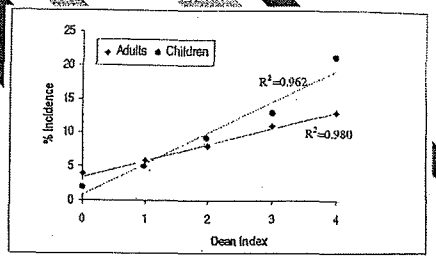


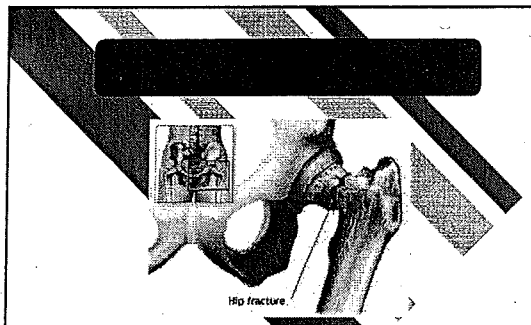
Figure 4. Incidence of bone fractures plotted against the severity of dental fluorosis (Dean's index) for children and adults in the Guadiana Valley in the state of Durango in Mexico (from Alarcon-Herrera et al. 2001).

Fluoride and arthritis

Arthritis

- The first symptoms of fluoride poisoning of bone are identical to arthritis (stiffness, aching joints and pain in the bones)
- According to the CDC, arthritis affects 68 million people in the US – 1 in 3 American adults!
- No fluoridated country is collecting fluoride bone levels in a systematic fashion to check a possible connection with arthritis or other bone problems!

Fluoride and hip fractures in the elderly (studies are mixed)



"All members of the committee agreed that there is scientific evidence that under certain conditions fluoride can weaken bone and increase the risk of fractures."

Li et al. 2001: Most important hip fracture study. Hip fractures doubled at 1.5 ppm (NS), tripled at 4.3 ppm (S)

Li et al (2001)

Table 5: Hip fracture rates in the elderly in six Chinese villages with well water fluoride levels ranging from 0.25 – 7.97 ppm. The hip fracture rates are compared to the village (village 3) at 1.00 ppm. (Li et al, 2001).

Fluoride concentration (ppm) ppm	Odds Ratio ODDS RATIO
Village 1. 0.25 – 0.34	0.99
Village 2. 0.58 – 0.73	1.12
Village 3. 1.00 – 1.06	1.00
Village 4. 1.45 – 2.19	2.13
Village 5. 2.62 – 3.56	1.75
Village 6. 4.32 – 7.97	3.26*
	* result is statistically significant.

Presentation to the Hamilton Board of Health

April 16, 2012.

Tony Matthews

Council of Canadians Hamilton Chapter

Good afternoon, Chairman, councillors, staff, presenters, and, members of the public. I would like to thank the councillors for their foresight in establishing this forum of review a couple of years ago. It illustrates wisdom in allowing a further assessment of information and new information that has arisen since that time.

I am Tony Matthews and today I am representing the local chapter of Council of Canadians on the issue of fluoridation. I would first like to read a letter from Maude Barlow our national spokesperson.

The issue of fluoridating our water supply has not faded away, it has only grown stronger as more studies and public awareness grows about the impact on our health of fluoridating the water supply becomes clearer. Communities are stopping their fluoridation programs or petitioning not to have a program where they don't already have one in place. In Halton last year they also had a session on this topic. They maintained the program by 2 votes. Curiously the well water areas voted in favour of maintaining fluoridation as long as their areas don't get fluoridated, illogical but definitely a case of not in my backyard.

What piqued my interest is that the fluoridation program is based on preventing dental caries and is assessed on this basis alone: as it turns out it is a very narrow assessment of the program.

The basis of promoting fluoridation to prevent dental caries appears flawed. Studies indicate that since fluoridation has been in place dental caries have significantly been reduced in the same manner as it has been reduced in areas that do not fluoridate yet this fact has been ignored by proponents of fluoridation. Public health officials have been told there is no room for personal or professional opinion by them as they are required to tow the provincial line of fluoridation is an effective program. Dental professionals have been brought up on this mantra since their undergraduate days and have expounded the benefits of fluoridation to their clients.

This approach has been impassioned by them and public health staff as an effective means of reducing caries: again not justifiably proven. I have seen public staff extolling the virtues of this program as the best way to save the LICO's dental health also known as poor people. Hamilton Board of Health did a study showing how cost effective it is at 47 to 57 cents a person to fluoridation the whole population not just the disadvantaged LICO group versus other options reviewed costing up to $30 million a year. This suggests a budgetary bias to the cheapest delivery system with the least involvement.

Fluoride has been shown to harden teeth. Harder teeth mean more brittle teeth especially when the tooth requires dental fillings. We don't hear about the costs of maintaining the teeth in later years due to this factor.

The history of fluoridation programs may surprise many of you. It was actually initiated in the USA during the Second World War, a war fought for personal freedoms. The development of the uranium enrichment program was based on using fluoride as was the smelting of aluminum, lead, and, steel. There was a growing issue of workplace and environmental health and safety issues that were going to litigation. This was a threat to the war effort and the expenses of running those businesses supporting this effort. Declassified documents show collusion between government agencies and private businesses to remove this financial risk.

The program was initiated on the basis of reducing the financial exposure to these groups and to continue the war efforts unabated regardless of the health effects it was having on workers and communities. This was another example of the misguided greater good policy. It was then marketed and given to the American Dental Association to maintain.

Let's move away from the dental aspects of the fluoridation programs for it obscures other issues, it is emotional not factual, it uses our children and disadvantaged as pawns to sell the continued use of fluoridation without having to properly assess the facts, studies and public knowledge of the true impact of fluoridation.

What is compelling are other health issues that these studies are indicating that fluoridation is presented as the cause or probable cause of illnesses and diseases to our youth, to our young adults, to our adults and to our seniors. These studies indicate that at the very least further studies should be done as they indicate serious linkages or causations of the following conditions: Alzheimer type memory issues, ADD type symptoms, hypothyroidism, osteoporosis, liver disorders, kidney disorders, and, more.

It begs the question why we continue to ignore these indications! Why does the Public Health Department of Canada not allow immediate investigations into these scientific studies? Why do we as a city fight those who bring it up for further study and action? Is it a fear of increased costs, of professional embarrassment if it proves out it is detrimental to our health on the scale it is being suggested?

The alternate health care costs will overwhelm our society's ability to fund care and public support to those affected in this manner. Look to what is happening to our incidents of these conditions mentioned previously and how we struggle to provide care for citizens. Do you think this merits a total review based on these issues that are not dental caries based?

I ask you all to do what you were elected to do, be our guardians in the public policies we enact or have enacted and make sure they serve our need, make sure they are reviewed to assess the efficacy of our assumptions. Be independent in assessing the data and in who presents the data for it is your decision when made that you hold responsibility for the programs and policies put in force. The public express their input, your staffs' express their input and you must see through the data impartially on behalf of the welfare of your citizenry.

Today's world and all the complexity of it that you must weigh through are overwhelming at times. I ask you to please take time to make an independent appraisal of data presented and how it is presented: progressive or defensive, bias or unbiased, then make an informed choice.

References

1) the fluoride deception, Bryson, Christopher, Seven Stories Press, ISBN 1-58322-700-8, 2004
2) The Case Against Fluoride, Paul Connett, PhD, James Beck, MD, PhD, H.S. Micklem, DPhil, Chelsa Green Publishing, ISBN 97816035852872, 2010

THE COUNCIL OF CANADIANS / LE CONSEIL DES CANADIENS

March 29, 2012

Dear Mayor Bob Bratina and Hamilton City Councillors:

The Council of Canadians is Canada's largest member-based advocacy organization with tens of thousands of members and over 70 community-based chapters across the country. We are a social justice organization and address environmental issues through an environmental justice perspective.

Maude Barlow, the National Chairperson of the Council of Canadians, also served as Senior Advisor on Water to the 63rd President of the United Nations General Assembly (2008-2009).

The Council of Canadians is opposed to the fluoridation of drinking water. We are concerned by the health and environmental impacts associated with it.

Drinking water is fluoridated in Canada, the United States and Australia, but almost nowhere else in the world. Western Europe and Japan have almost no fluoridated water supplies.

We are working with the Quebec-based group Eau Secours which is opposing the Charest government's plans to increase the fluoridation of water there from about 3 per cent to 50 per cent. We encourage our chapters across the country to promote local debate and move municipal resolutions in their community on this issue.

Water is a commons – a shared entity – and open dialogue and encouraging public participation in issues affecting water quality are critical to ensuring clean, safe drinking water for current and future generations. We applaud Tony Matthews and others' initiatives to bring this important matter before the Hamilton Board of Health. We also applaud your openness to hear concerns from the residents of Hamilton.

We understand that the Board of Health will discuss this issue on April 16th, 2012. We appreciate your consideration on this issue and the protection of safe drinking water and human health in the City of Hamilton.

Thank you for your attention into this matter.

Sincerely,

Maude Barlow
National Chairperson
Council of Canadians

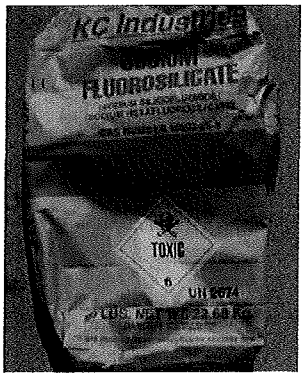
Emma Lui
Water Campaigner
Council of Canadians

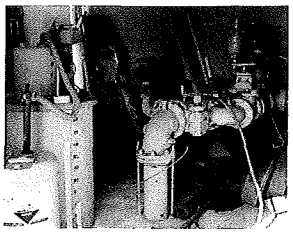
700-170 Av. Laurier Ave West/Ouest, Ottawa, Ontario K1P 5V5
Tel: (613) 233-2773, Fax/Téléc: (613) 233-6776
www.canadians.org inquiries@canadians.org

Fluoridation in Hamilton - WHY it must STOP NOW

The question I have not heard an answer to.....

What is the fate of fluoride in the human body and in our environment?





Fluoride

According to the handbook, Clinical Toxicology of Commercial Products, *fluoride is more poisonous than lead and just slightly less poisonous than arsenic. It is a cumulative poison that accumulates in bone over the years.*

- 5 g of fluoride is a *lethal* dose
- this bag alone can kill 4,536 people

No disease has ever been linked to a fluoride deficiency.

There are more than 180 Symptoms of Fluoride Poisoning.

A presentation and Urgent appeal from Hamilton resident, George Pastoric, Hydro-Logic Environmental April 16, 2012

Fluoride is *more* poisonous than lead and just slightly less poisonous than arsenic yet FAVORED to be allowed to discharge TEN times more - WHY?

Sewer Use By-law Discharge Limits* for a Select Group of Common Contaminants (figures in mg/L)

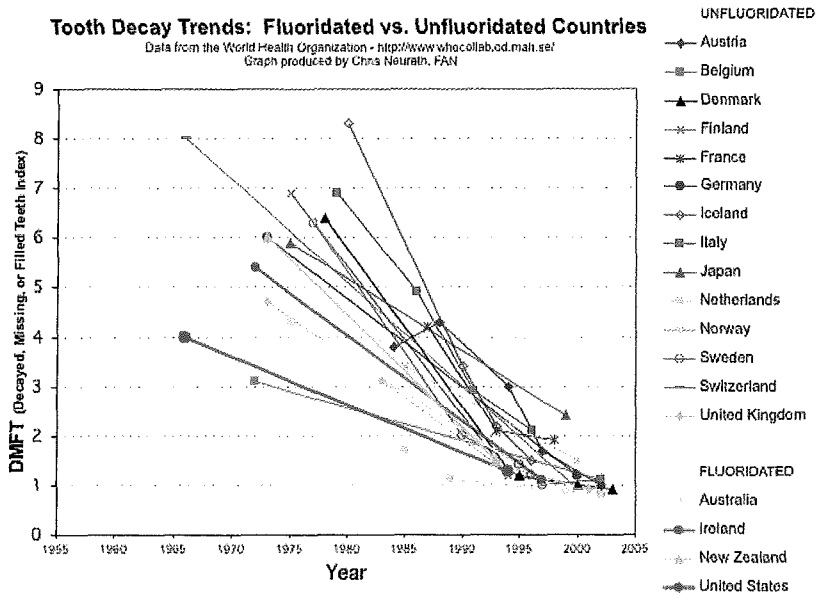
Pollutant	Toronto	Kingston	Windsor	MOE
Arsenic	1	1	1	1
Benzene	0.01	0.01	No limit°	0.01
Bis phthalate	0.012	0.012	No limit°	No limit°
BOD	300	300	400	300
Cadmium	0.7	0.7	2	0.7
Chromium Total	4	4	5	5
Copper	2	2	5	3
Fluoride	10	10	10	10
Hexachlorobenzene	0.0001	0.0001	No limit°	No limit°
Lead	1	1	5	2
Mercury	0.01	0.01	0.1	0.05
Nickel	2	2	5	3
Nonylphenol ethoxylates	0.02	0.01	No limit°	No limit°
Oil/Grease – Organic	150	150	120	150
Phosphorus	10	10	30	10
Suspended Solids	350	350	500	350
Trichloroethylene	0.4	0.07	No limit°	0.07
Zinc	2	2	5	3

* Limits for sanitary and combined sewers.

°Specific limit is not listed in the bylaw. General limit may apply as a result of provincial objectives/guidelines.

If this is not based on toxicity, care for the environment, what then?

WATER FLUORIDATION IS NOT EFFECTIVE



Reductions in Decay Rates has nothing to do with Fluoridation, therefore the practice is unnecessary!

As stated by Dr. Peter Mansfield, a physician from the UK and advisory board member of the recent government review of fluoridation (*McDonagh et al 2000*):

"No physician in his right senses would prescribe *for a person he has never met, whose medical history he does not know*, a substance which is intended to create bodily change, with the advice: 'Take as much as you like, but you will take it for the rest of your life because some children suffer from tooth decay. ' It is a preposterous notion."

In fact, no physician did –

Meet the man who we can thank for fluoridation– Edward Bernays

Edward Louis Bernays

In the early 1920s

Born	November 22, 1891 Vienna, Austria
Died	March 9, 1995 (age 103) Cambridge, Massachusetts, United States
Occupation	Public relations, advertising

Edward Louis Bernays

A publicist - "***the father of public relations***"

Nephew of Sigmund Freud

felt "manipulation was necessary" ..... as a result of the "herd instinct"

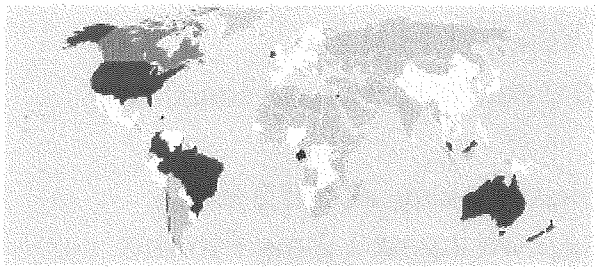
Wrote a book entitled "**Propaganada**"

Bernays helped the Aluminum Company of America (Alcoa) and other special interest groups to convince the American public that water fluoridation was safe and beneficial to human health. This was achieved by <u>using</u> the American Dental Association in "a highly successful media campaign".

He was <u>NOT</u> a Doctor or Dentist

Why did we get involved in this?

http://en.wikipedia.org/wiki/Edward_Bernays



Percentage of population receiving fluoridated water, including both artificial and natural fluoridation.[18]

- 80–100%
- 60–80%
- 40–60%
- 20–40%
- 1–20%
- < 1%
- unknown

According to Health Canada, 45.1% of Canadians drink fluoridated public water.
<u>Canada is one of the most fluoridated countries in the world.</u>
In comparison, only 5.7% of the world's population has their public water supply fluoridated
13 cities have recently stopped
Let's be #14!

Look who's fluoridating!

Can we TRULY say that after 47 years, our population enjoys dental health far ahead of non-fluoridated parts of the world WITHOUT any detraction from TOTAL HEALTH?

Was there a holistic review?

Could there possibly be other impacts of this practice?

Is it REALLY safe, is there <u>no</u> evidence, or is there simply denial?

http://fluoridation.com/c-country.htm

Country	Fluoridation Status
China	BANNED: "not allowed"
Austria	REJECTED: "toxic fluorides" NOT added
Belgium	REJECTED: encourages self-determination – those who want fluoride should get it themselves.
Finland	STOPPED: "...do not favor or recommend fluoridation of drinking water. There are better ways of providing the fluoride our teeth need." A recent study found ..."no indication of an increasing trend of caries...."
Germany	STOPPED: A recent study found no evidence of an increasing trend of caries
Denmark	REJECTED: "...toxic fluorides have never been added to the public water supplies in Denmark."
Norway	REJECTED: "...drinking water should not be fluoridated"
Sweden	BANNED: "not allowed". No safety data available!
The Netherlands	Inevitably, whenever there is a court decision against fluoridation, the dental lobby pushes to have the judgement overturned on a technicality or they try to get the laws changed to legalize it. Their tactics didn't work in the vast majority of Europe.
Hungary	STOPPED: for technical reasons in the '60s. However, despite technological advances, Hungary remains unfluoridated.
Japan	REJECTED: "...may cause health problems...." The 0.8-1.5 mg regulated level is for calcium-fluoride, not the hazardous waste by-product which is added with artificial fluoridation.

"In 1978, the West German Association of Gas & Water Experts rejected fluoridation for legal reasons and because *'the so-called optimal fluoride concentration of 1 mg per L is close to the dose at which long-term damage [to the human body] is to be expected.'* "

WASTEFUL!

Fluoridating 150 times more than we consume?

We drink 8-8 oz glasses a day, about 2 litres

At dosing of 0.6 mg/l we ingest 1.2 mg F in this

We pay to fluoridate 300 litres per person per day

yet 298 litres goes straight to the environment!

This is ~150 times *more than is necessary* for ingestion – it is 99.7% of what we fluoridate and we just waste it. *Why would we do this?*

Would we actually FUND a program that is only 0.3% cost effective? .....and since 1965?

And then..... These little numbers ADD UP.....

SINFUL! – POLLUTING! our ***precious*** fresh water resources *needlessly*!

Without "beneficial dental use to our bodies" at all, 150 times more than what we ingest is dosed into our potable water and then wasted straight to our receiving waters

This year Hamilton will put about 33,933 kg of Fluoride directly into the lake (that's 33.9 Metric Tonnes)

This year Canadians will put about 997,784 kg of Fluoride directly into our receiving waters (997 Metric Tonnes)

And it does not go anywhere, it simply accumulates, as current technology cannot take fluoride out!

Beware forseeable future COT?!

What kind of people are we that would accept paying taxes to experience 180 symptoms of fluoride poisoning while we dumb ourselves down and poison our own water supply?

Our Generation - in only 1 generation The wisdom of our legacy?

As Canadians, in ONE generation, we "start" this ?caring? practice and put 46,000 Metric Tonnes of Fluoride into our receiving waters as pollution and WE PAY FOR THIS through our taxes directed by the leadership of this effort who we trusted to take care of us

We have paid $1,000,000,000 so far, to waste, to pollute, poison our own wells
(One Billion Dollars)

HARMFUL!

Fluoride - an extremely neurotoxic chemical added to drinking water that interrupts the basic function of nerve cells in the brain causing docile submissive behaviour and IQ devastation

FLUORIDE AND AGING

Austrian researchers proved in the 1970s that as **little as 1 ppm fluoride** concentration can disrupt DNA repair enzymes by 50%. When DNA can't repair damaged cells, ***we get old fast.*** (Klein)

http://www.enwaterment.com/page/Hydration/Fluoridation - (Dr. Emoto's Water Messages)

180 Symptoms of Fluoride Poisoning

http://poisonfluoride.com/pfpc/html/symptoms.html - 175 footnotes

24th paper confirms: Fluoride In Water Linked To Lower IQ In Children - December 23, 2010 (how much doubt do we *need*?)

http://www.wateronline.com/doc.mvc/Fluoride-In-Water-Linked-To-Lower-IQ-In-0001?user=2392942&source=nl:29601

Fluoride is the most acidic and electron negative of all elements. Fluoride aggressively seeks out lead and dissolves it, especially in acidic, soft water.

Fluoride accelerates **lead** corrosion and increases **lead** in drinking water.

What kind of people are we that would accept paying taxes to experience 180 symptoms of fluoride poisoning while we dumb ourselves down and poison our own water supply?

UNETHICAL!

Was there martial law in 1965? My consent? My freedom to choose? My rights to clean water for 47 years lost to protect someone else? WHO?

Do I not have a right to clean water? Why did we have to "fix" our clean water, which was not broken in the first place? Shouldn't dental care be done elsewhere?

Fluoridation is UNETHICAL because:

1) It violates the individual's right to informed consent to medication.
2) The municipality cannot control the dose of the patient.
3) The municipality cannot track each individual's response.
4) It ignores the fact that some people are more vulnerable to fluoride's toxic effects than others. Some people will suffer while others may benefit.
5) It violates the Nuremberg code for human experimentation.

What about Doctors? Are cities not competing with Doctors then? WITHOUT a Hippocratic Oath? Is this a wise position to be in for a city?

We must forgive ourselves today and move on.

This practice is wasteful, polluting and denies us all our rights to clean water.

We can vote this out now and I URGE you to free us!

Reasons to End Fluoridation *NOW*

Summary

- Questionable health benefits
- MUCH evidence emerging of health risk (Doubt!!)
- Wasteful expenditure of tax payers money in questionable execution (150x waste, ingestion, not topical under care of dental profession, accelerates lead)
- Blatantly wasteful and polluting, 99.7%TAXES=POLLUTION? right to our water supply where it is NOT easy to deal with (how to get this cat back into the bag?!)
- Shameful, thoughtless process
- FUTURE COSTS and Liabilities!?

Recommendations

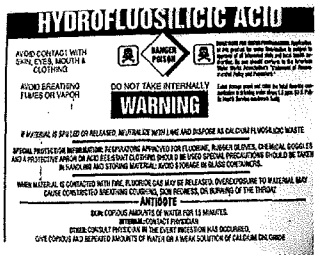
- Give us clean water first.
- Educate and allow self-determination

If there is doubt, we MUST leave it out!

"I know of absolutely no, and I mean absolutely no means of prevention that would save so many lives as simply to stop fluoridation, or don't start it where it is otherwise going to be started. There you might save 30,000 or 40,000 or 50,000 lives a year, cancer lives. That is an awful lot of lives a year."

Dr. Dean Burk Ph.D. (34 years at the National Cancer Institute). Judicial hearing, January 14, 1982.

http://en.wikipedia.org/wiki/Dean_Burk



Dean Burk (March 21, 1904 – October 6, 1988) was an American biochemist: a co-discoverer of biotin, medical researcher, and a cancer researcher at the Kaiser Wilhelm Institute and the National Cancer Institute. In 1934, he developed the Lineweaver–Burk plot together with Hans Lineweaver.
After retiring from the NCI in 1974 Dean Burk remained active. He devoted himself to his opposition to water fluoridation. According to Burk "fluoridation is a form of public mass murder."

WHY would Doctors talk this way? ***Is there at least doubt?***

Education then, beyond all other devices of human origin, is the great equalizer of the conditions of men, the balance-wheel of the social machinery. -Horace Mann

Doctors and Dentists who have sworn the Hippocratic Oath, provide us with personalized health care - not propagandists working with chemical companies

The responsibility for proper health care cannot be delegated to municipal works authorities

Low initial cost does not over-ride proper medical care, responsibility or attention to detail from *any* and *ALL* angles

Great responsibilities are inherent in the topics we discuss today, as well as great liabilities for the assumptions that are made

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.

Margaret Mead

US anthropologist & popularizer of anthropology (1901 - 1978)

If in doubt, leave it out!

Fluoride Poisoning Symptoms - The First 11

Symptoms/Associations

(NOTE: This table was originally published in 1998. The links are no longer active)

see also: History

"Though apparently vague and non-specific, most of the symptoms of fluoride toxicity point towards some kind of profound metabolic dysfunction, and are strikingly similar to the symptoms of Hypothyroidism."
(Dental Fluorosis Medical Module, Case Study for the 4th Year Course in Ecosystem Health at UWO - University of Western Ontario, 2002)

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Abnormal Sweating (18)	• Abnormal Sweating (154, 155, 156)
• Acne (2,3)	• Acne (52)
• ADHD/Learning Disorders (4,7)	• ADHD/Learning Disorders (54)
• Allergies (2)	• Allergies (52)
• Alopecia (Hair-loss)(18)	• Alopecia (151)
• Alzheimer's Disease (5,6,46)	• Alzheimer's Disease (98)
• Anaphylactic Shock (2)	• Anaphylactic Shock (124)
• Anemia (15)	• Anemia (67)
• Apnea (Cessation of breath)	• Apnea (52)
• Aorta Calcification (2)	• Aorta Calcification (100)
• Asthenia (Weakness) (18)	• Asthenia (97)

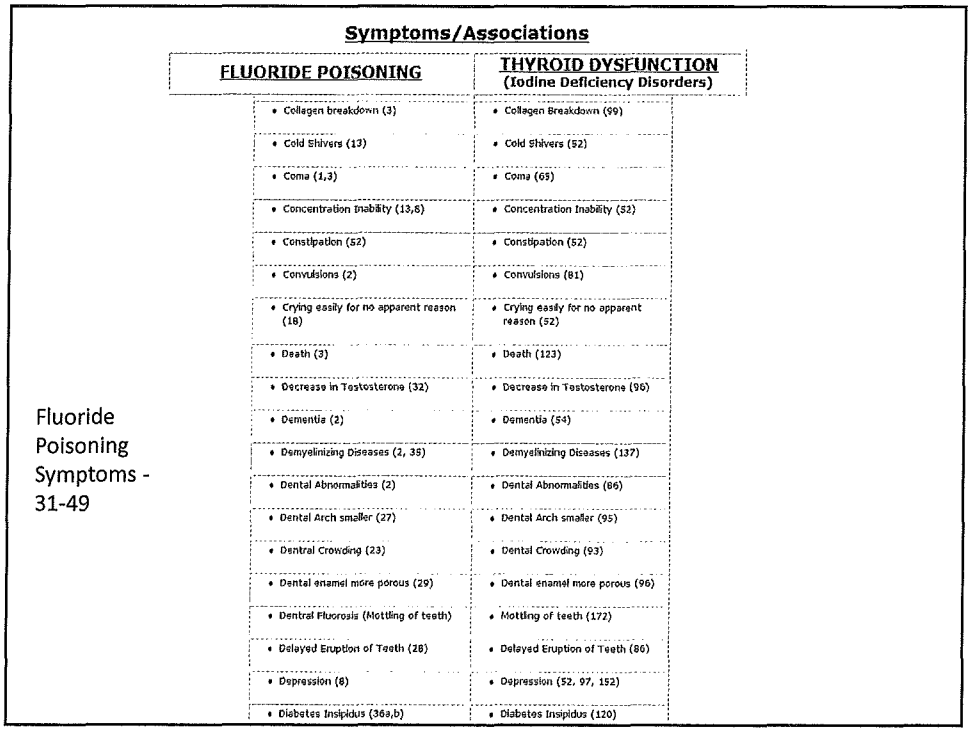
http://poisonfluoride.com/pfpc/html/symptoms.html - 175 footnotes

Fluoride Poisoning Symptoms - 12-30

Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Asthma (2)	• Asthma (129)
• Atherosclerosis (3)	• Atherosclerosis (59)
• Arthralgia (2)	• Arthralgia (58)
• Arthritis (8, 13)	• Arthritis (52, 58)
• Ataxia (2)	• Ataxia (66)
• Autism (169)	• Autism (170, 171)
• Back Pain (2)	• Back Pain (153)
• Behavioural Problems (3)	• Behavioural Problems (54)
• Birth Defects (5)	• Birth Defects (53)
• Blind Spots (3)	• Blind Spots (52)
• Body temperature disturbances (13)	• Body temperature disturbances (52)
• Breast Cancer (5)	• Breast Cancer (147)
• Cachexia (wasting away)(2)	• Cachexia (133)
• Carpal Tunnel Syndrome (5)	• Carpal Tunnel Syndrome (52)
• Cataracts (2)	• Cataracts (69)
• Change in blood pressure(+/-) (2)	• Change in blood pressure (52)
• Chest pain (26)	• Chest pain (52)
• Cholelithiasis (Gallstones)(2)	• Cholelithiasis (134)
• Chronic Fatigue Syndrome (2)	• Chronic Fatigue Syndrome (52)

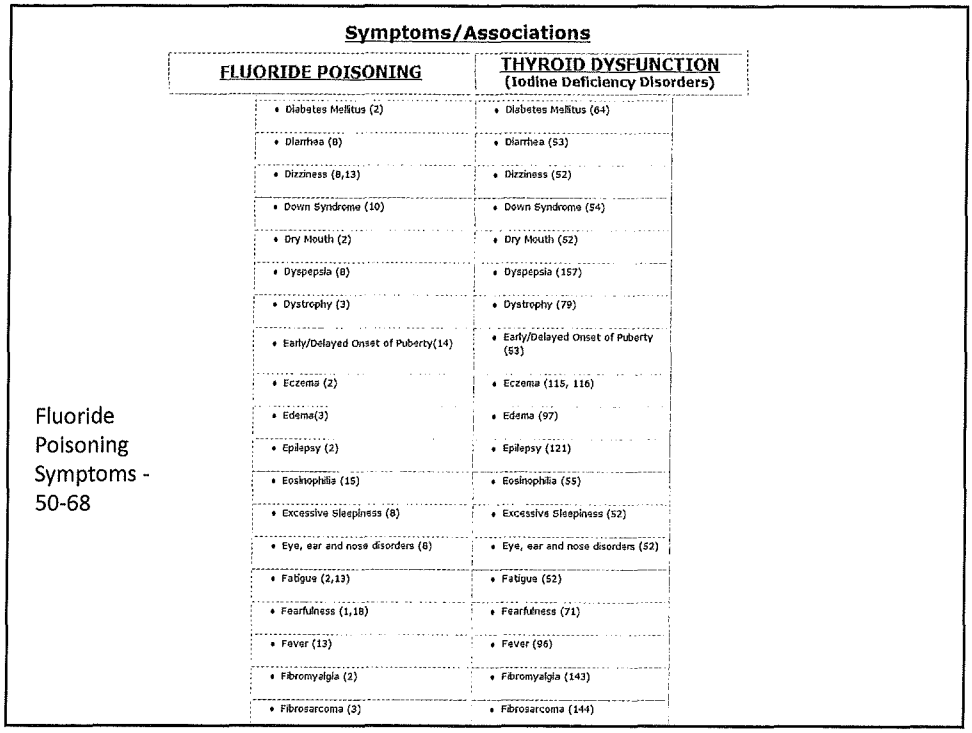
Fluoride Poisoning Symptoms - 31-49



Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Collagen breakdown (3)	• Collagen Breakdown (99)
• Cold Shivers (13)	• Cold Shivers (52)
• Coma (1,3)	• Coma (69)
• Concentration Inability (13,6)	• Concentration Inability (52)
• Constipation (52)	• Constipation (52)
• Convulsions (2)	• Convulsions (81)
• Crying easily for no apparent reason (18)	• Crying easily for no apparent reason (52)
• Death (3)	• Death (123)
• Decrease in Testosterone (32)	• Decrease in Testosterone (96)
• Dementia (2)	• Dementia (54)
• Demyelinizing Diseases (2, 35)	• Demyelinizing Diseases (137)
• Dental Abnormalities (2)	• Dental Abnormalities (86)
• Dental Arch smaller (27)	• Dental Arch smaller (95)
• Dental Crowding (23)	• Dental Crowding (93)
• Dental enamel more porous (29)	• Dental enamel more porous (96)
• Dental Fluorosis (Mottling of teeth)	• Mottling of teeth (172)
• Delayed Eruption of Teeth (28)	• Delayed Eruption of Teeth (86)
• Depression (8)	• Depression (52, 97, 152)
• Diabetes Insipidus (36a,b)	• Diabetes Insipidus (120)

Fluoride Poisoning Symptoms - 50-68



Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Diabetes Mellitus (2)	• Diabetes Mellitus (64)
• Diarrhea (8)	• Diarrhea (53)
• Dizziness (8,13)	• Dizziness (52)
• Down Syndrome (10)	• Down Syndrome (54)
• Dry Mouth (2)	• Dry Mouth (52)
• Dyspepsia (8)	• Dyspepsia (157)
• Dystrophy (3)	• Dystrophy (79)
• Early/Delayed Onset of Puberty(14)	• Early/Delayed Onset of Puberty (63)
• Eczema (2)	• Eczema (115, 116)
• Edema(3)	• Edema (97)
• Epilepsy (2)	• Epilepsy (121)
• Eosinophilia (15)	• Eosinophilia (55)
• Excessive Sleepiness (8)	• Excessive Sleepiness (52)
• Eye, ear and nose disorders (8)	• Eye, ear and nose disorders (52)
• Fatigue (2,13)	• Fatigue (52)
• Fearfulness (1,18)	• Fearfulness (71)
• Fever (13)	• Fever (96)
• Fibromyalgia (2)	• Fibromyalgia (143)
• Fibrosarcoma (3)	• Fibrosarcoma (144)

Fluoride Poisoning Symptoms - 69-87

Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Fibrosis (3)	• Fibrosis (76a,b)
• Fingernails:Lines/Grooves (1)	• Fingernails:Lines/Grooves (97)
• Fingernails:Brittle (1,3)	• Fingernails:Brittle (97)
• Forgetfulness (3)	• Forgetfulness (97)
• Gastro-disturbances (8)	• Gastro-disturbances (52)
• Gastric Ulcers (2)	• Gastric Ulcers (92)
• Giant Cell Formation	• Giant Cell Formation (135)
• Gingivitis (19, 173)	• Gingivitis (72)
• Glaucoma (174)	• Glaucoma (175)
• Goitre (2)	• Goitre (52)
• Growth Disturbances (1)	• Growth Disturbances (53)
• Headache (2)	• Headache (118)
• Hearing Loss (5)	• Hearing Loss (165)
• Heart Disorders	• Heart Disorders (52)
• Heart Failure (3)	• Heart Failure (109, 110)
• Heart Palpitations (13)	• Heart Palpitations (52)
• Hepatitis (2)	• Hepatitis (136)
• Hemorrhage (1,2)	• Hemorrhage (85)
• Hives (3)	• Hives (108)

Fluoride Poisoning Symptoms - 88-106

Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Hoarsenss (18)	• Hoarseness (97)
• Hyperparathyroidism (2)	• Hyperparathyroidism (82)
• Hypertension (8)	• Hypertension (52, 60)
• Hypoplasia (40)	• Hypoplasia (150)
• Immunosuppression (3)	• Immunosuppression (52)
• Impotence (3)	• Impotence (97)
• Incoherence (8)	• Incoherence (54)
• Infertility (2,3)	• Infertility (87)
• Inflammatory Bowel Disease	• Inflammatory Bowel Disease (142)
• Inner Ear Disorders (2,5)	• Inner Ear Disorders (139)
• Irritability (18)	• Irritability (160)
• Joint Pains (8)	• Joint Pains (52)
• Kidney Failure (2)	• Kidney Failure (125)
• Lack of Energy (8)	• Lack of Energy (52)
• Lack of Co-ordination (2)	• Lack of Co-ordination (52)
• Loss of Appetite (2)	• Loss of Appetite (97)
• Loss of Consciousness (2)	• Loss of Consciousness (138)
• Loss of IQ (25)	• Loss of IQ (83)
• Loss of Spermatogenesis (33)	• Loss of Spermatogenesis (102)

Fluoride Poisoning Symptoms - 107-124

Symptoms/Associations

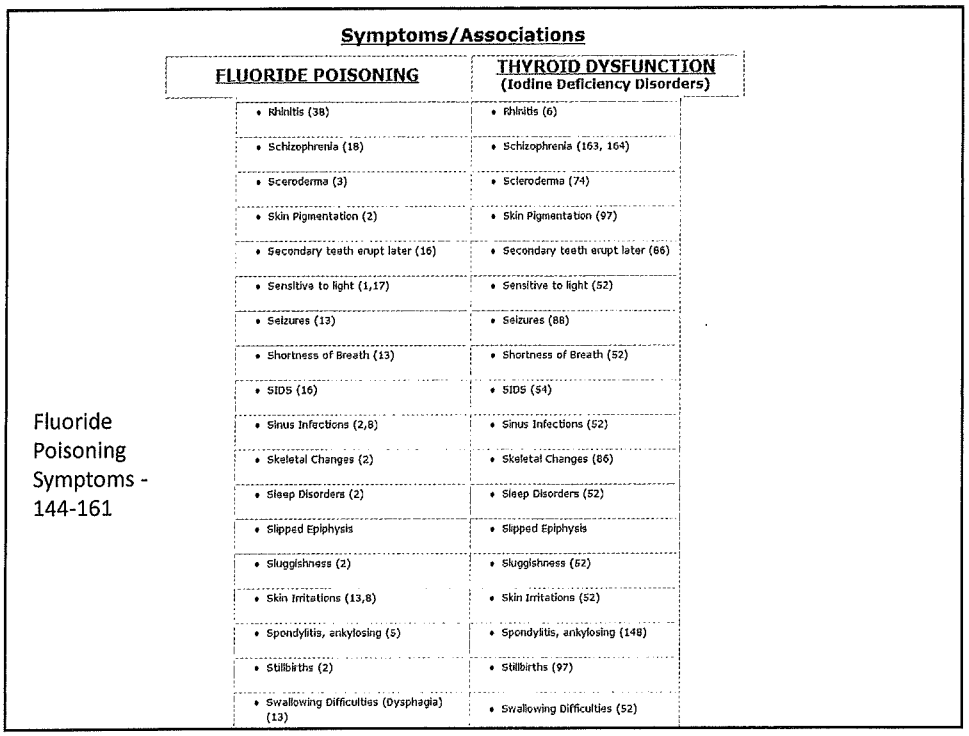
FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Low Birth Weight (5)	• Low Birth Weight (158)
• Lung Cancer (3)	• Lung cancer (145)
• Lupus (3)	• Lupus (101)
• Magnesium Deficiency (2)	• Magnesium Deficiency (94)
• Memory Loss (13)	• Memory Loss (52)
• Mental Confusion (20)	• Mental Confusion (52,54)
• Migraine (8)	• Migraine (52)
• Monisiliasis (Candidasis) (162)	• Monisiliasis (Candidasis) (161)
• More fluorosis/high altitudes (30,31)	• More hypothyroidism/high altitudes (96)
• Mouth Sores (2)	• Mouth Sores (87)
• Myalgia (Muscle Pain) (2)	• Myalgia (58)
• Myotrophy (Muscle wasting) (2)	• Myotrophy (58)
• Multiple Sclerosis (4)	• Multiple Sclerosis (126)
• Muscle Cramps (3)	• Muscle Cramps (58)
• Muscle Stiffness (3)	• Muscle Stiffness (58)
• Muscle Weakness (2)	• Muscle Weakness (57)
• Muscoskeletal Disease (3)	• Muscoskeletal Disease (80,57)
• Nausea (8,13)	• Nausea (52)

Fluoride Poisoning Symptoms - 125-143

Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Osteoarthritis (2)	• Osteoarthritis (62)
• Osteoporosis (2)	• Osteoporosis (62)
• Osteosarcoma (22b)	• Osteosarcoma (104)
• Optic Neuritis (2)	• Optic Neuritis (68)
• Oral Squamous Cell Carcinoma (22)	• Oral Squamous Cell Carcinoma (103)
• Otosclerosis	• Otosclerosis
• Parkinson's Disease (5)	• Parkinson's Disease (110,111)
• Pins & Needles (18)	• Pins & Needles (52)
• Polydipsia (2)	• Polydipsia (64)
• Polyneuropathy (2)	• Polynsuropathy (57)
• Polyurea (2)	• Polyurea (64)
• Pyelocystitis (2)	• Pyelocystitis (63)
• Premature Delivery (16)	• Premature Delivery (52)
• Pruritis (Itchy Skin) (3)	• Pruritis (113)
• Pulminary Edema (2)	• Pulminary Edema (114)
• Recurring Colds (18)	• Recurring Colds (52)
• Respiratory Complications (13,8)	• Respiratory Complications (52)
• Restlessness (13)	• Restlessness (52)
• Retinitis (2)	• Retinitis (128)

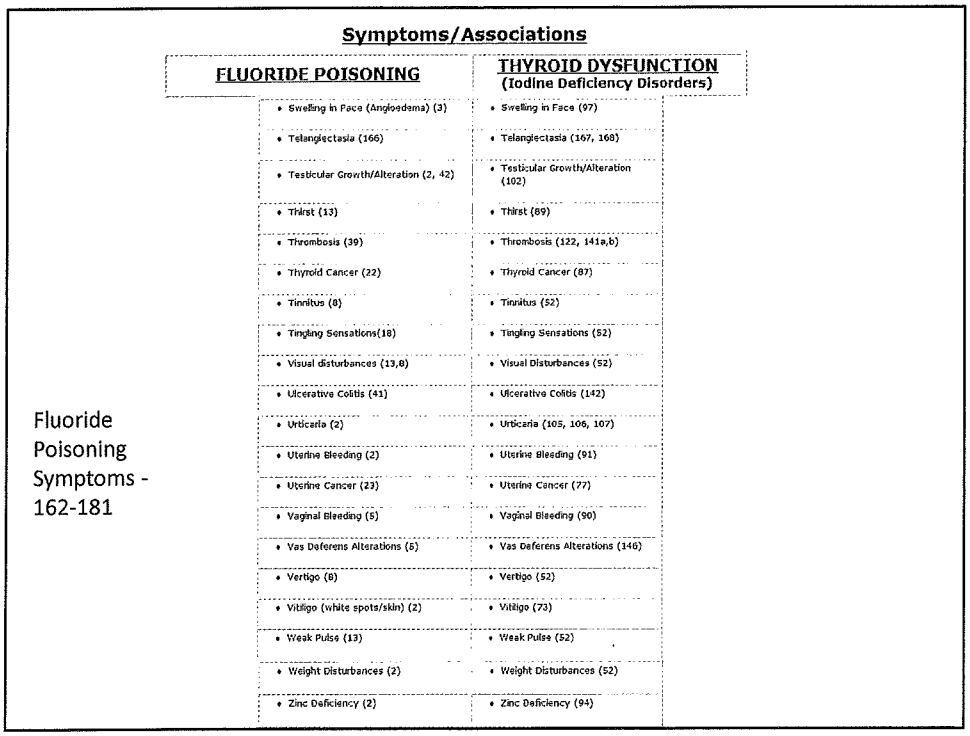
Fluoride Poisoning Symptoms - 144-161



Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Rhinitis (38)	• Rhinitis (6)
• Schizophrenia (18)	• Schizophrenia (163, 164)
• Sceroderma (3)	• Scleroderma (74)
• Skin Pigmentation (2)	• Skin Pigmentation (97)
• Secondary teeth erupt later (16)	• Secondary teeth erupt later (66)
• Sensitive to light (1,17)	• Sensitive to light (52)
• Seizures (13)	• Seizures (88)
• Shortness of Breath (13)	• Shortness of Breath (52)
• SIDS (16)	• SIDS (54)
• Sinus Infections (2,8)	• Sinus Infections (52)
• Skeletal Changes (2)	• Skeletal Changes (86)
• Sleep Disorders (2)	• Sleep Disorders (52)
• Slipped Epiphysis	• Slipped Epiphysis
• Sluggishness (2)	• Sluggishness (52)
• Skin Irritations (13,8)	• Skin Irritations (52)
• Spondylitis, ankylosing (5)	• Spondylitis, ankylosing (148)
• Stillbirths (2)	• Stillbirths (97)
• Swallowing Difficultiss (Dysphagia) (13)	• Swallowing Difficulties (52)

Fluoride Poisoning Symptoms - 162-181



Symptoms/Associations

FLUORIDE POISONING	THYROID DYSFUNCTION (Iodine Deficiency Disorders)
• Swelling in Face (Angioedema) (3)	• Swelling in Face (97)
• Telangiectasia (166)	• Telangiectasia (167, 168)
• Testicular Growth/Alteration (2, 42)	• Testicular Growth/Alteration (102)
• Thirst (13)	• Thirst (89)
• Thrombosis (39)	• Thrombosis (122, 141a,b)
• Thyroid Cancer (22)	• Thyroid Cancer (87)
• Tinnitus (8)	• Tinnitus (52)
• Tingling Sensations(18)	• Tingling Sensations (52)
• Visual disturbances (13,8)	• Visual Disturbances (52)
• Ulcerative Colitis (41)	• Ulcerative Colitis (142)
• Urticaria (2)	• Urticaria (105, 106, 107)
• Uterine Bleeding (2)	• Uterine Bleeding (91)
• Uterine Cancer (23)	• Uterine Cancer (77)
• Vaginal Bleeding (5)	• Vaginal Bleeding (90)
• Vas Deferens Alterations (5)	• Vas Deferens Alterations (146)
• Vertigo (8)	• Vertigo (52)
• Vitiligo (white spots/skin) (2)	• Vitiligo (73)
• Weak Pulse (13)	• Weak Pulse (52)
• Weight Disturbances (2)	• Weight Disturbances (52)
• Zinc Deficiency (2)	• Zinc Deficiency (94)

Health Canada says we need 8 – 8 oz glasses of WATER a day

water consumption and fluoride					What Health Canada says a person "needs"
					2 litres
Hamilton 2012	0.6 ppm		Health Canada		0.6 ppm or mg/l
water consumption	300 lpd	per person	recommends 8-8 oz		1.2 mg
ingested	2 lpdpp		glasses a day		
not ingested	298 lpd		8 oz =	0.24 l	1.2 mg/day
ingested	0.67%		8 times 8	1.89 l	365 days per year
not ingested	99.33%		say	2 lpd pp	only 438 mg fluoride

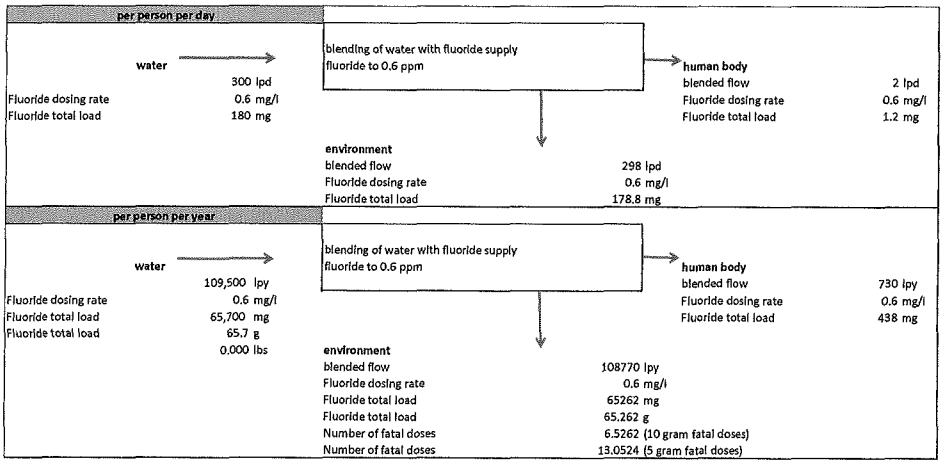
fluoride toothpaste

	say			at 1.2 mg per day	
1000 ppm	100 ml		per tube	83.3	# of days from one tube of tooth paste
1000 ppm	so	1000 mg	per litre		<<<therefore 1.2 ml of toothpaste has enough fluoride for a daily dose, AND it can be applied TOPICALLY - NOT ingested. For one adult, for one year this is less than 5 tubes of toothpaste AND can be used according to actual NEED
	is	100 mg	per 100 ml	a 1:1 ratio!!	
	so	4.38	tubes of toothpaste per person per Year		
		IF they choose to use it			
		AND			
		Dose can be measured to suit			

Since 1970 we have had fluoride toothpaste.

One tube is "enough" fluoride for 83 days, or we can say an adult looking for fluoride would use ~4.4 tubes of toothpaste per year.

Current Water Fluoridation Practice Examined – A Mass Balance



Per person

Current Water Fluoridation Practice Examined – A Mass Balance

Hamilton Population, 519,949 consumer demand per day

based on 300 litres per person per day and population estimate only

water			blending of water with fluoride supply fluoride to 0.6 ppm			human body		
Flow	155,984,700	lpd				blended flow	1,039,898	lpd
Flow	155,985	m3				Fluoride dosing rate	0.6	mg/l
Flow	41	MGD				Fluoride total load	623,939	mg
Fluoride dosing rate	0.6	mg/l						
Fluoride total load	93,590,820	mg	**environment**					
Fluoride total load	94	kg	blended flow	154,944,802	lpd			
			Fluoride dosing rate	0.6	mg/l			
			Fluoride total load	92,966,881	mg			
			Fluoride total load	92,967	g			
			Fluoride total load	93	kg			
			Number of fatal doses	9,297	(10 gram fatal doses)			
			Number of fatal doses	18,593	(5 gram fatal doses)			

Hamilton Population, 519,949 consumer demand per year

based on population estimate only

water			blending of water with fluoride supply *fluoride to 0.6 ppm*			*human body*		
Flow	56,934,415,500	lpy				blended flow	379,562,770	lpy
Flow	56,934,416	m3Y				Fluoride dosing rate	0.6	mg/l
Flow	15,040	MGY				Fluoride total load	227,737,662	mg
Fluoride dosing rate	0.6	mg/l						
Fluoride total load	34,160,649,300	mg	**environment**					
Fluoride total load	34,160.65	kg	blended flow	56,554,852,730	lpd			
Fluoride total load	34	mT	Flow	56,554,853	m3Y			
			Flow	14,940,214,211	MGY			
			Fluoride dosing rate	0.6	mg/l			
			Fluoride total load	33,932,911,638	mg			
			Fluoride total load	33,932,912	g			
			Fluoride total load	33,933	kg	So per year, we as a population put between		
			Fluoride total load	33.9	mT	3.3 and 6.7	MILLION FATAL DOSES	
			Number of fatal doses	3,393,291	(10 gram fatal doses)	into the environment		
			Number of fatal doses	6,786,582	(5 gram fatal doses)	**So HOW is this OK?**		

Hamilton's population today

All of Canada, fluoridation rate per DAY

Population of Canada	33,900,000							
Percentage fluoridated	45.10%							
water			blending of water with fluoride supply fluoride to 0.6 ppm			human body		
(300xpopx%)	4,586,670,000	lpd				blended flow	30,577,800	lpd
Fluoride dosing rate	0.6	*mg/l*				Fluoride dosing rate	0.6	mg/l
Fluoride total load	2,752,002,000	mg				Fluoride total load	18,346,680	mg
	2,752,002	g						
	2,752	kg	**environment**					
	2.752	MT	blended flow	4,556,092,200	lpd			
	6,067.13	lbs	Fluoride dosing rate	0.6	mg/l			
			Fluoride total load	2,733,655,320	mg			
			Fluoride total load	2,733,655	g			
			Fluoride total load	2,734	kg			
			Fluoride total load	2.73	MT			
			Number of fatal doses	273,366	(10 gram fatal doses)			
			Number of fatal doses	546,731	(5 gram fatal doses)			

All of Canada, fluoridation rate per YEAR

Population of Canada	33,900,000							
Percentage fluoridated	45.10%							
water			blending of water with fluoride supply fluoride to 0.6 ppm			human body		
(300xpopx%x365)	*1,674,134,550,000*	*lpd*				*blended flow*	11,160,897,000	lpd
Fluoride dosing rate	0.6	mg/l				Fluoride dosing rate	0.6	mg/l
Fluoride total load	1,004,480,730,000	mg				Fluoride total load	6,696,538,200	mg
	1,004,480,730	g						
	1,004,481	kg	**environment**					
	1,004.481	MT	blended flow	1,662,973,653,000	lpd			
	2,214,501.32	lbs	Fluoride dosing rate	0.6	mg/l			
			Fluoride total load	997,784,191,800	mg			
			Fluoride total load	997,784,192	g			
			Fluoride total load	997,784	kg			
			Fluoride total load	997.78	MT			
			Number of fatal doses	99,778,419	(10 gram fatal doses)			
			Number of fatal doses	199,556,838	(5 gram fatal doses)			

Assumptions* (best available information)

Canadian consumption of fresh water is 300 litres per person per day (estimates to 450 lpd in the Great Lakes Area)

Fluoridation rate is 0.6 mg/l, or ppm

Population of Canada given at 33,900,000

Percentage of Canadian population that is fluoridated is 45.1%

Fate of Fluoride – Ingestion into Human Bodies
(only about 1/150th of what we purchase and put through our systems and into the environment)

Fluoride Summary per day, per year and 47 year term		Ingestion by Humans mg	g	kg	MT
Per person	per day	1.2	0.0012		
	per year	438	0.438	0.000438	
	times 47	20,586	21	0.020586	
Hamilton Population	per day	623,939	624	0.623939	
519,949	per year	**227,737,662**	**227,738**	**228**	
	times 47	10,703,670,114	10,703,670	10,704	10.7
Canadian Fluoridated Population	per day	18,346,680	18,347	18	0.018
33,900,000	per year	6,696,538,200	6,696,538	6,697	**6.7**
	times 47	314,737,295,400	314,737,295	314,737	314.7

Fate of Fluoride – Waste Directly the Environment via our pipes, lands, crops and waterways
150 times MORE than we ingest – wasteful and polluting and a TAX BURDEN and Liability

Fluoride Summary per day, per year and 47 year term		F* Wasted - Pollution to the Environment mg	g	kg	MT
Per person	per day	178.8			
	per year	65,652	66		
	times 47	3085644	3,086	3	
Hamilton Population	per day	92,966,881	92,967	93	
519,949	per year	**33,932,911,638**	**33,932,912**	**33,933**	**33.9**
	times 47	1,594,846,846,986	1,594,846,847	1,594,847	1,594.8
Canadian Fluoridated Population	per day	2,733,655,320	2,733,655	2,734	**2.7**
33,900,000	per year	997,784,191,800	997,784,192	997,784	**997.8**
	times 47	46,895,857,014,600	46,895,857,015	46,895,857	46,895.9
Canada's contribution to our water resources		#5g	#10g		
997,784,192	**g/year**	199,556,838	99,778,419	#FD	
46,895,857,015	**g/47 YLC**[1]	9,379,171,403	4,689,585,701	#FD	

If we paid for only what we ingested, it would be 1/150th of the total cost AND we would not contribute to pollution!!!

So every year Canada's fluoride discharge to the environment, where it has no exit, somewhere between 99.7 and 198 MILLION FATAL DOSES of Fluoride

Over a 47 year time frame, this equates to somewhere between 4.7 and 9.4 BILLION FATAL DOSES of Fluoride

[1] Based on current rates

How can we deliver so much toxic fluoride to the environment and say there is no effect?

LIFETIME Fluoride Mass Balance					
Guesstimate, say an average sales to the Canadian municipal water fluoridation industry at		1,000	MT	per year	
Since 1965, to 2012		47		years	
Total tonnes		47,000	MT	WF to date	
	Number of fatal doses	4,700,000,000		(10 gram fatal doses)	4.7 BILLION
	Number of fatal doses	9,400,000,000		(5 gram fatal doses)	9.4 BILLION
Program Lifecycle Landfill Alternative Costs for Disposal of Fluoride by producers without Municipal Exit					
Tipping Fees at $10 per ton		$470,000			
Tipping Fees at $40 per ton		$1,880,000			
WF, Our cost per person per year	$1				
say average population of Canada since 1965	24,000,000				
years since 1965	47				
Cost of Water Fluoridation*	**$1,128,000,000**				
What we PAID Fluoride producers*					

Cost of Water Treatment that effectively removes Fluoride

Membrane plant capital cost estimate	**HAMILTON ONLY**
between	$0.20
and	$0.30
per gallon	
Current Capacity	909,000 m3/day
	240 MGD
Estimated Capital Cost	$48,000,000 low
	$72,000,000 high
Membrane plant capital cost estimate	**ALL CANADA**
between	$0.20
and	$0.30
per gallon	
Current Capacity	4,586,670 m3/day
	1212 MGD
Estimated Capital Cost	$242,300,000 low
	$363,500,000 high

Artificial Water Fluoridation

Environmental Effects & Legal Implications

Peter Ormond M.Eng, MBA, P. Eng
Co-chair, Great Lakes & Water Group, CoC Hamilton
CEO, Green Party of Canada, Hamilton Centre Riding
Host: GreenTV—Newsclip TV
Host: Green Sense—93.3 CFMU

Hydrofluorosilicic Acid: derived from scrubbers of phosphate fertilizer production sites —NOT pharmaceutical grade

"Hazardous Waste"
Hazardous Waste Act

"Toxic Substance" (Anthropogenic, Toxic, Persistent, Bioaccumulative)
Canadian Environmental Protection Act

"Dangerous good/class 8 corrosive substance."
Transport Canada

Contaminants include trace amounts of:

- Arsenic (As)
- Lead (Pb)
- Mercury (Hg)
- Cadmium (Cd)
- Chromium (Cr)
- Radionuclides (Ra, Po)

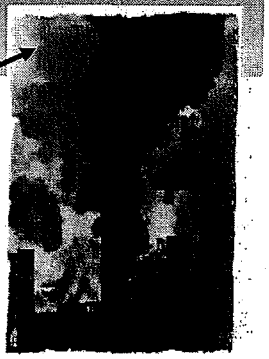
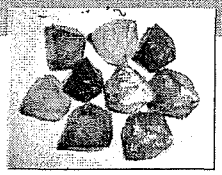


Photo: www.fluoridealert.org

Natural Fluorides vs. Hydrofluorosilicic Acid

NaF (sodium fluoride or villiaumite)

MgF_2 magnesium fluoride or sellaite



20 x MORE TOXIC

CaF2 (calcium fluoride, fluorite or fluorspar)
- Naturally occurring
- Safe to hold with bare hands
- Sparingly soluble in neutral pH water
- Fluoride toxicity reduced by calcium

Acute oral toxicity
-LD 50 = oral rat, 4250 ppm
Source: REAGENTS, INC.–MSDS–CALCIUM FLUORIDE

H2SiF6 (hydrofluorosilicic acid)
- Man-made toxic waste product
- Highly corrosive liquid that requires full personal protective equipment to handle legally
- Fluoride toxicity enhanced by co-contaminants

Acute oral toxicity
-LD 100 = guinea pig, 80 ppm (2 % solution)
Source: Issuing date 06.07.2009 SOLVAY Chemicals

NO NSF60 TOXICOLOGY STUDIES

Turtle Species are currently in Need of Protection?
(Violates Fisheries Act 1985 & Species At Risk

SARA Protected

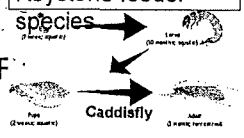
Spiny Softshell Turtle

After dilution:
Hamilton Harbour
F = 0.31 ppm

CWQG Fluoride
< 0.12 ppm

Crayfish

Keystone feeder species

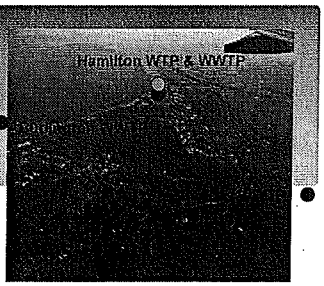


Caddisfly

SARA Protected

Eastern Sand Darter

Hamilton Harbour Area of Concern

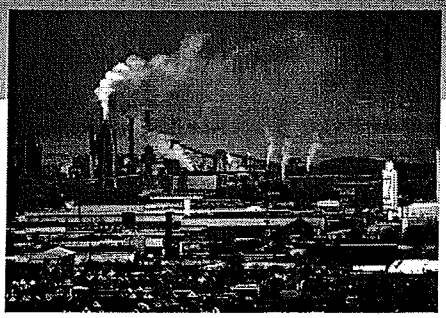


* Recipient of fluorides from 4 WWTPs (and urban runoff)
* Fluorides not removed by wastewater treatment
* <1% treated water consumed for drinking = 99% H_2SiF_6 discharged
* H_2SiF_6 **>450,000 lbs/year** (1 lb/person/year minus rural)
* + Permitted industry loading
* + food, pharmaceuticals, personal care & cleaning products

"... the impacts on the Harbour's aquatic ecosystem, fish and wildlife continue to occur"

Report - Hamilton Harbour – Areas of Concern (2010) Env.Can. and ON MOE

Municipal Water Fluoridation = Industrial F Pollution Smokescreen



AWF makes it impossible to regulate the many industries in Hamilton that discharge fluorides into the combined sewer system & atmosphere

We Have a Duty to Protect the Environment That Sustains Us

* **As of January 1, 2013 Municipal Councillors will be <u>personally</u> responsible and liable for environmental and health damage caused by fluoridation under the Safe Drinking Water Act (2002), Section 19.**
* **Health Canada does not regulate H_2SiF_6. As such, the agency has no standing in the matter. Its endorsements will not shield the City of Hamilton from liability or possible legal action.**

Legal Implications of Fluoridation

* Violates the federal 2002 Species At Risk Act
* Violates the 1999 Canadian Environmental Protection Act
* Violates several pieces of legislation stemming from the federal 1985 Fisheries Act
* Violates Ontario 2002 SDWA Section 20 'Dilution no Defense'
* Violates 1978 Great Lakes Water Quality Agreement (goal - virtual elimination of persistant toxic substances)
* Violates 1997 Binational Toxics Strategy
* Contributes to exceedence Can Water Quality Guideline

Hamilton Has the Power to End AWF Under the Clean Water Act of 2006

* Ontario's Clean Water Act helps protect drinking water from source to tap with a multi-barrier approach **that stops contaminants from entering sources of drinking water – lakes, rivers and aquifers.**
* Ontario's Clean Water Act requires that local communities - through local Source Protection Committees – **assess existing and potential threats to their water, and that they set out and implement the actions needed to reduce or eliminate these threats.**
* Empowers communities to take action to **prevent threats** from becoming significant (i.e. including threats to aquatic life).
* Requires **public participation** on every local source protection plan – the planning process for source protection is open to anyone in the community.
* Requires that **all plans and actions are based on sound science** (i.e. including but not limited to peer-reviewed human health research).

Recommendations

The Precautionary Principle

If an action or policy has a suspected risk of causing harm to the public or to the environment, in the absence of scientific consensus that the action or policy is harmful, the burden of proof that it is not harmful falls on those taking the action.

We recommend the Board of Health Committee insist on:

1. Provision of a full environmental impact assessment and baseline study that was conducted prior to initiation of Artificial Water Fluoridation. None? Stop AWF
2. Continuous downstream monitoring to ensure that levels do not exceed water quality guidelines for protection of aquatic life of 0.12 ppm. Not feasible? Stop AWF
3. A mandate that chemistry of the water discharged into the Hamilton Bay from the Hamilton sewage treatment plant is the same or better than the water that is taken out in terms of protection of aquatic life. Not possible? Stop AWF

Organizations Committed to Environmental Restoration by Ending Artificial Water Fluoridation

* Green Party of Canada
* Canadian Association of Physicians for the Environment
* Council of Canadians
* EPA Headquarters Professionals' Union
* Great Lakes United
* National Research Council
* International Society of Doctors for the Environment
* American Academy of Environmental Medicine
* Environmental Working Group
* Environmental Health Foundation
* Science and Environmental Health Network
* Center for Health, Environment, and Justice
* Goldman Prize winners (2006, 2003, 1997, 1995, 1990)

Thank you for your time

Hamilton Board of Health Meeting

April 16, 2012

Artificial Water fluoridation

Delegation of Sheldon Thomas: 'The Chemical'

Sheldon Thomas
Principal, Clear Water Legacy
www.clearwaterlegacy.com
905 333-9203

Good afternoon, Mr. Mayor and Councillors.

My name is Sheldon Thomas.

I had the great privilege to work in Hamilton's water utility for 26 years. Some of that time was spent as Manager of your Water Distribution System.

Today, I design and deliver Ministry-approved seminars that teach the protection of water quality in the pipes beneath the street.

In all my years here, I never once doubted the quality of Hamilton water.
But I do now.

Hamilton's drinking water is *not* safe. It's not *chemically* safe.

It became unsafe in 1966 when the City began artificial water fluoridation.

The council of '66 would have been told that water fluoridation was well-tested and safe.
Little or nothing would have been said about the new fluoride chemical. [1]

Hamilton's chemical is called 'fluorosilicic acid'.

For starters, this chemical is a highly corrosive, category 1, industrial waste.

It has been added to drinking water for over 60 years, and in that time not one single toxicological test has been done to prove that this adulterated water is safe to drink. [2]

Let me summarize what Hamilton councils have been advised to do for 46 years:

- You fund and operate a billion dollar, world-class, water treatment plant to create some of the finest drinking water on this continent.

- Just before you send it off to your citizens, you top it off with one of the most toxic industrial wastes known to environmental science.

You did it then, and you do it now, because the highest health authorities in the land convinced this City that water fluoridation was necessary.

The dental campaign in this city would not have included the true nature of the fluoridating chemical you would have to live with.

Fluorosilicic acid is not a carefully-designed work of chemistry.

The chemical that arrives at Woodward can be polluted by any of a dozen contaminants, including lead, arsenic, and mercury. **3**
Lead and arsenic are nearly always in the mix.

In a Spectator story last September, Dr. Richardson spoke of "intervention strategies' to deal with lead exposure in this city. **4**

The good doctor is absolutely right. The harm caused by lead poisoning is well known. **5**

What is not well known is that lead enters Hamilton water almost daily by the use of fluorosilicic acid.

It would also be wise to investigate the startling increases in blood-lead uptake that can result when you combine *your fluoridating* chemical with the *disinfection* chemical that is carried throughout your water system.

That combination produces a powerful solvent that can dissolve a lot of lead from the metal of household faucets and from lead-soldered plumbing. **6**

In a city of this age, how many Hamilton homes have older generation high-lead faucets, and hundreds of lead-soldered joints?

The lead and arsenic contaminants in fluorosilicic acid should not be down-played.

Lead is classified as a 'probable human carcinogen'. [7]
Arsenic is classified as an established cause of cancer. [8]

Artificial water fluoridation has added these two carcinogens to Hamilton's drinking water since day one.

Health Canada is very concerned about arsenic. In 2006, it stated that <u>every</u> effort should be made to keep it out of drinking water. [9]

To *add* arsenic in any amount would seem contrary to Health Canada's advice.

Some argue that the arsenic contaminant gets diluted massively by about 240,000 to 1 in drinking water. [10]
That is true, but dilution does not make it disappear.

The National Sanitation Foundation (NSF) states that arsenic typically found in fluorosilicic acid dilutes down to just under 0.5 ppb. [11]

So, how scary is half a part per billion of arsenic?

That's enough to cause an estimated 50 additional cancers in a community the size of Hamilton. [12]

That cancer estimate is the work of the National Resources Defense Council, using data provided by the National Academy of Science. [12]

From your drinking water reports, it appears that Hamilton's water contains arsenic that likely exceeds the calculation done by NSF. [13]

If that's normal, then *this* community might anticipate those 50 additional cancers, *and then some*. [12]

Some will move quickly to discredit these cancer estimates. But to be of any service here, they will have to commit to some work.

They will have to convincingly disprove the findings of these two institutions.

The National Academy of Science has been an independent scientific advisor to government for 150 years. One would think that they could defend their data. **14**

To its credit, Hamilton's Public Health Services seems to sense that fluorosilicic acid has issues.

It reports on the City website that Hamilton's fluoride is *not* used until it's *made* pure. **15, 16**

That is extraordinary .. considering that:

- NSF doesn't require the removal of contaminants. **17**
- The chemical plants that make the chemical *won't* remove contaminants unless the purchaser tells them *how* **18**

I have never heard anyone in Hamilton's water utility speak of this fluorosilicic acid purification.

If a process exists, the rest of the water industry needs to know about it.

Thank you for your time and attention this afternoon.

References

1. Petition: No. 221B, Office of the Auditor General of Canada, Petitioner: Carole Clinch
Health Canada response to Q7, Q8, Q9, Q10, Q13, Q19:
Health Canada does not conduct research on the chemistry of fluoride species.

2. Congressional investigation 1999 and 2000 by a subcommittee of the House Committee on Science:

* EPA confirmed that the two compounds used almost exclusively in the U.S. for fluoridation have never, ever been studied for their effect on health or behaviour.

* NSF International, the private organization certifying fluoridation chemicals, confirmed that it is *doing so in violation of its own standard requiring manufacturers to submit any available* published and unpublished toxicological studies on both the fluoride compound and any contaminants contained in the product. NSF disclosed in the investigation that they have no such studies on file

3. NSF Fact Sheet on Fluoridating Chemicals, Table 1, pg 7

4. The Hamilton Spectator, September 27, 2011, Pg A3, 'Top doc tells city to get lead out' / Matthew Van Dongen

5. 'Lead in Drinking Water', WHO Guidelines for Drinking Water Quality, 03/04/2009, Pg 5, 'Effects on Humans'6. Coplan MJ, Patch SC, Masters RD, Bachman MS. 2007 Confirmation of and explanations for elevated blood lead and other disorders in children exposed to water disinfection and fluoridation chemicals. Neurotoxicology. Sep;28(5):1032-42.

6. "Masters and Coplan, besides showing that silicofluorides are probably increasing lead in children, have discovered a 1975 Ph.D. thesis in German showing that silicofluorides are far from completely dissociate in water, and these partially dissociated residues are potent acetyl cholinesterase inhibitors. **As a result of their work, EPA was forced to admit to Congressman**

Against the theory of silicofluoride dissociation:

Calvert that they have absolutely "no information on the effects of silicofluorides on health and behavior." Further, EPA officials now admit that they are not sure that hydrofluosilicic acid completely dissociates when added to water supplies and are planning on studies to determine what does happen. Silicofluorides have been added to drinking water supplies for 50 years without any idea of the possible consequences."

> Robert J. Carton, Ph.D. Chief, Environmental Protection Office of Regulatory Compliance & Quality U.S. Army Medical Research

Chem. Rev. **2002,** *102,* 2837-2854 'Fate of Fluorosilicate Drinking Water Additives', Edward Todd Urbansky.

The USEPA Request For Assistance (RFA) to further investigate the dissociation of silicofluorides, as earlier ordered by Congress.

The assumption that silicofluorides completely dissociate in water (Urbansky and Schock, 2000) has been questioned (Coplan and Masters, 2001). The possibility that intermediate species (e.g. SiF51-) exist under acidic conditions has been indicated (Urbansky, 2002; Morris, 2004; NRC, *2006,* p. 53).

Also possible is that SiF residues re-associate within the stomach (intra-gastric pH levels ~2.0; Ciavatta et al., 1988) and during food preparation, producing SiF-related species such as silicon tetrafluoride, a known toxin (Coplan, 2002).

7. USEPA Integrated Risk Information System (IRIS), Lead and Compounds (inorganic) (CASRN 7439-92-1), 11.A.: Evidence for Human Carcinogenicity .. Classification B: 'probable human carcinogen'

8. USEPA Integrated Risk Information System (IRIS), Arsenic (inorganic)(CASRN 7440-38-2) 11.A.: Evidence of Human Carcinogenicity
..Classification A: human carcinogen

9. Health Canada 2006 report 'Arsenic in Drinking Water' report it stated, "Because arsenic can cause cancer, every effort should be made to keep levels in drinking water as low as possible."

10. 240,000x DF / The Dilution Factor of HFSA when the target is 0.75mg/L of fluoride ion in drinking water / Peter Van Caulart, President Environmental Training Institute, Ridgeview, *Ontario / March 24, 2012*

11. April 24, 2000 / letter written by NSF's Stan Hazen, General Manager Drinking Water Additives Certification Program, to Mr. Juan Menedez, the State of Florida, Department of Public Health, Tallahassee, Florida

12. Natural Resources Defense Council. (2000). Arsenic and Old Laws: A Scientific and Public Health Analysis of Arsenic Occurrence in Drinking Water, Its Health Effects, and EPA's Outdated Arsenic Tap Water Standard. http://www.nrdc.org/water/drinking/arsenic/aolinx.asp

See next page for chart

Chart 1: Lifetime Risks of Dying of Cancer from Arsenic in Tap Water

*Based upon the National Academy of Sciences' 1999 Risk Estimates**

From the Natural Resource Defense Council's February 2000 Report "Arsenic & Old Laws"

Arsenic Level in Tap Water (in parts per billion, or ppb)	Approximate Total Cancer Risk (assuming 2 liters consumed/day)
0.5 ppb	1 in 10,000 (highest cancer risk EPA usually allows in tap water)
1 ppb	1 in 5,000

3 ppb	1 in 1,667
4 ppb	1 in 1,250
5 ppb	1 in 1,000
10 ppb	1 in 500
20 ppb	1 in 250
25 ppb	1 in 200
50 ppb	1 in 100
*See note 3 at http://www.nrdc.org/water/drinking/arsenic/chap3.aspfor details on how the NRDC calculated total cancer risk based on an extrapolation of NAS's risk estimates, which assumed a linear dose-response and no threshold.	

0.5 ppb: 1 in 10,000 in **Hamilton's** population of approx. 500,000 is 500,000 / 10,000 = 50
I ppb: 1 in 5000 in **Hamilton's** population of approx. 500,000 is 500,000 / 5000 = 100

13. Drinking Water Systems Regulation O. Reg. 170/03 Section 11 Hamilton Annual Report / January 2012 / page 5 of 7 .. 'Summary of inorganic parameters tested during this reporting period (Treated) / See Arsenic Result Value of <0.001 mg/l, equivalent to <1ppb

14. The **National Academy of Sciences** was established in 1863 to address the government's urgent need for an independent advisor on scientific matters. As science began to play an ever-increasing role in national priorities and public life, the National Academy of Sciences expanded to include the National Research Council in 1916, the National Academy of Engineering in 1964, and the Institute of Medicine in 1970.

NRDC is the nation's most effective environmental action group, combining the grassroots power of 1.3 million members and online activists with the courtroom clout and expertise of more than 350 lawyers, scientists and other professionals.

15. Copied, 12:23 pm March 27, 2012, from the City of Hamilton Official Website - Public Health Services 'Fluoride Question/Answers'

"Is the fluoride used in Hamilton contaminated with chemicals?
Fluoride goes through a purifying process before being used.
Independent testing shows that the fluoride used in City of Hamilton water exceeds all safety standards. Constant sampling shows that the water produced by the City of Hamilton's Woodward plant is among the purest drinking water in Ontario. The plant has received several awards for excellence and innovation."

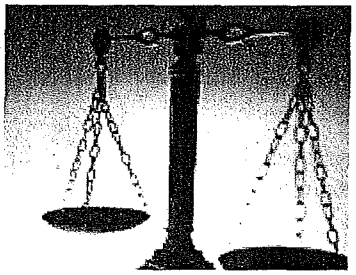
16. *Purify* Canadian Oxford Dictionary .."cleanse or make pure" / "clear of extraneous elements"

17. NSF Fact Sheet on Fluoridation Chemicals
http://www.nsf.org/business/water_distribution/pdf/NSF_Fact_Sheet.pdf.

18. AWWA Standard B703 Fluorosilicic Acid, Section 4.3 'Impurities' subsection 4.3.4 'Additional impurity limits may be specified by the purchaser to ensure the material supplied is suitable for water treatment. If additional impurity limits are specified, the purchaser must state the test methodology to be used to determine compliance with the additional limits."

end

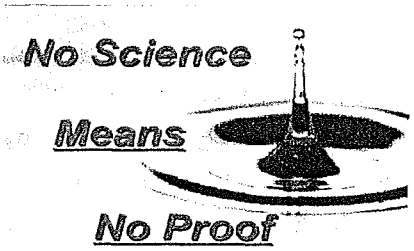
Legal Liabilities of Fluoridation: Who Bears Them?



Hamilton Board of Health
Monday April 16, 2012
G.W. Cooper, PEng, BEng, MBA
Public Policy Advisor
People for Safe Drinking Water

Key Provisions of Safe Drinking Water Act, 2002: S.19 - Standard of Care as of January 1, 2013

- Councillors need to:
  - exercise the level of care, *due diligence* and skill of a reasonably prudent person, and
  - act honestly, competently and with integrity to **ensure the protection and safety of the users.**



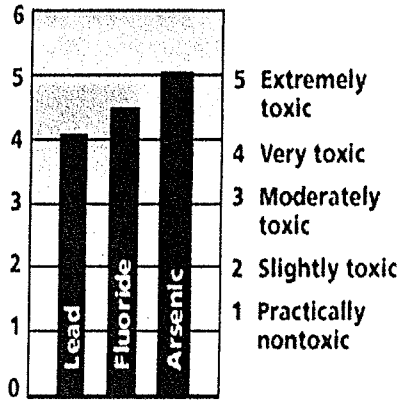
- SDWA Regulation 241-05 permits any resident to seek an MOE investigation on any contravention, enforcement, or appeal issue.

2

Key Provisions of Safe Drinking Water Act, 2002: S.20 - Prohibition of Toxic Substances

- S.20(1) prohibits a substance in drinking water that:
  - is or could be harmful to human health,
  - does or could contravene a prescribed standard, or
  - interferes with normal water treatment operations.
- S.20(3) also clearly states that dilution is not a defence.
- Yet governments permit fluoride levels (HFSA) in water up to 150 times higher than lead (10 ppb) and arsenic (0 ppb).

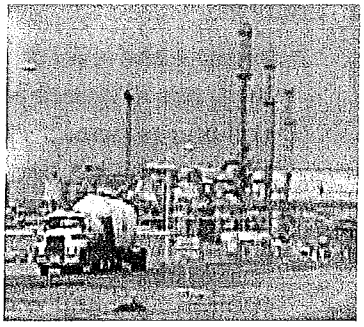
The Three Most Toxic Elements



3

Key Provisions of Safe Drinking Water Act, 2002: S.20 - Prohibition of Toxic Substances Cont'd

- On all 3 counts, S.20(1) prohibits HFSA is in our water, yet:
  - HSFA suppliers disclaim any liability for its purpose or use.
  - Example: ``However, we make no warranty of merchantability or any other warranty, express or implied, with respect to such information, and we assume no liability resulting from its use."
- Councillors ought not tolerate this contravention of S.20.



- Make the most recent HFSA hazmat delivery to the Woodward Treatment Plant the last ever.

4

Key Provisions of Safe Drinking Water Act, 2002: S.20 - Prohibition of Toxic Substances Cont'd

- HFSA has never been tested in Canada or the USA for safety against NSF 60, the prescribed standard.

  - Per January 2, 2007 NSF: "NSF International does not evaluate safety of chemicals added to water for the purpose of the treatment or mitigation of disease in humans ..."

  - This means there is no scientific proof that HFSA is safe for us to drink.

- Per the spirit of SDWA S.19 and the letter of S.20, Council's prudent action is to end fluoridating Hamilton's drinking water with HFSA.

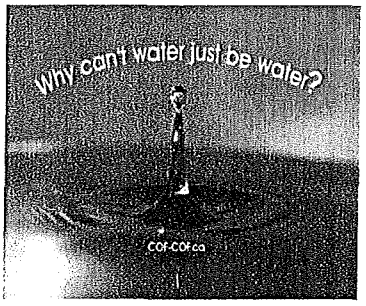
5

Conclusions

- Using HFSA contravenes S.20 of the Act as it does not meet NSF-60.

- Serious doubts exist about the objectivity and credibility of advice from Medical Officers of Health:
  - They must promote and defend fluoridation.
  - They are not research experts on fluoridation.

- Hence Council's decision must meet the S.19 due diligence test.



- We call, per the spirit of SDWA S.19 and the letter of S.20, on Council to be prudent by ending the fluoridation of Hamilton's drinking water with HFSA.

6

Risk, Science and Politics : Why Hamilton Should Continue To Fluoridate Its Water Supply

Simon J. Kiss, PhD and Andre Perrella, PhD
Wilfrid Laurier University
Laurier Institute For The Study Of Public Opinion And Policy (LISPOP)
http://www.lispop.ca

April 13, 2012

I am a political scientist at Wilfrid Laurier University and one of my major research interests is the politics of the environment and risk perception. Rather than seeing risks as objective phenomena, I see risks as political constructs. Science is very good at ascertaining relations between facts, but risks are much more than that. Inevitably, risks involve some kind of cost benefit calculation that *must* rely on individual values for its completion. That makes risks inherently political. With this perspective in mind, a colleague and I associated with the Laurier Institute For The Study Of Public Opinion And Policy, conducted a public opinion survey of voters in Waterloo about their views on fluoridation. Voters there overturned municipal fluoridation in 2010, which we thought surprising and curious. In the presentation to the Hamilton Board of Health, I will make the case that risks inherently involve value (political) judgements and that scientific evidence should be evaluated with this in mind.

Opposition to water fluoridation has a long history and has two major political roots. Most people consider opposition to water fluoridation to be a manifestation of radical libertarianism and anti-communism. The archetypal image here is the mad general in *Dr. Strangelove* who feels that water fluoridation is a manifestation of a communist plot. Indeed, libertarian opposition to medical treatment by the state . The second, source of opposition - and one which actually predates the anti-communist strand - is the opposition to modern food production and medicine. Thus, many of the original opponents to municipal fluoridation in the United States, Canada and Great Britain were actually people who were active in the organic

food and alternative medicine movements, including the anti-vaccination movements. This is why opposition to fluoridation does not map itself easily onto the traditional left-right divide of the political spectrum.

We found evidence of this in our survey. We found that some of the strongest predictors of anti-fluoridation attitudes was a mistrust of modern medicine and a fear of vaccinations.

Given that none of us are physical scientists, but acknowledging that Health Canada has studied and supported municipal fluoridation as both safe and beneficial, I would encourage the Board of Health to think about its own political values and the political values of the people who oppose it. Framing the debate in this way, the Board will start to see that the opponents of municipal fluoridation are not just motivated by any scientific evidence they can muster, but they are motivated by their own values of hostility to modern medicine (including vaccines) and to bureaucracies such as the public health department taking important actions to improve citizens' health.

Survey Notes

This public opinion survey was conducted in July 2011 by the Survey Research Center of the University of Waterloo. It as a random probability sample of 610 residents of the region of Waterloo (540 landlines and 70 cell phone residents).

Selected Findings From The Survey

Possible Dependent Variables

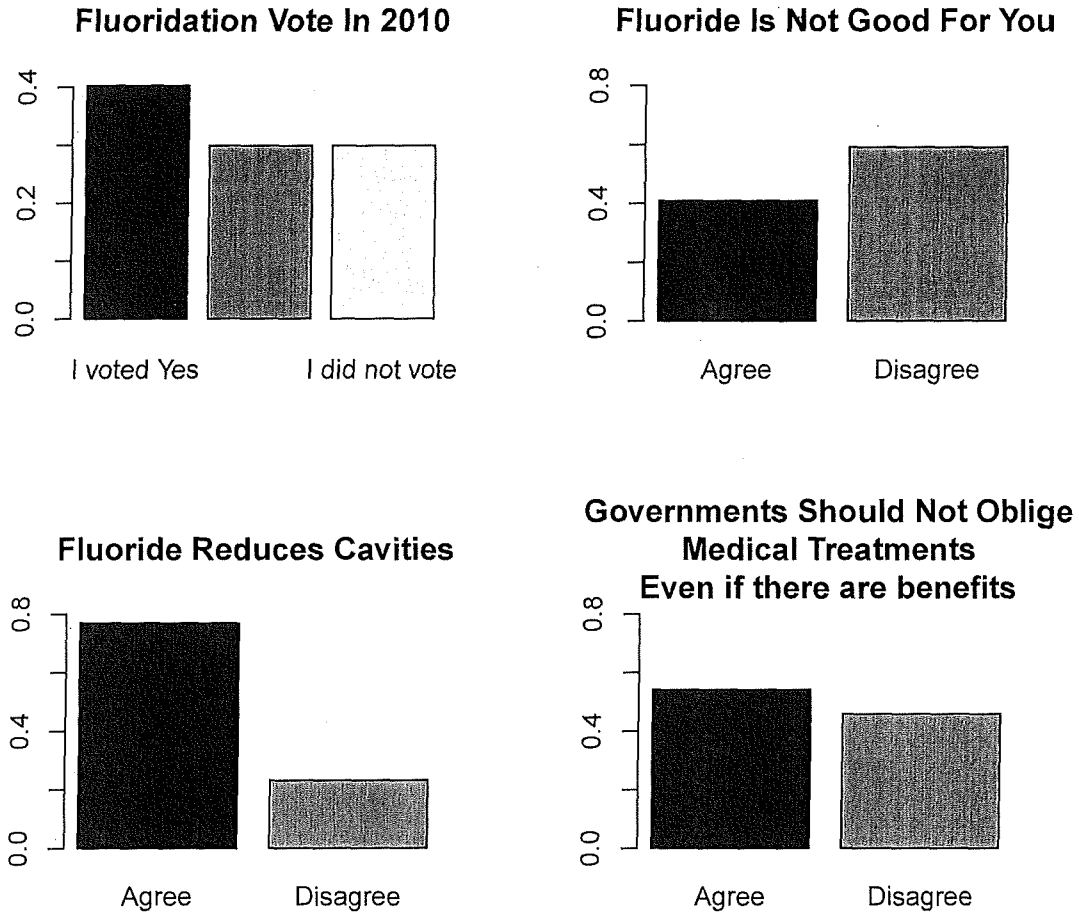


Figure 1: These graphs show the distribution of opinions from our public opinion survey of Waterloo residents (summer 2011) on some dependent variables. Notice that most people agree that fluoride reduces cavities, but there is a strong minority of people who agree that fluoride is not good for you. Moreover, on the question of whether the government should oblige mandatory medical treatments, people are split 50 -50.

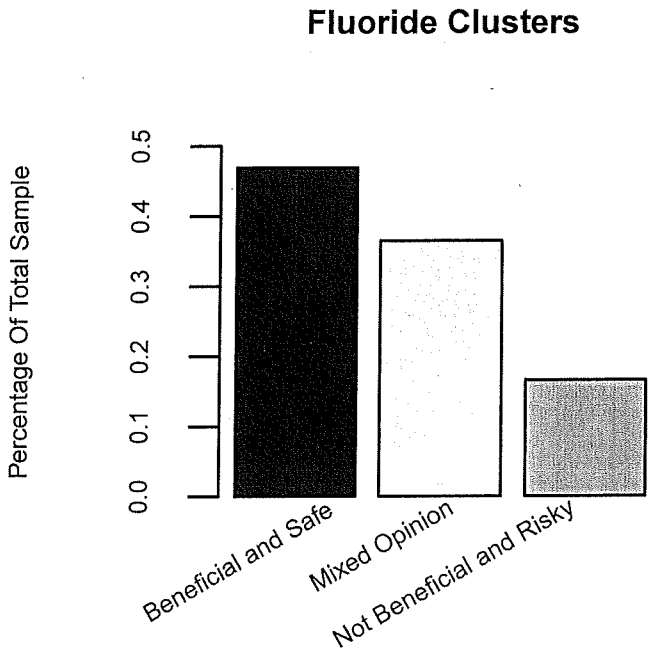


Figure 2: We combined people based on their combined responses to the questions about whether there were *benefits* to fluoridation and whether there were *risks* to fluoridation. Those who said it was beneficial and safe (by far, the plurality of people) were put in one cluster; those who thought there were no benefits and some risks were put in another cluster. The rest of the people mostly believed that there were benefits to fluoridation but maybe some risks and they were put in a third cluster

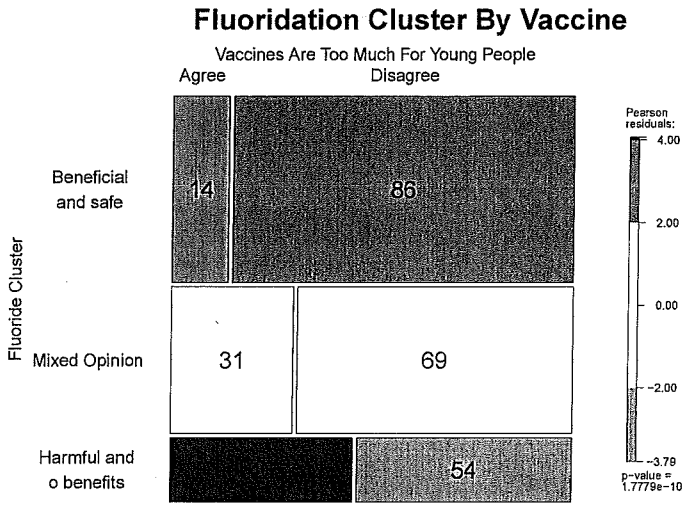


Figure 3: This is called a mosaic plot and it shows the distribution of views on fluoridation by views on vaccine skepticism. First, the graph is split vertically, according to how many people are in each fluoride cluster. Notice that the thickest, widest row corresponds to those who think that fluoridation is both beneficial and safe and that the rows get narrow moving down the graph. This corresponds to the distribution of opinions in Figure 2. Then, the cells are split vertically according to the distribution of opinions about vaccine skepticism. The numbers in each cell are *row* percentages; thus, 14% of people who believe that fluoridation is safe and beneficial believe also that vaccines are too much for young people to handle, while 86% of people who believe that fluoridation is safe and beneficial believe that vaccines are safe for children. By contrast, 46% of people who believe that fluoridation has no benefits and is risky also believe that vaccines are too much for young people to handle. Note also, as one moves downward toward fluoridation skepticism, vaccine skepticism also rises. If these two opinions were totally independent of each other, we would not expect to see this kind of pattern. The color codes simply represent over representation and underrepresentation compared to a strictly random distribution. Cells shaded pink have statistically significantly *less* respondents than we would expect by chance alone, while cells shaded blue have statistically significantly *more* respondents. One can tell, there is an overrepresentation of fluoridation skeptics who are also vaccine skeptics and there is an overrepresentation of fluoridation trusters who are also vaccine trusters. The authors also fit a multivariate model controlling for age, education and gender and found that the relationship with vaccine skepticism held strongly.

PLANNING COMMITTEE
REPORT 12-006
As Amended by Council on April 25, 2012

Tuesday, April 17, 2012
9:30 am
Council Chambers
City Hall
71 Main Street West
Hamilton, Ontario

Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present:
Councillor T. Jackson
Councillor B. McHattie
T. McCabe, GM, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
P. Mallard, Director, Planning
B. Janssen, Director, Strategic Services
G. Wide, Manager, Enforcement
S. Robichaud, Manager, Development Planning
V. Robicheau, Office of the City Clerk

THE PLANNING COMMITTEE PRESENTS REPORT 12-006 AND RESPECTFULLY RECOMMENDS:

1. Heritage Permit Application HP2012-010 Under Part V of the Ontario Heritage Act for Erection of Structures at 870 Beach Boulevard (Hamilton) (PED12061) (Ward 5) (Item 5.1)

That Heritage Permit Application HP2012-010 be approved for the erection of a new single detached residence, and attached garage, on the designated property at 870 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED12061, subject to the following conditions:

(a) That the front and side façades of the new house shall be pre-finished wood or engineered wood cladding;

(b) That final elevation drawings showing the material, composition, brand, style, model, colour, and/or any other descriptive attributes for the proposed construction materials, including the building cladding, trim, roofing, windows, doors, porch columns and railings, soffits and eaves, shall be submitted to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(c) That as many existing trees as possible shall be retained, and/or that one to three new trees of a minimum caliper of 55mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling;

(d) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(e) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(f) That any minor changes to the site plan or building plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(g) That construction and site alterations, in accordance with this approval, shall be completed no later than April 30, 2014. If the construction and site alterations are not completed by April 30, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

2. Contractual Parking Enforcement Services for 2013-2014 (PED12066) (City Wide) (Item 5.2)

(a) That the Senior Director of Parking and By-law Services and/or designate be authorized and directed to execute an agreement with the Canadian Corps of Commissionaires (Hamilton) and any additional documents, in a form satisfactory to the City Solicitor, for the provision of parking enforcement services for 2013 through 2014, in accordance with Billing Rates as attached hereto as Appendix A;

(b) That the Senior Director of Parking and By-law Services and/or designate be authorized and directed to initiate the negotiation process in accordance with the Single Source policy as defined in Purchasing Procedure #11, Section 4.11 (2) (c) for the years 2015 through 2019 with 2020 as an option year at the City's discretion.

3. Application for Amendments to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 515 Hamilton Drive (Ancaster) (PED12064) (Ward 12) (Item 6.1)

That approval be **given to Zoning By-law Amendment Application ZAR-11-072, John MacDonald, Owner, for changes in Zoning from the Agricultural "A-216" Zone, Modified, to the Residential** "R1" Zone (Block 1), Residential "R1-640" Zone, Modified, with a Special Exception (Block 2), and Residential "R1-641" Zone, Modified, with a Special Exception (Block 3), to permit two single detached dwellings, on lands located at 515 Hamilton Drive (Ancaster), as shown on Appendix "A" to Report PED12064, on the following basis:

(a) That the draft By-law, attached as Appendix "B" to Report PED12064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Map 1 of Schedule "B" of Zoning By-law No. 87-57;

(c) That the proposed changes in zoning are consistent with the Provincial Policy Statement, conform to the Places to Grow Growth Plan and Hamilton-Wentworth Official Plan, and comply with the Town of Ancaster Official Plan.

4. Appeal of Sign Variance Application SV-11-008 for the Property Located at 1000 Upper James Street (Hamilton) - Denied by the Director, Planning Division (PED12057) (Ward 8) (Item 6.3)

(a) That the Appeal of Sign Variance Application SV-11-008, Albanese Branding (c/o Judy Boswell), Applicant, for the variance to the Hamilton Sign By-law (10-197) to allow for the installation of an 'electric message display' board on the existing ground sign, be approved;

(b) That the Appeal of Sign Variance Application SV-11-008, Albanese Branding (c/o Judy Boswell), Applicant, for the variance to the Hamilton Sign By-law (10-197) to allow for a ground sign without displaying the

municipal address of the subject property with the numerals having a minimum height of 15 cm, be denied;

(c) That the Appeal of Sign Variance Application SV-11-008, Albanese Branding (c/o Judy Boswell), Applicant, for the variance to the Hamilton Sign By-law (10-197) to reduce the setback of a ground sign to all property lines from 7.9 metres to 1 metre; increase the maximum height of the ground sign from 7.5 metres to 10.6 metres; be deemed not required as the existing sign structure is grandfathered.

5. City Wide Corridor Planning Principles and Design Guidelines (City Wide) (Outstanding Business List Item) (PED11125(a)) (Item 7.1)

(a) That the City Wide Corridor Planning Principles and Design Guidelines, attached as Appendix "A" to Report PED11125(a), be adopted and approved for use during the development review process and other land use planning and infrastructure/public realm initiatives;

(b) That the General Manager, Planning and Economic Development be authorized to amend the City Wide Corridor Planning Principles and Design Guidelines attached as Appendix "A" to Report PED11125(a) on an on-going basis, as technical initiatives and standards are completed or revised, and other design criteria developed;

(c) That the item "B-Line Nodes and Corridors Land Use Planning Study and Mid-Rise Development" be identified as complete and removed from the Planning Committee's Outstanding Business List.

6. Main, King, Queenston (B-Line) Corridor Land Use Strategy (Wards 1, 2, 3, 4, 5, 9) (PED12063) (Item 7.2)

(a) That Option 2 Focused Reurbanization, as outlined within the Main King Queenston (B-Line) Corridor Strategy Study, Phase 1 – Corridor Options (March 2012), attached as Appendix A to Report PED12063, be approved as the preferred option for further work and action referenced in recommendation (b) below;

(b) That the General Manager, Planning and Economic Development be directed to prepare a Corridor Strategy and Implementation Plan based on Option 2 Focused Reurbanization, and report back to the Planning Committee with the recommended strategy and plan as part of a public meeting under the Planning Act, and to undertake further public consultation prior to the scheduling of such public meeting;

(c) That page 35 of Appendix A of Report PED12063, Main, King, Queenston (B-Line) Corridor Land Use Strategy (Wards 1, 2, 3, 4, 5, 9), be amended by changing the designation from Mid-Rise Reurbanization to Small Scale Reurbanization, for the three properties fronting Queenston Road, adjacent to the rear of residential properties fronting onto Oakland Drive, and for the properties fronting Centennial Parkway North, adjacent to the rear of residential properties fronting onto Gainsborough Road.

7. Liquor License Application Review Update (PED09127(f)) (City Wide) (Item 8.3)

a) That Council ask the Alcohol and Gaming Commission of Ontario to not issue liquor licences in the City of Hamilton without first allowing the City an opportunity to undertake a formal review process to determine what conditions, if any, are required to protect the public interest;

b) That a copy of Report PED09127(f), respecting Liquor Licence Application Review Update, be forwarded to the Alcohol and Gaming Commission of Ontario, with the request set out in recommendation a);

c) That a comprehensive Liquor Licence Application Review Process be approved subject to the approval of items (i), (ii), (iii), and (iv) below:

(i) That the amended Liquor Licence Application Review Assessment Tool revised in consultation with the Ontario Restaurant Hotel Motel Association (ORHMA), be approved incorporating the following changes and for use in assessing the City's position with respect to all new liquor licence applications and extensions:

(aa) Edits to "Owner/Operator Experience" recognizing "Experienced owner/operator with greater than 5 years" is valued at (1) point whereas "Experienced owner/operator with less than 5 years" is valued at (5) points;

(bb) Addition of a new factor "History of Owner/Operator's Experience (within the last 5 years)";

(cc) Edit to criteria of "Estimated Ratio of Liquor to Gross Sales" to mirror the current industry/insurance standards for licensed establishments;

(dd) Deletion of "Other Relevant Information" as this information is currently captured in other factors and criteria of Assessment Tool;

(ee) Amendments to the Score Criteria for Conditions Imposed on Liquor Licences for Categories A & B to include that a license review will occur "as necessary if an incident(s) has occurred.

ii) That, notwithstanding the findings of the Liquor Licence Application Review Assessment Tool, if, in the opinion of the affected Ward Councillor, an application or extension is not in the public interest, the Councillor may seek City Council direction before providing municipal consent to the Alcohol and Gaming Commission of Ontario;

iii) That a temporary full-time equivalent staff person be hired to administer the recommended liquor license application review process, for approximately two years and that the cost (estimated at $175,000) be financed from the parking reserve #108021;

iv) That a $160.16 fee be approved for persons seeking municipal consent for new liquor licence applications and extensions, and added to the City's User Fee and Charges By-Law;

d) That Council again request that the Alcohol and Gaming Commission of Ontario, notify the City of Hamilton of potential licence transfers and be afforded an opportunity to comment on such transfers similar to the existing process for new liquor licence applications.

e) That the item respecting Liquor Licence Application Review Update be identified as complete and be removed from the Planning Committee's Outstanding Business List.

8. City of Hamilton Street Naming, Renaming, and Addressing Guidelines and Policies (PED12060) (City Wide) (Item 8.4)

That Information Report PED12060, City of Hamilton Street Naming, Renaming, and Addressing Guidelines and Policies (PED12060) (City Wide), be received.

9. Proposed Settlement of Remaining Appeal to Severance Polices in the City of Hamilton Rural Official Plan by Paletta International Corporation and P&L Livestock Limited ("Paletta") (LS12010) (distributed under separate cover) (Item 12.1)

(a) That the proposed settlement of the remaining appeal to Severance Policies in the City of Hamilton Rural Official Plan by Paletta International

Corporation & P&L Livestock, attached as Appendix "A" to Report LS12010, be approved;

(b) That, upon Council approval of the proposed settlement between the City of Hamilton and Paletta International Corporation & P&L Livestock respecting their remaining appeal of Severance Policies in the City of Hamilton Rural Official Plan, Appendix "A" to Report LS12010 be released as a public document;

(c) That Report LS12010 remain confidential and not be released as a public document.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

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

DELEGATION REQUESTS

4.2 Delegation Request from Ed Fothergill, Fothergill Planning and Development Inc., respecting agenda Item 6.2, Report PED12062, Revisions to Comprehensive Zoning 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

4.3 Delegation Request from Victor Veri, respecting agenda Item 6.2, Report PED12062, Revisions to Comprehensive Zoning 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

4.4 Delegation Request from Kim Foster respecting agenda Item 8.2, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report

4.5 Delegation Request from Mary Kiss on behalf of the Concerned Ainslie Wood Neighbourhood Residents' Association respecting agenda Item 8.2, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report

4.6 Delegation Request from Chris Pidgeon respecting agenda Item 8.2, Report PED09103(b), Applications for Approval of an Official

Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report (to register Chris Pidgeon and Jamie Crich)

4.7 Delegation Request from Daniel Rodrigues, of the Ontario Restaurant Hotel & Motel Association, respecting agenda Item 8.3, Report PED09127(f), Liquor License Application Review Update

4.8 Delegation Request from Rae Pemberton, respecting agenda Item 9.1, 38 Strachan Street West/ 344 Bay Street North, Hamilton

4.9 Delegation Request from Jason Velenosi, The Grease Guy, respecting proposed revisions to the City's By-law that addresses Trap Grease Removal / Pumping within the City of Hamilton to be Performed Only by a Licensed Tradesman (to attend at a future meeting)

DISCUSSION ITEMS

8.2 Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton) (PED09103(b)) (Ward 1)

(i) Correspondence from Jay Parlar, President, Ainslie Wood/Westdale Community Association

PRIVATE & CONFIDENTIAL

12.1 Proposed Settlement of Remaining Appeal to Severance Polices in the City of Hamilton Rural Official Plan by Paletta International Corporation and P&L Livestock Limited ("Paletta") (LS12010) (*distributed under separate cover*)

The Agenda for the April 17, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST

None.

(c) APPROVAL OF MINUTES

(i) April 3, 2012

The Minutes of the April 3, 2012 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS

(i) Delegation Request from Renee Wetselaar, respecting Pocket Housing Business Plan by the Affordable Housing Flagship (Item 4.1)

The delegation request from Renee Wetselaar, respecting Pocket Housing Business Plan by the Affordable Housing Flagship, was approved for a future meeting.

(ii) Delegation Request from Ed Fothergill, Fothergill Planning and Development Inc., respecting agenda Item 6.2, Report PED12062, Revisions to Comprehensive Zoning 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 (Item 4.2)

The delegation request from Ed Fothergill, respecting Report PED12062, Revisions to Comprehensive Zoning 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, was approved for today's meeting.

(iii) Delegation Request from Victor Veri, respecting agenda Item 6.2, Report PED12062, Revisions to Comprehensive Zoning 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 (Item 4.3)

The delegation request from Victor Veri, respecting Report PED12062, Revisions to Comprehensive Zoning 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, was approved for today's meeting.

(iv) Delegation Request from Kim Foster respecting agenda Item 8.2, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report (Item 4.4)

The delegation request from Kim Foster, respecting Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report, was approved for today's meeting.

(v) Delegation Request from Mary Kiss on behalf of the Concerned Ainslie Wood Neighbourhood Residents' Association respecting agenda Item 8.2, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report (Item 4.5)

Kim Foster advised the Chair that Mary Kiss will be unable to attend the meeting today. Mr. Foster provided the Planning Committee with Ms. Kiss' handout for distribution.

(vi) Delegation Request from Chris Pidgeon respecting agenda Item 8.2, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report (to register Chris Pidgeon and Jamie Crich) (Item 4.6)

The delegation request from Chris Pidgeon and Jamie Crich, respecting Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road Report, was approved for today's meeting.

(vii) Delegation Request from Daniel Rodrigues, of the Ontario Restaurant Hotel & Motel Association, respecting agenda Item 8.3, Report PED09127(f), Liquor License Application Review Update (Item 4.7)

The delegation request from Daniel Rodrigues, respecting Report PED09127(f), Liquor License Application Review Update, was approved for today's meeting.

(viii) Delegation Request from Rae Pemberton, respecting agenda Item 9.1, 38 Strachan Street West/ 344 Bay Street North, Hamilton (Item 4.8)

The delegation request from Rae Pemberton, respecting 38 Strachan Street West/ 344 Bay Street North, Hamilton, was approved for today's meeting.

(ix) Delegation Request from Jason Velenosi, The Grease Guy, respecting proposed revisions to the City's By-law that addresses Trap Grease Removal / Pumping within the City of Hamilton to be Performed Only by a Licensed Tradesman (to attend at a future meeting) (Item 4.9)

The delegation request from Jason Velenosi, respecting proposed revisions to the City's By-law that addresses Trap Grease Removal / Pumping within the City of Hamilton to be Performed Only by a Licensed Tradesman, was referred to the Public Works Committee.

(e) PUBLIC HEARINGS AND DELEGATIONS

(i) Application for Amendments to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 515 Hamilton Drive (Ancaster) (PED12064) (Ward 12) (Item 6.1)

In accordance with the provision of the Planning Act, Chair B. Clark 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 PED12064, Application for Amendments to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 515 Hamilton Drive (Ancaster), was closed.

The staff presentation respecting, Report PED12064, Application for Amendments to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 515 Hamilton Drive (Ancaster), was waived.

For disposition on this Item, refer to item 3.

(ii) Revisions to Comprehensive Zoning 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 (PED12062) (City Wide) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Clark 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.

Al Fletcher provided an overview of the report. A copy of the PowerPoint presentation has been included in the public record.

The staff presentation respecting Report PED12062, Revisions to Comprehensive Zoning 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, was received.

Registered Speakers:

(1) Ed Fothergill – 62 Daffodil Crescent, Hamilton, ON L9K 1E1

Mr. Fothergill spoke to the hotel use permissions currently in the by-law that may be detrimental.

The presentation respecting Report PED12062, Revisions to Comprehensive Zoning 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, was received.

(2) Victor Veri – 971 Highway 6 N, Flamborough, On L8N 2Z7

Mr. Veri spoke to the businesses within the area and that he believes that the initiative can be better balanced to help the City.

The presentation respecting Report PED12062, Revisions to Comprehensive Zoning 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, was received.

The public meeting respecting Report PED12062, Revisions to Comprehensive Zoning 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, was closed.

Oh behalf of Councillor Jackson, Councillor Whitehead introduced the following amendment:

Staff was directed to amend the zoning bylaw to create a special exemption to permit the continued use of a hotel on the property known as 230 Anchor Rd.

The M3 zoned lands owned by Flamborough Power Centre Inc. and Clappison Five Six Properties Inc. was exempt from the provisions of City initiative C1-12-D.

The area on the south side of Wilson between Tradewind and Trinity was exempt from the provisions of City initiative C1-12-D.

Report PED12062, Revisions to Comprehensive Zoning 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, was tabled for staff to engage in discussion with the Ministry of the Environment.

(iii) Appeal of Sign Variance Application SV-11-008 for the Property Located at 1000 Upper James Street (Hamilton) - Denied by the Director, Planning Division (PED12057) (Ward 8) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Clark 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 or denies the sign variance, 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 PED12057, Appeal of Sign Variance Application SV-11-008 for the Property Located at 1000 Upper James Street (Hamilton) - Denied by the Director, Planning Division, was closed.

Timothy Lee 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 PED12057, Appeal of Sign Variance Application SV-11-008 for the Property Located at 1000 Upper James Street (Hamilton) - Denied by the Director, Planning Division, was received.

The main motion CARRIED on the following vote:

Yea:	Farr, Pasuta, Partridge, Collins, Johnson, Pearson, Whitehead
Total:	7
Nay:	Clark
Total:	1
Absent:	Ferguson
Total:	1

For disposition on this Item, refer to item 4.

(f) PRESENTATIONS

(i) City Wide Corridor Planning Principles and Design Guidelines (City Wide) (Outstanding Business List Item) (PED11125(a)) (Item 7.1)

Ken Coit 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.

Committee members discussed the impact of the Corridor Planning Principals on affordable housing and asked questions about the extent of the public consultation process. Committee members clarified that the guidelines would not see the City involved in expropriations, instead using holding provisions on properties to be used at the time of sale.

The staff presentation respecting Report PED11125(a) City Wide Corridor Planning Principles and Design Guidelines, was received.

For disposition on this Item, refer to item 5.

(ii) Main, King, Queenston (B-Line) Corridor Land Use Strategy (Wards 1, 2, 3, 4, 5, 9) (PED12063) (Item 7.2)

Christine Lee-Morrison 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.

A new item (c) was added to the recommendations contained in Report PED12063, Main, King, Queenston (B-Line) Corridor Land Use Strategy (Wards 1, 2, 3, 4, 5, 9), as follows:

(c) That page 35 of Appendix A of Report PED12063, Main, King, Queenston (B-Line) Corridor Land Use Strategy (Wards 1, 2, 3, 4, 5, 9), be amended by changing the designation from Mid-Rise Reurbanization to Small Scale Reurbanization, for the three properties fronting Queenston Road, adjacent to the rear of residential properties fronting onto Oakland Drive, and for the properties fronting Centennial Parkway North, adjacent to the rear of residential properties fronting onto Gainsborough Road.

The presentation respecting Report PED12063, Main, King, Queenston (B-Line) Corridor Land Use Strategy (Wards 1, 2, 3, 4, 5, 9), was received.

For disposition on this Item, refer to item 6.

(g) DISCUSSION ITEMS

(i) Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (PED12015(a)) (City Wide) (Item 8.1)

Al Fletcher provided an overview of his meetings with the delegations after this item came before committee on January 31, 2012. Mr. Fletcher updated the Committee on the changes to the previous report.

Registered Speakers:

(1) Wayne Clayton – 332 McNeilly Rd., Stoney Creek, ON L8E 5H4

Mr. Clayton addressed the issue of item 9 and 10 will be separated while the remaining item deferred from this.

The presentation respecting, Report PED12015(a), Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was received.

Report PED12015(a), Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was tabled for further consultation between Ward Councillors and Tim McCabe, Marty Hazel and Al Fletcher for a report back to the Planning Committee on May 15.

(ii) Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton) (PED09103(b)) (Ward 1) (Item 8.2)

Edward John provided a brief 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 PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was received.

(i) Correspondence from Jay Parlar, President, Ainslie Wood/Westdale Community Association

The correspondence from Jay Parlar, President, Ainslie Wood/Westdale Community Association respecting, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was received.

Registered Speakers:

(1) John Ariens – Suite 200, East Wing, 360 James Street North, Hamilton ON L8L 1H5

Mr. Ariens addressed the Committee with the aid of a letter. A copy of the letter has been included in the public record.

The presentation respecting, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was received.

(2) Kim Foster – 96 Ewen Road, Hamilton, ON L8S 3C5

Mr. Foster expressed concerns and stated that the commercial and businesses in the area are not compatible with 17 Ewen Rd.

The presentation respecting, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was received.

The letter from Ms. Kiss, as presented by Mr. Foster, respecting Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was received.

(3) Chris Pidgeon and Jamie Crich – 201-72 Victoria Street South, Kitchener, ON N2G 4Y9

Mr. Pidgeon presented with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation respecting, Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was received.

Report PED09103, Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was lifted from the table.

Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was tabled to item 12.2 of the in camera section of today's agenda to allow for legal consultation.

(iii) Liquor License Application Review Update (PED09127(f)) (City Wide) (Item 8.3)

Marty Hazel provided an overview of the changes and requested that staffing be rearranged since staff have moved around

The staff presentation respecting Report PED09127(f), Liquor License Application Review Update, was received.

(i) Correspondence from Ilya Pinassi

The correspondence from Ilya Pinassi, respecting Report PED09127(f), Liquor License Application Review Update, was received.

Registered Speaker:

(1) Daniel Rodrigues

Mr. Rodrigues presented with the aid of a letter. A copy of the letter has been included in the public record.

The presentation respecting Report PED09127(f), Liquor License Application Review Update, was received.

Section (c) (iii) of the recommendations contained in Report PED09127(f), Liquor License Application Review Update, was deleted and replaced with the following:

(c) (iii) That a temporary full-time equivalent staff person be hired to administer the recommended liquor license application review process, for approximately two years and that the cost (estimated at $175,000) be financed from the parking reserve #108021.

For disposition on this Item, refer to item 7.

(h) MOTIONS

Councillor Farr withdrew the following motion:

(i) 38 Strachan Street West/ 344 Bay Street North (Item 9.1)

Whereas the Official Plan of the former City of Hamilton Official Plan designates the subject land "Residential";

Whereas Setting Sail: Secondary Plan for the West Harbour, approved by Council, designates the subject land as "Low Density Residential";

Whereas Setting Sail: Secondary Plan for the West Harbour was appealed to the Ontario Municipal none of the appeals focused on the subject land;

Whereas the Official Plan of the former City of Hamilton Official Plan and the Setting Sail: Secondary Plan for the West Harbour contemplate residential land use;

Whereas Zoning By-law O5-200 zones the subject land "Neighbourhood Park (P1) Zone" to recognize the existing Parkette;

Whereas prior to the disposition of city owned land municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton, the lands must be declared surplus to the needs of the City of Hamilton in accordance with the City's Procedural By-law for the Sale of Lands, being By-law No. 04-299;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

a) That the lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;

b) That the Development Planning Section of the Planning Division of the Planning and Economic Development Department be authorized and directed to initiate a site specific zoning amendment for those lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton for residential purposes.

c) That upon completion of a) and b) above, that in the event the City of Hamilton Planning and Economic Development Department include a design review committee (in part made up of area residents) in the design stage of the development process for these lands.

(i) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments (Item 11.1)

The following items were amended to include the new due dates:

(A) Item S: Cell Phone Towers (Motion)
New Due Date: May 1, 2012

(B) Item W: Request the province to Establish a process to govern the quality of Fill Imported to a Receiving Site
New Due Date: June 19, 2012

The following items were deleted from the Outstanding Business List:

(A) Item N: B-Line Nodes and Corridors Land Use Planning Study and Mid-Rise Development

(B) Item U: Liquor Licence Application Review Update

(C) Item C: Planning and Development Engineering Division Operational Review (now Growth Management Division)

(ii) News from the General Manager

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

(j) PRIVATE AND CONFIDENTIAL

Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton), was lifted from the tabled at this time to allow for legal consultation in camera.

At 4:00 p.m., Committee moved into Closed Session to consider several confidential matters pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 4:25 p.m.

(i) Proposed Settlement of Remaining Appeal to Severance Polices in the City of Hamilton Rural Official Plan by Paletta International Corporation and P&L Livestock Limited (“Paletta”) (LS12010) (distributed under separate cover) (Item 12.1)

For disposition on this Item, refer to item 7.

(ii) Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 17 Ewen Road (Hamilton) (PED09103(b)) (Item 12.2)

Report PED09103(b), Applications for Approval of an Official Plan Amendment and an Amendment to Hamilton Zoning By-law No. 6593 for

Lands Known as 17 Ewen Road (Hamilton), was tabled for further consultation with legal staff.

(k) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 4:30 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
April 17, 2012

CITY OF HAMILTON
HOURLY BILLING RATES
01 JANUARY 2013 TO 31 DECEMBER 2014

2013

Supervisor	**Hourly Rate**
Chief Warrant Officer	$20.36
Corporal/Mobile Corps Forces	$17.08
Foot Patrol Corps Forces	$16.14

2014

Supervisor	**Hourly Rate**
Chief Warrant Officer	$20.36
Corporal/Mobile Corps Forces	$17.08
Foot Patrol Corps Forces	$16.14

General Issues Committee
REPORT 12-010
(as amended by City Council on April 25, 2012)

9:30 a.m.
Wednesday, April 18, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

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

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic Development
J. A. Priel, General Manager, Community Services
Dr. E. Richardson, Medical Officer of Health
H. Hale Tomasik, Executive Director, Human Resources and Organizational Development
N. Everson, Director, Economic Development and Real Estate
R. Sabo, Acting City Solicitor
C. Biggs, Legislative Co-ordinator

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-010 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Police Services Board Monthly Report (PSB 12-032) (Item 5.1)

That Hamilton Police Services Board Monthly Report PSB 12-032 be received.

2. Amendment to the Hamilton Licensing Tribunal – Decision-Making Authority (City Wide) (CL12009) (Item 5.3)

That the By-law to amend the Hamilton Licensing By-law 07-170, being By-law to License and Regulate Various Businesses, be passed.

3. Infrastructure Ontario (IO) Surplus Land – Project 8453 – Located at 63-75 Atkinson boulevard, described as Parts 6 and 28, Plan 62R015585, former Town of Dundas, now City of Hamilton (PED12067) (Ward 13) (Item 5.4)

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario that the City of Hamilton has no interest in acquiring their land located at 63 – 75 Atkinson Boulevard, in the former Town of Dundas, now City of Hamilton, as shown on Appendix "A", attached to Report PED12067; and,

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario of the City of Hamilton's requirements to the development of the site as identified in Appendix "B", attached to Report PED12067.

4. 2011 Annual Performance Measures (PED12056) (City Wide) (Item 5.5)

That Report PED12056 respecting Planning and Economic Development Performance Measures for 2011 be received.

5. Hamilton Firefighters Drum Corps Loan (FCS12033) (City Wide) (Item 8.1)

(a) That in accordance with the provisions of the lease, the City exercise its right to terminate the lease with the Hamilton Firefighters Drum Corps Inc. (HFFDC) and acquire the title and possession of the Practice Facility Building;

(b) That City-owned land, municipally known as 175 Dartnall Road, be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;

(c) That the building and equipment, located at 175 Dartnall Road, be sold to The International Association of Firefighters, Local 288, for the sum of $285,000;

(d) That a loan in the amount of $250,000 to be repaid over 25 years at an interest rate of 3.1% in accordance with the City's External Loan Guidelines for the first ten (10) year term be approved for The International Association of Firefighters, Local 288;

(e) That Real Estate staff of the Planning and Economic Development Department and the City Treasurer be authorized and directed to enter into a long term lease of the land at a nominal sum of $1 per year with an Option to Purchase with The International Association of Firefighters, Local 288, in accordance with the terms and conditions attached in Appendix 'A' of report FCS12033;

(f) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

(g) That the proceeds of the sale be used to pay the outstanding amounts owed by the HFFDC to the City.

6. 2012-2015 Strategic Plan (CM12001) (City Wide) (Item 7.2)

(a) That the 2012 – 2015 Strategic Plan, including Vision, Mission, Values, Strategic Priorities (and related Strategic Objectives and Strategic Actions), as amended, (attached hereto as Appendix "A"), be approved and communicated to staff;

(b) That staff be directed to report on progress made towards achieving the Strategic Actions outlined within the 2012 – 2015 Strategic Plan, on an

NOTE: Appendix "A" was amended to include the following under "OUR Values": (See Appendix "A" attached hereto.)
Cost Conscious – WE must ensure that we are receiving value for taxpayers' dollars spent."

7. Report 12-001 of the Accountability and Transparency Sub-Committee – January 23, 2012 (Item 8.2)

(a) Revision of Subsection 15.1 of the Council Code of Conduct and Comparison of Mississauga Judicial Inquiry Council Code of Conduct Recommendations to the Council Code of Conduct (City Wide) (LS12002) (Item 6.2)

(i) That the amending by-law, attached as Appendix A, to Report 12-001 of the Accountability and Transparency Sub-Committee, deleting and replacing subsection 15.1 of Appendix H (Council Code of Conduct) of the Council Procedural By-law No. 10-053, be enacted;

(ii) That the information contained in Report LS12002, respecting the revision of Subsection 15.1 of the Council Code of Conduct and Comparison of Mississauga Judicial Inquiry Council Code of Conduct Recommendations to the Council Code of Conduct, be received.

8. Carlisle Rural Settlement Area Water Supply – Property Purchase for Well Site Investigation for New Well and Elevated Water Storage Tower (PW12029) (Ward 15) (Item 8.4)

(a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to negotiate the acquisition of land required to site and establish a new well and elevated water storage tower, for the Carlisle Rural Settlement Area Municipal Communal Water System;

(b) That the cost and disbursements for the property purchase be charged to account number 5141195152 identified in the 2012 budget as having a total budget of $800,000 for the purposes of securing the property, and for the planning and conceptual design of the new well and elevated water storage tower.

9. Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 401 Rymal Road West, described as Part of Lot 2, Concession 1, former Township of Glanford, now City of Hamilton (PED12034) (Ward 8)

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring their land located at 401 Rymal Road West, legally described as Part of Lot 2, Concession 1, former Township of Glanford, now City of Hamilton, as shown on Appendix “A” attached to Report PED12034;

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton’s requirements to the development of the site as identified in Appendix ”B” attached to Report PED12034.

10. Illegal Dumping, Litter and Escaped Waste (PED11127(b)) (City Wide) (Outstanding Business List Item) (Item 8.6)

(a) That staff be directed to conduct a 12 month pilot project for illegal dumping across the City including the specific trouble locations in each Ward as previously identified in Report PW11052/PED11127, with the requirements/resources for such pilot project being as follows:

(i) approval to hire four students, one temporary part-time (.6) FTE Supervisor and one temporary part-time (.5) FTE temporary By-law Clerk;

(ii) approval to purchase and/or lease two unmarked used vans with side/rear windows for the purpose of enforcement and surveillance, and surveillance equipment, including cameras, video cameras, cellular devices and other electronic tools as required;

(iii) That the gross cost of Recommendation (a) (i) and (ii) above, estimated at $180,000.00 plus $45,000.00 in one time Capital costs, be approved and funded through the Tax Stabilization Reserve (110046) and that any proceeds from associated fees and charges be directed back to the Tax Stabilization Reserve (110046) to offset the actual gross cost;

(iv) That staff be directed to report back to the General Issues Committee prior to the conclusion of the pilot, detailing key performance measures including:

(1) cost recovery from fines and through Court actions;

(2) compliance rates and measurably improved conditions in the specific trouble locations in each Ward as previously identified in Report PW11052/PED11127 and other areas across the City; and,

(3) reduced complaints about illegal dumping.

(b) That prior to the commencement of the pilot project staff be directed to prepare comprehensive amendments for consideration by the General Issues Committee and Council to amend the Solid Waste Management By-law (09-067), the Streets By-law (86-077), the Parks By-law (01-219), and the Yard Maintenance By-law (10-118) as follows:

(i) By updating and/or replacing the relevant sections in order to provide more effective enforcement, to ensure consistency in language and to identify specific roles for property owners and/or tenants on boulevards abutting residential properties; and,

(ii) By increasing the penalties for illegal dumping to $500.00 and that staff be directed to submit an application to the Ministry of the Attorney General's Office for approval.

(c) That the pilot program of using Summer students to assist with the workload of Environmental Enforcement Officers be made permanent based on full cost recovery.

11. Expansion of Community Improvement Initiatives to Former Municipalities' Downtowns and Piers 5, 6, 7 and 8 (PED12065) (Wards 1, 2, 3, 9, 11, 12, 13 and 15) (Item 8.7)

That Report PED12065 respecting Expansion of Community Improvement Initiatives to Former Municipalities' Downtowns and Piers 5, 6, 7 and 8 be received.

12. Organization Restructuring Policy (HUR12002) (City Wide) (Outstanding Business Item) (Item 8.8)

That the Organization Restructuring Policy, attached hereto as Appendix "B", be approved.

13. Waterfront Priorities Development Corporation (PED09200(a)) (City Wide) (Outstanding Business List Item) (Item 8.9)

(a) That Report PED09200(a) respecting the Waterfront Priorities - Development Corporation be received;

(b) That staff be directed to take no further action on establishing a Hamilton Waterfront Development Corporation at this time,;

(c) That the General Manager of the Planning and Economic Development Department be authorized and directed to establish and formalize a Corporate "*Waterfront Development Office*" within Planning and Economic Development, that will act to coordinate all inter-departmental activities with respect to Hamilton's Waterfront and Shorelines areas, as well as acting as the City's liaison for outside agencies and private-sector investors;

(d) That staff be authorized and directed to convert and re-name the "Waterfront Development Corporation" Capital Project Number 4241006001, to a "Waterfront Priorities" Capital Project Number 4241006001;

(e) That the General Manager of the Planning and Economic Development Department, be authorized to draft a "Terms of Reference" for the implementation of the Council approved studies for Piers 5, 6, 7, and 8, as set out in the October 11, 2011 General Issues Committee Report, and that Hamilton Waterfront Trust (HWT) be approved as the retained agency to carry out the project management of such studies.

14. Capital Projects Status and Closing Report as of December 31, 2011 (FCS11073(b)) (City Wide) (Item 8.10)

(a) That the December 31st, 2011, Capital Projects' Status and Projects' Closing Report and the attached Appendices A, B, C, D, and E to report FCS11073(b) for the tax levy and the rate supported capital projects be received for information;

(b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to report FCS11073(b) in accordance with the Capital Closing Policy and that the net transfers be applied as listed below and as detailed by project in Appendix B to report FCS11073(b):

Summary of Net Transfers

	$ To\(From)
Dedicated Reserves/Projects	
Development Charges Reserves	(30,528)
	(30,528)
Unallocated Capital Levy Reserve	929,365
Net Transfers	**898,837**

15. Capital and Sustainability Costs to implement Management Action Plans as identified in Audit Report 2010-07 AUD11013 (FCS12028) (City Wide) (Item 8.11)

(a) That $465,000 allocated in the 2012 Capital Budget proceed for the completion of the Management Action Plans outlined in the Internal Audit of the Information Services Division Business Processes Management Action Plans, as detailed in Appendix "A" of Report AUD11013 – Information Services (IS) – Business Process Management (attached as Appendix A to Report FCS12028);

(b) That the implementation of the annual operating impacts (i.e., additional FTEs) related to the Management Action Plans, for the Information Services Division, commence in 2013, upon completion of the Information Services Governance Review and subject to approval of the 2013 Budget.

16. Tax and Rate Operating Budget Variance Report to December 31, 2011 (Unaudited) (FCS12031) (City Wide) (Item 8.12)

(a) That the 2011 Tax and Rate Operating Budget Variance Report to December 31, 2011 be received for information;

(b) That the 2011 Best Start Child Care fee subsidy pressure of $1,560,000 be funded from Best Start Reserve 112218;

(c) That, subject to final audit, the Disposition of Year-End Surplus/Deficit be approved as follows:

DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)	**$**	**$**
Corporate Surplus from Tax Supported Operations		**$ 6,150,762**
Less: Disposition to Self-Supporting Programs & Agencies		**$ (2,032,807)**
Police (Transfer to Police Reserves)	$ (320,411)	
Library (Transfer to Library Reserve)	$(1,712,396)	
Balance of Corporate Surplus		**$ 4,117,955**
Less: Transfer to AODA WIP Account		$ (87,777)
Less: Transfer to ISF Capital Projects		$ (250,000)
Less: Transfer to Theatre Aquarius		$ (253,000)
Less: Transfer to Hamilton Conservation Authority		$ (100,000)
Less: Transfer of Flamborough Slot Revenues to Flamborough Capital Reserve		$ (123,745)
Less: Transfer to Unallocated Capital Reserve		$ (3,237,989)
Less: Transfer to Tax Stabilization Reserve		$ (65,444)
Balance of Tax Supported Operations		**$ 0**
Corporate Surplus from Rate Supported Operations		**$ 8,880,000**
Less: Transfer to the Rate Supported Reserves		$ (8,880,000)
Balance of Rate Supported Operations		**$ 0**

(d) That any future year-end surplus in the budget for Flamborough Slot Revenues be transferred to the Flamborough Capital Reserve Fund 108032.

17. Report 12-002 of the Pan Am Stadium Precinct Sub-Committee – March 26, 2012 (Item 8.13)

(a) Indemnification Stadium Completion Date - Hamilton Tiger-Cat Obligations

That the City of Hamilton request the Honorable Bob Chiarelli, Minister of Infrastructure, provide indemnification in the event that Ivor Wynne Stadium is not completed on schedule.

(b) Hamilton Pan Am Games Business Plan

That the proposed 2012 Pan Am Gamers Initiative budget of $340,300 be approved to be funded from Capital Project ID # 3621154100.

18. Arbitration Update – Casual/Part-time and In-Scope Arbitration (No Copy) (Item 12.2)

That the Arbitration Update respecting Casual/Part-time and In-Scope Arbitration, be received.

19. City of Hamilton v Metcalfe & Mansfield (FCS09066(b)/LS09006(b)) (Item 12.3)

(a) That Report FCS09066(b)/LS09006(b), including its appendices, be received;

(b) That Council ratify the commencement of the action by the City against Henry Juroviesky and Jurovieskey & Ricci LLP for purposes of the litigation;

(c) That Report FCS09066(b)/LS09006(b) and its appendices remain confidential.

20. City of Hamilton ats Bre-Ex (LS10005(b)) (Item 12.4)

(a) That Report LS10005(b) respecting City of Hamilton ats Bre-Ex, including the opinion of independent outside counsel, attached as Appendix “A”, be received;

(b) That the Acting City Solicitor be authorized and directed to agree to the fixing of the plaintiff’s legal costs of trial in the amount of $465,000;

(c) That the City of Hamilton make payment to the plaintiff, or as it may direct, the sum of $1,641,967.70 in satisfaction of the outstanding judgment inclusive of damages, HST, prejudgment interest, costs and post judgment interest;

(d) That such payment be charged to Account No. 51207920000;

(e) That Report LS10005(b), including its attachment, remain confidential as it contains information that is subject to solicitor-client privilege.

21. Proposed or Pending Acquisition or Disposition of Land by the Municipality or Local Board respecting Hamilton-Wentworth District School Board (Verbal) (Item 12.5)

That the verbal update provided by the City Manager respecting proposed or pending acquisition or disposition of land by the Municipality or Local Board respecting Hamilton-Wentworth District School Board, be received.

22. Contracted Vacation Entitlement and Payout (HUR12004) (City Wide) (Item 12.6)

(a) That Report HUR12004 respecting Contracted Vacation Entitlement and Payout be received;

(b) That the contents of Report HUR12004 remain confidential as it contains information related to personal matters about an identifiable City employee.

The following was added as Item 23 and approved, as amended:

23. Art Gallery of Hamilton – Request for Proposal

(a) That the additional information (attached as Appendix “A”) provided by the General Manager of Public Works be received;

(b) That the Art Gallery of Hamilton proceed with a Request for Proposal for the Proposed Feasibility Study, Main Street – Entrance Improvements, at their own expense;

(c) That the Art Gallery be advised that the following six key elements identified by staff be addressed in the Request For Proposal document as follows:

(i) A detailed structural review of the roof deck/ Commonwealth Square plaza, due to potential increases of weight from the proposed Galleria corridor structure and significant sculpture features;

(ii) As per the Downtown Secondary Plan - Putting People First: The consultant will recognize that Commonwealth Square will function as a prime civic gathering space for the citizens of Hamilton;

(iii) The consulting assignment will provide an integrated design which promotes pedestrian linkages to Hamilton Place, Hamilton Convention Centre, Summers Lane, the Board of Education property, Main Street and the City Hall forecourt'

(iv) The project schedule shall accommodate timing for stakeholder meetings, detail design, approvals, working drawings, specifications, and tendering;

(v) A public process be utilized for the commissioning of any art or sculpture feature for the outdoor space;

(vi) A staff stakeholder resource team provide assistance to the Art Gallery through the Feasibility Study, detail design and assist in defining maintenance and operating impacts.

The following was added as Item 24 and approved:

24. City of Hamilton v. Mansfield Metcalfe Corporation et al

(a) That Report FCS09066(c)/LS09006(c) respecting City of Hamilton v. Mansfield Metcalfe Corporation et al be received;

(b) That the contents of Report FCS09066(c)/LS09006(c) remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

ADDED MINUTES FOR APPROVAL

(i) March 22, 2012 (Budget) (Added Item 3.3)

(ii) April 11, 2012 (Special) (Added Item 3.4)

ADDED DELEGATION REQUEST

(iii) Delegation Request from Louise Dompierre, Art Gallery of Hamilton, respecting upcoming project at the Art Gallery (Added Item 4.2)

STAFF PRESENTATIONS

(iv) Item 7.1 – Amendments to Horizon Holdings Inc. Dividend Policy and Shareholders Agreement and Hamilton Utilities Corporation Dividend Policy (FCS12030) (City Wide)

The General Issues Committee will recess to deal with this item as Shareholders of Horizon Utilities Corporation. General Issues Committee meeting will reconvene upon completion of the HUC Shareholders meeting.

DISCUSSION ITEMS

(v) Item 8.3 – Petition – Fall Fair Way and Pumpkin Pass as No Parking Zones (PW120310 (Ward 11) (Outstanding Business Item) - TABLED

PRIVATE & CONFIDENTIAL

(vi) Item 12.3 – City of Hamilton v. Metcalfe Mansfield Corporation et al – Report Numbers should read: FCS09066(b)/LS09006(b) throughout the entire report

On a motion, the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES

On a motion, the March 22, 27 and April 4 and 11, 2012 Minutes of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS

(i) Tim Rankin and Henry Watson, Hamilton Firefighters' Association, respecting purchase of the Firefighters' Band Hut from the City of Hamilton (Cross Reference to Item 8.1) (Item 4.1)

(ii) Delegation Request from Louise Dompierre, Art Gallery of Hamilton, respecting upcoming project at the Art Gallery (Added Item 4.2)

On a motion, the following delegation requests were approved:

(aa) Tim Rankin and Henry Watson, Hamilton Firefighters' Association, respecting purchase of the Firefighters' Band Hut from the City of Hamilton (Cross Reference to Item 8.1) (Item 4.1)

(bb) Delegation Request from Louise Dompierre, Art Gallery of Hamilton, respecting upcoming project at the Art Gallery (Added Item 4.2)

The rules of order were waived to allow the opportunity for the delegations to appear before the Committee at today's meeting.

(e) CONSENT ITEMS

(i) Minutes of Various Sub-Committees (For Information Purposes Only) (Item 5.2)

On a motion, the following Sub-Committee Minutes were received:

(i) Joint City of Hamilton and Hamilton-Wentworth District School Board Liaison Committee – June 30, 2011

(ii) Pan Am Stadium Precinct Sub-Committee – January 25, 2012

(iii) Open for Business Sub-Committee – February 22, 2012

(iv) Joint City of Hamilton/Hamilton-Wentworth District School Board Task Force – March 28, 2012

(f) PUBLIC HEARING/DELEGATION

(i) Zach Douglas, McMaster Innovation Park – Annual Report (Item 6.1)

Zach Douglas, President and CEO of McMaster Innovation Park, provided an update with respect to McMaster Innovation Park. In his power point presentation, Mr. Douglas spoke to the following:

- Map showing the West Hamilton Innovation District
- Vision and Mission Statement

- What is MIP hosting
- Current tenants in the Atrium at MIP
- Photos of former property appearance to current, The Atrium @ MIP, McMaster Innovation Park
- Status of MIP
- Photo of CANMET-MTL – Fall 2010; who they are; official grand opening in February, 2011; why they moved to Hamilton after 68 years; CANMET-MTL key LEED features
- Photo of McMaster Automotive Resource Centre (MARC); Warehouse redevelopment
- Future projects
- Health and Life Sciences Multi-tenant building
- Hotel
- Infrastructure
- Impact on Hamilton and the Golden Horseshoe Region – On-site and in the Community

A copy of the power point presentation was submitted to the City Clerk for the public record and can be viewed on the City of Hamilton website.

On a motion, the presentation provided by Zach Douglas, McMaster Innovation Park, was received.

(ii) Laura Jean Falla respecting Firefighters Band Hut (Item 6.2)

Laura Jean Falla, Co-president of the Hamilton Drum and Bugle Corps, provided a brief synopsis of the history of the Drum and Bugle Corp to present and to express strong support for the recommendations contained in the staff report with respect to the International Association of Firefighters Local 288 purchase of the property at 175 Dartnall Road, Hamilton.

On a motion, the presentation from Laura Jean Falla respecting the Firefighters' Band Hut, was received.

(iii) Tim Rankin and Henry Watson respecting Firefighters Band Hut (Item 4.1/6.3)

Tim Rankin and Henry Watson, on behalf of the Hamilton Firefighters' Association, appeared before the Committee to speak in support of the staff recommendations with respect to the Firefighters Band Hut. The Committee was advised that all profits from the purchase will go to charity and reinvested re-invested in the community.

On a motion, the presentation from Tim Rankin and Henry Watson respecting Firefighters Band Hut, was received.

On a motion, Item 8.1 respecting Hamilton Firefighters Drum Corps Loan (FCS12033) was moved up on the agenda for discussion.

See Item 5 for the disposition of this item.

(iv) Louise Dompierre, Art Gallery of Hamilton, respecting Upcoming Projects at the Art Gallery (Item 4.2/6.4

Louise Dompierre, Executive Director of the Art Gallery of Hamilton, appeared before the Committee to seek approval/permission to issue a Request for Proposal for the purpose of conducting a feasibility study to look at bringing further improvements at the Art Gallery. Part of the study would include the piece of land that is located between the Art Gallery of Hamilton and HECFI.

Ms. Dompierre advised that anticipated completion of the Study is August 31, at which time the recommendations would be presented to the Board of Directors and based on those recommendations, their decision would then come back to the Committee to advise the scope of the project. The RFP is for a consultant to prepare a design and the cost of te RFP is approximately $150,000 to $200,000.

On a motion, the following direction was provided:

(aa) That the appropriate City staff meet with Art Gallery staff as soon as possible to provide input into and be on the review team for the development of the Art Gallery's Request for Proposal, with respect to improvements on the outdoor piece of land between the Art Gallery of Hamilton and the HECFI property,

(bb) That staff be directed to report back on the Request for Proposal at Council on April 25, 2012.

(g) STAFF PRESENTATIONS

(i) Amendments to Horizon Holdings Inc. Dividend Policy and Share-holders Agreement and Hamilton Utilities Corporation Dividend Policy (FCS12030) (City Wide) (Item 7.1)

On a motion, the General Issues Committee recessed to convene a meeting of the Shareholders of Hamilton Utilities Corporation.

See HUC Minutes of April 18, 2012 for the disposition of the recommendations contained in Report FCS12030.

On a motion, the General Issues Committee reconvened.

(ii) 2012-2015 Strategic Plan (CM12001) (City Wide) (Item 7.2)

Chris Murray provided a power point presentation with respect to the 2012-2015 Strategic Plan and outlined the overview of the information being presented, including:

- Process – Highlights
- Components – Mission, Vision, Values
- Defining Values
- Strategic Priorities
- Strategic Objectives
  - A prosperous and healthy community
  - Valued and sustainable Services
  - Leadership and Governance
- Communication
- Moving forward.

On a motion, Appendix "A' was amended by adding the following to "OUR Values":

"Cost Conscious – WE must ensure that we are receiving value for taxpayers' dollars spent."

The Amendment was **DEFEATED** on the following tie vote:

Yeas: Collins, Whitehead, Partridge, Powers, Ferguson
Total Yeas: 5
Nays: Bratina, Farr, Jackson, Pearson, Clark
Total Nays: 5
Absent: McHattie, Morelli, Merulla, Duvall, Pasuta, Johnson
Total Absent: 6

On a motion, the "Accountability" section of "OUR Values" contained in Appendix "A" was amended to read as follows:

"Accountability – WE are responsible for our actions, ensuring the efficient, cost effective and sustainable use of public resources."

The Amendment **CARRIED** on the following standing recorded vote:

Yeas: Bratina, McHattie, Farr, Collins, Jackson, Whitehead, Partridge, Pasuta, Powers, Ferguson, Pearson, Clark
Total Yeas: 12
Total Nays: 0
Absent: Morelli, Merulla, Duvall, Johnson
Total Absent: 4

The Main Motion, as amended, **CARRIED.**

(h) DISCUSSION ITEMS

(i) Report 12-001 of the Accountability and Transparency Sub-Committee – January 23, 2012 (Tabled at the March 21, 2012 General Issues Committee Meeting) (Item 8.2)

(a) Revision of Subsection 15.1 of the Council Code of Conduct and Comparison of Mississauga Judicial Inquiry Council Code of Conduct Recommendations to the Council Code of Conduct (City Wide) (LS12002) (Item 6.2)

On a motion, Report 12-001 of the Accountability and Transparency Sub-Committee – January 23, 2012, tabled at the March 21, 2012 General Issues Committee meeting, was lifted from the table.

(ii) Petition – Fall Fair Way and Pumpkin Pass as No Parking Zones (PW12031) (Ward 11) (Outstanding Business Item) (Item 8.3)

On a motion, Report PW12031 respecting Petition – Fall Fair Way and Pumpkin Pass as No Parking Zones was tabled.

(iii) Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 401 Rymal Road West, described as Part of Lot 2, Concession 1, former Township of Glanford, now City of Hamilton (PED12034) (Ward 8) (Item 8.5)

On a motion, Report PED12034 respecting Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 401 Rymal Road West, described as Part of Lot 2, Concession 1, former Township of Glanford, now City of Hamilton, tabled at the April 4, 2012 General Issues Committee meeting, was lifted from the table.

(iv) Illegal Dumping, Litter and Escaped Waste (PED11127(b)) (City Wide) (Outstanding Business List Item) (Item 8.6)

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

Yeas:	Merulla, Jackson, Whitehead, Pasuta, Powers, Ferguson
Total Yeas:	6
Nays:	Collins, Partridge, Pearson, Clark
Total Nays:	4
Absent:	Bratina, McHattie, Farr, Morelli, Duvall, Johnson
Total Absent:	6

(vii) Report 12-002 of the Pan Am Stadium Precinct Sub-Committee – March 26, 2012 (Item 8.13)

(a) Hamilton Pan Am Games Business Plan

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

Yeas:	Pearson, Ferguson, Powers, Pasuta, Partridge, Collins, Whitehead, Duvall, Jackson, Merulla, Farr
Total Yeas:	11
Nays:	Clark
Total Nays:	1
Absent:	Bratina, Morelli, Merulla, McHattie
Total Absent:	4

(i) MOTIONS

None.

(j) NOTICES OF MOTION

` None.

(k) OTHER BUSINESS

(i) Items to be Removed from the Outstanding Business List:

On a motion, the following items were removed from the General Issues Committee Outstanding Business List:

(aa) Illegal Dumping, Litter and Escaped Waste (PED11127(b)) (City Wide) (Item 8.6)

(bb) Organization Restructuring Policy (HUR12002) (City Wide) (Item 8.8)

(cc) Waterfront Priorities Development Corporation (PED09200(a)) (City Wide) (Item 8.9)

(I) PRIVATE & CONFIDENTIAL

12.1 Minutes of Closed Session Meetings – March 27 and April 4, 2012

On a motion, the Minutes of the Closed Session Meetings of the General Issues Committee held on March 22 and April 4, 2012 be approved. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion, the Committee moved into closed session pursuant to sub-sections 8.1(b), (c), (d), (e) and (f) of the City's Procedural By-law and Sections 239.2(b), (c), (d), (e) and (f) of the Municipal Act as the subject matters pertain to:

(b) personal matters about an identifiable individual, including municipal or local board employees,

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation, including matters before an administrative tribunals, affecting the municipality or local board;

(f) advice that is subject to solicitor-client privilege, including communi-cations necessary for that purpose.

respecting:

(i) Arbitration Update – Casual/Part-time and In-Scope Arbitration (No Copy) (Item 12.2)

(ii) City of Hamilton v Metcalfe & Mansfield (FCS09066(b)/LS09006(b)) (Item 12.3)

(iii) City of Hamilton ats Bre-Ex (LS10005(b)) (Item 12.4)

(iv) Proposed or Pending Acquisition or Disposition of Land by the Municipality or Local Board respecting Hamilton-Wentworth District School Board (Verbal) (Item 12.5)

(v) Contracted Vacation Entitlement and Payout (HUR12004) (City Wide) (Item 12.6)

(vi) City Manager Performance Review (No Copy) (Deferred from April 4, 2012 GIC Meeting) (Item 12.7)

(vii) City Manager Remuneration Options (HUR12005) (Item 12.8)

The Committee reconvened in Open Session at 4:30 p.m.

12.2 Arbitration Update – Casual/Part-time and In-Scope Arbitration (No Copy)

See Item 18 for the disposition of this item.

12.3 City of Hamilton v Metcalfe & Mansfield (FCS09066(b)/LS09006(b))

See Item 19 for the disposition of this item.

12.4 City of Hamilton ats Bre-Ex (LS10005(b))

See Item 20 for the disposition of this item.

12.5 Proposed or Pending Acquisition or Disposition of Land by the Municipality or Local Board respecting Hamilton-Wentworth District School Board (Verbal)

See Item 21 for the disposition of this item.

12.6 Contracted Vacation Entitlement and Payout (HUR12004) (City Wide)

See Item 22 for the disposition of this item.

On a motion, the following items were referred to the April 25, 2012 meeting of Council for discussion:

(i) City Manager Performance Review (No Copy) (Deferred from April 4, 2012 GIC Meeting) (Item 12.7)

(ii) City Manager Remuneration Options (HUR12005) (Item 12.8)

There being no further business, the Committee adjourned at 4:35 p.m.

Respectfully submitted

Councillor C. Collins
Deputy Mayor

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
April 18, 2012

STRATEGIC PLAN 2012 – 2015
(as amended by General Issues Committee on April 18, 2012)

OUR Vision

To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

OUR Mission

WE provide quality public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Values

Honesty - WE are truthful and act with integrity.

Accountability - WE are responsible for our actions, ensuring the efficient, ~~and~~ **cost-**effective **and sustainable** use of public resources.

Innovation - WE are a forward thinking organization that supports continuous improvement and encourages creativity.

Leadership - WE motivate and inspire by demonstrating qualities that foster effective decision making and promote success at all levels.

Respect - WE treat ourselves and others as we would like to be treated.

Excellence - WE provide municipal services through a commitment to meeting and exceeding identified standards.

Teamwork - WE work together toward common goals, through cooperation and partnership.

Equity - WE provide equitable access to municipal services and treat all people fairly.

OUR Priorities

Strategic Priority #1 – A Prosperous & Healthy Community
WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Priority #2 - Valued & Sustainable Services
WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Priority #3 - Leadership & Governance
WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Priority #1 – A Prosperous & Healthy Community
WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective
1.1 Continue to grow the non-residential tax base.

Strategic Actions

(i) Resolution of the Urban and Rural Official Plans appeal at the Ontario Municipal Board (OMB)
(ii) Complete the new Comprehensive Zoning By-law for commercial and mixed use nodes and corridors
(iii) Resolution of the Airport Employment Growth District (AEGD) Secondary Plan at the Ontario Municipal Board (OMB) and undertake implementation of Phase I
(iv) Implement a Land Banking Program with strategic acquisitions
(v) Complete servicing and new road infrastructure at City's Business Parks
(vi) Develop a Bayfront Industrial Secondary Plan/Redevelopment Strategy
(vii) Take substantive steps towards implementing the new Agricultural Action Plan, as part of the overall Economic Development Strategy

Strategic Objective
1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

Strategic Actions

(i) Update the State of the Infrastructure Report (based on 2011 asset analysis)
(ii) Update ten year capital plan delivery prioritization (based on recommendations from completed Recreation Facility Studies and updated State of the Infrastructure Report)
(iii) Development of Biosolids Management Plan and water quality upgrade plan for the Woodward Wastewater Treatment Plant
(iv) Completion of a Refined Staging of Development Program and Wastewater Capacity Allocation Policy
(v) Ongoing implementation of strategies based on recommendations within the Storm Event Response Group (SERG) Study to address flooding issues

Strategic Objective

1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.

Strategic Actions

(i) Expand urban renewal incentives to the six community downtown areas
(ii) Finalize a development and servicing strategy for the west harbour lands, with a particular focus on Piers 5, 6, 7 & 8 and the Barton/Tiffany area
(iii) Negotiate the early termination of land leases for Piers 7 & 8 with the Hamilton Port Authority
(iv) Final resolution and Ontario Municipal Board (OMB) approval of the Setting Sail Secondary Plan
(v) Completion of the Waterfront Master Recreation Official Plan Amendment and the implementation of the Zoning By-law and financing strategy
(vi) Identify and implement high-priority actions to support the accelerated revitalization of Hamilton's Downtown core
(vii) Complete implementation plan and financing strategy for Randle Reef
(viii) Complete Request for Proposal (RFP) and make decision on long term future of HECFI
(ix) Initiate development in the West Harbourfront and Waterfront (this includes the Bayfront Industrial area) and develop a commercial business strategy for Confederation Park
(x) Finalize plans for the creation of the Downtown McMaster Health Campus (MHC) including the consolidation of Public Health Services

Strategic Objective

1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.

Strategic Actions

(i) Complete the design and develop an implementation and financial plan for the delivery of higher-order transportation and enhanced transit service, including all-day GO Transit service and rapid transit
(ii) Implement revised eligibility criteria for DARTS (to ensure compliance with AODA legislation)
(iii) Develop an integrated, multi-modal, public transportation program, including implementation of rapid transit, conventional transit, active transportation (e.g. pedestrian, cycling) and the associated transportation demand management (TDM) plan
(iv) Develop a Land Use Strategy, Urban Design Guidelines and implementation plans for the lands surrounding the James Street GO Station and along the A and B-line transit corridors
(v) Development of a strategy to enhance conventional transit service levels within the A Line and B Line corridors

Strategic Objective

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

Strategic Actions

(i) Complete the development of neighbourhood plans in selected priority neighbourhoods and complete a funding strategy to guide how the City of Hamilton will support the implementation of neighbourhood plans

(ii) Develop a strategy for acquiring land as a result of potential school closures, to address existing parkland shortages and identified outdoor recreation needs

(iii) Complete planning and feasibility studies for proposed facilities/services in new Pan Am Stadium precinct, and develop a capital funding strategy

(iv) Develop a mental health and addiction services coordination strategy between City of Hamilton and community partners to rationalize existing services and improve access to care (e.g. CREMS, social navigator)

(v) Develop and implement a maternal health strategy to decrease low birth weight by targeting smoking, nutrition and access to primary care

(vi) Improve access to children and family services in collaboration with community partners through the development and implementation of a single access point initiative

(vii) In support of the Hamilton Roundtable for Poverty Reduction's action plan develop a program to improve access to healthy food for those in greatest need

(viii) Continue to work with the Seniors Advisory Committee, Hamilton Council on Aging and other community partners to develop an Age Friendly Initiative for Hamilton

(ix) Develop a plan (with cost impacts) to prevent childhood obesity

(x) Development of a Comprehensive Rental Housing Licensing Program - which incorporates the licensing of low density housing (semi/single detached housing with 8 units or less) and a proactive by-law enforcement program.

(xi) Implement a ten-year Housing and Homelessness Action Plan with strategies to support:

- Increasing the supply of affordable rental and ownership housing
- Developing a plan to improve housing affordability and geared to income that includes outlying communities in Hamilton with rising poverty issues
- Providing individualized supports to facilitate housing retention and ownership
- Providing quality, safe and suitable housing options

Strategic Objective

1.6 Enhance Overall Sustainability (financial, economic, social and environmental

Strategic Actions

(i) Development of an Environmental Roundtable that, through collaborative efforts with community partners, would highlight accomplishments and address issues related to environmental sustainability

(ii) Development of a Community-based Climate Change Action Plan

(iii) Develop and confirm a community vision that will form the basis for future strategic plans, re-visiting the role of Vision 2020 and looking towards overall Sustainability (financial, economic, social and environmental)

Strategic Priority #2 - Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.

Strategic Actions

(i) Complete a Service Delivery Review, establishing performance measures and identification of recommended service levels

(ii) Develop and implement a redeveloped website and associated management plan to provide more on-line transactions

(iii) Implement the call handling review recommendations

(iv) Develop an Information Services governance model and identify areas for improvement, consolidation and savings

(v) Review the feasibility regarding the implementation of an Employee Suggestion Program for the City of Hamilton

(vi) Develop and implement a Financial Sustainability Plan

(vii) Implement a Value for Money performance audit program

(viii) Develop a Corporate template for Departmental business plans, aligning to the 2012 – 2015 Strategic Plan and future budgets

Strategic Objective

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

Strategic Actions

(i) Establish a policy and begin to implement a coordinated citizen and stakeholder engagement program

(ii) Develop a community and corporate engagement plan for key initiatives (includes Infrastructure Services, Human Services Plan, Community Visioning & Strategic Planning)

(iii) Develop and implement an Open Data strategy

Strategic Objective

2.3 Enhance customer service satisfaction.

Strategic Actions

(i) Complete the Open for Business review including the development of metrics/indicators for evaluation purposes, implement recommendations including enhanced support to the City's One Stop Business Centre

(ii) Create an online system for the digital submission of applications and permits

Strategic Priority #3 - Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.

Strategic Actions

(i) Develop an intergovernmental relations strategy to promote City priorities

(ii) Adopt infrastructure, transportation, housing, downloading and AODA as initial priority areas relative to intergovernmental relations advocacy, funding priorities and grant programs

(iii) Develop and maintain a list of priority and "shovel-ready" projects, across all Departments, in order to more efficiently present opportunities for collaboration with other levels of government

Strategic Objective

3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.

Strategic Actions

(i) Implement a workforce management strategy which includes:

- A profile of the current workforce, including early retirements
- A forecast of workforce supply and skill demands
- Development of a succession planning program for leadership and critical need positions
- Developing a leadership and management development plan
- Developing an attraction and retention strategy that fosters a diverse and inclusive workforce

(ii) Revise the existing performance management system and implement across organization

Strategic Objective

3.3 Improve employee engagement

Strategic Actions

(i) Develop and implement an internal communication strategy

(ii) Enhance the Corporate Employee Recognition Program
(iii) Implement the Healthy Workplace Strategy

Strategic Objective
3.4 Enhance opportunities for administrative and operational efficiencies
Strategic Action
(i) Leverage technology to streamline workflow processes, enable better workforce management, and assist in management decision making through:
- Position Management
- Automated Workflow & Approvals & Employee & Manager Self-Service
- Time, Attendance & Scheduling Technology (KRONOS)

(ii) Implement the Employee Attendance Management Action Plan to decrease absenteeism

Approved, as amended, by
General Issues Committee on
April 18, 2012

Corporate Policy		
Human Resources		
Policy No: HR-**		
Page 1 of 3		Council Approved: YEAR-MM-DD

Organization Restructuring

POLICY STATEMENT	The City of Hamilton is committed to an ongoing process of review and design of organization structures that align with business strategy, citizen services and the changes required to deliver what needs to get done. This policy outlines the consultation and approval requirements for reorganization within and across City of Hamilton ("the City") departments. Prior to any reorganization implementation taking place, the approval levels outlined in this policy must be obtained.
SCOPE	This policy applies to all City Departments.
DEFINITIONS **Organizational Structure**	Organizational structure determines where authority is located and is comprised of organizational components, their relationship and hierarchy. The structure is what is shown on a typical organization chart.
Reorganization(Restructuring)	Refers to any change in reporting relationship; reallocation of fundamental duties or responsibilities, or, addition or reduction of a section, division, or department.
Minor Reorganization	A minor reorganization would be one that is contained within a division and is within the approved budget.
Major Reorganization	Any of the following changes would result in a major reorganization: • has division-wide or department-wide impact • changes the number of levels of management • is outside the approved division/department budget
Consultation & Approval Requirements	**All reorganization changes must be within the approved corporate budget, otherwise Council approval is required.** All reorganizations need to be consistent with collective agreements and Human Resources policies, including Job Evaluation, Request to Post and Fill a Vacant Position, as well as Corporate Budget policies, specifically, Budgeted Complement Control and Budget Control. Human Resources can advise on relevant human resources policies and procedures. **Consultation Required** • Once it has been determined that a major or minor reorganization is required, **there must be consultation** with the Department General Manager & Executive Director of Human Resources (or designates) prior to implementation. • Departments are required to consult with Human Resources prior to changing position titles. • Departments are required to consult with Human Resources before engaging an external consultant to perform any organization design work.

Corporate Policy	Hamilton	
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Page 2 of 3		Council Approved: YEAR-MM-DD

	Pre-Approval Requirement
	The General Manager and the Executive Director of Human Resources (or designates) are required to provide the City Manager with the following information in memo format for pre-approval prior to moving forward with **a major reorganization**:
	• reorganization plan overview,
	• rationale for the organizational change,
	• comparison of the current organizational chart and the proposed organizational chart,
	• financial impact outlining cost-benefit analysis (severance costs, computer user fees, licensing agreements, increased salaries, increased/decreased complement, etc.),
	• staffing impacts including workplace culture, supportive work environment, workplace health and safety requirements, impacts on individual employee health,
	• change communication strategy that enables a healthy transition for impacted employees including, where possible, a plan to engage employees in the restructuring process,
	• other relevant information, and
	• final recommendations.
	
	Final Approval Requirements
	• All minor reorganizations need to be approved by the applicable General Manager or equivalent.
	• All final recommended major reorganizations need to be approved first by the General Manager and the Executive Director, Human Resources (or designates), and then the City Manager. The Senior Management Team is informed of the outcome.
	• Prior to City Manager's final approval, Council consultation is required if reorganization involves:
	  • changes to first level senior management and statutory officials of the City in accordance with By-Law 08-307,
	  • a change to citizen facing service delivery that will directly impact the public,
	  • transfer of budgeted complement between divisions or departments,
	  • a change to the overall approved corporate budget.
	
	Communication
	• The City Manager and General Managers communicate all major reorganizations to members of Council, their departments and other areas of the organization as per change communication strategy.
	• For reorganization changes that result in a new contact person for services aligned with the City's political Wards, the department is responsible for providing this information update to impacted members of Council.

RELATED DOCUMENTS	• Budgeted Complement Control Policy • Budget Control Policy

Corporate Policy	Hamilton	
Human Resources		
Policy No: HR-**		
Page 3 of 3		Council Approved: YEAR-MM-DD

	• By-Law No. 08-307 To Appoint and To Prescribe the Duties and Responsibilities of the Chief Administrative Officer • Organization Structure/Restructuring Guidelines
HISTORY	This policy was drafted by Human Resources and reviewed by Senior Management Team. SMT approved policy on 2012-03-08 and made refinements 2012-03-22.
APPROVAL	Council approval pending

Hamilton

REPORT 12-004
HAMILTON LICENSING TRIBUNAL

9:30 a.m.
Monday, April 23, 2012
Rooms 192/193, 1st Floor
Hamilton City Hall
71 Main Street West, Hamilton

Present:	Councillors T. Whitehead (Chair), C. Collins (Vice Chair), S. Duvall and R. Pasuta
Absent with Regrets:	Councillor B. Clark – Personal
Also Present:	Brian Duxbury, Legal Counsel, Duxbury Law Professional Corporation Lisa Pasternak, Senior Solicitor, Legal Services Bill Young, Director, Municipal Law Enforcement Al Fletcher, Manager, Licensing and Permits Kevin Burtis, Adjudicator Stephanie Paparella, Legislative Coordinator, Office of the City Clerk
Other Attendees:	Colin MacDonald, Appellant (Item 4.1) Kahlil Raghunan, Appellant (Item 4.2) Tristan Raghunan, Agent (Item 4.2) Dr. Roy Raghunan, Witness (Item 4.2) Scott Gardiner, Manager, Rok Bar, Witness (Item 4.2) James Skarett, Owner, Lazy Flamingo and Jazz Club, Witness (Item 4.2) Mark Hall, Inspector, Alcohol & Gaming Commission of Ontario (Item 4.2) Constable Mario Rizzo, Hamilton Police Service (Item 4.2) Constable Jared Millington, Hamilton Police Service (Item 4.2) Constable Amanda Pavao, Hamilton Police Services (Item 4.2) Constable Jeffrey Forrest, Hamilton Police Service (Item 4.2) James Buffet, Special Municipal Law Enforcement Officer (Item 4.2) Ron Kirouac, Municipal Law Enforcement Officer (Item 4.2) Paul Sertic, Municipal Law Enforcement Officer (Item 4.2)

THE HAMILTON LICENSING TRIBUNAL PRESENTS REPORT 12-004 AND RESPECTFULLY RECOMMENDS:

Council – April 25, 2012

1. APPEAL HEARING: Colin MacDonald, respecting the Refusal of an Application for a City of Hamilton Taxi Cab Driver Licence (Item 4.1)

That the application for a City of Hamilton Taxi Cab Driver Licence, submitted by Colin MacDonald, be accepted and a licence be issued, providing the applicant satisfies all necessary requirements, as set out in the Licensing By-law 07-170, as amended.

2. APPEAL HEARING: Kahlil Raghunan, respecting the Refusal of an Application for a City of Hamilton Food Premises – Bar/Nightclub Licence, for 1837392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario (Item 4.2)

That the application for a City of Hamilton Food Premises – Bar/Nightclub Licence, submitted by Khalil Raghunan, for 1837392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario, be accepted and a licence be issued, contingent upon the following conditions and providing the applicant satisfies all necessary requirements, as set out in the Licensing By-law 07-170, as amended:

(a) That the Licensee agrees and acknowledges that no all-ages events will be undertaken, conducted or hosted at the Rok Bar;

(b) That the Licensee implement a dress code requiring all clothing indicating gang colours or indicia of gang affiliation are to be removed. If the patron does not remove the gang indicia, they be asked to leave the premises;

(c) That the Licensee post signs at the entrance(s) of the establishment indicating that there is a dress code and that no clothing, which would indicate gang colour or gang affiliation, is allowed;

(d) That the Licensee satisfies the requirement for the Encroachment Agreement with the City of Hamilton and that the Agreement is registered on title by May 1, 2012. However, should delays result from actions on the part of the City of Hamilton, a reasonable extension will be provided by the Issuer of Licenses;

(e) That the Licensee discontinue all operations, on a go forward basis, for the third floor patio until such time as all necessary steps have been taken to cover the rooftop patio with netting or other similar devices to prevent objects, debris or other fluids from being thrown, hurled or dropped from the patio, as determined by the Director (of Municipal Law Enforcement) in his sole discretion, and in accordance with the Building Code and other applicable regulations on both the north and south sides of the patio, adjacent to the establishments on both sides

of Rok Bar. However, should delays result from actions on the part of the City of Hamilton, a reasonable extension will be provided by the Issuer of Licenses;

(f) That the Licensee maintain a working security camera system that records and stores data for thirty (30) days;

(g) That the Licensee maintain a security camera system in good working order to the best of its ability when the establishment is open to the public; and,

(h) That the Food Premises – Bar/Nightclub Licence be temporarily suspended and that no business operations shall take place at the Rok Bar on the following days:

- May 22, 23, 28, 29, and 30, 2012;
- June 4, 5, 6, 11, 12, and 13, 2012;
- August 13,14,15, 20, 21, 22, 28, and 29, 2012; and,
- October 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23 and 24, 2012.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

There were no changes to the agenda.

The April 23, 2012 agenda for the Hamilton Licensing Tribunal was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) April 12, 2012 (Item 3.1)

The Minutes of the April 12, 2012 meeting of the Hamilton Licensing Tribunal were approved, as presented.

(d) APPEAL HEARING: Colin MacDonald, respecting the Refusal of an Application for a City of Hamilton Taxi Cab Driver Licence (Item 4.1)

The Hamilton Licensing Tribunal moved into Closed Session, at 10:10 a.m., to hear the matter respecting the refusal of an application for a City of Hamilton Taxi Cab Driver Licence, pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 03-301, and Section 239, Sub-section (b) 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.

The Tribunal reconvened in Open Session at 10:21 a.m. Having heard the submissions of the parties, the Tribunal provided their recommendation, which is shown as Item 1 above.

(e) APPEAL HEARING: Kahlil Raghunan, respecting the Refusal of an Application for a City of Hamilton Food Premises – Bar/Nightclub Licence, for 1837392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario (Item 4.2)

On December 22, 2011, the Director of Municipal Law Enforcement sent correspondence to 1837392 Ontario Inc. operating as Rok Bark Hamilton, Khalil Raghunan, advising that in accordance with the City of Hamilton By-law 07-170, as amended, the application for a Hamilton Food Premises – Bar/Nightclub Licence, for 1837392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario, was refused and a licence would not be issued, based on the following grounds:

(i) In accordance with Section 12(1)(b) of the City of Hamilton Licensing By-law 07-170, as amended, there were requirements of the By-law that had not been met;

(ii) In accordance with Section 12(1)(c) of the City of Hamilton Licensing By-law 07-170, as amended, the business would put public safety at risk;

(iii) In accordance with Section 12(1)(d) of the City of Hamilton Licensing By-law 07-170, as amended, the business will not be carried on in compliance with the law, or the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for believe that the person will not carry on or engage in this business in accordance with the law or with honesty or integrity; and,

(i) In accordance with Section 12(2) of the City of Hamilton Licensing By-law 07-170, as amended, where responses from a Department

under Section 11 indicates that there is non-compliance with this By-law or other law.

Namely:

1. On November 16, 2011, Hamilton City Council accepted the Agreed Statement of Facts between the City of Hamilton and John Kranjc, of Keesmaat, Dixon, Kranjc, Lewis and Kovacs, representing Diana Vranich, concerning Rok Bar Hamilton Inc.

Overcrowding Incidents:

- On November 14, 2010, as part of a Multi Agency Task Force (MATF) inspection, Rok Bar was found to be over capacity on the main floor by approximately 100 people.

- On February 20, 2010, an inspection of the Rok Bar premises by Hamilton Police Services and the Alcohol & Gaming Commission of Ontario found the main floor to be over capacity by 88 people and the patio to be over capacity by 15 people.

- On May 22, 2010, an inspection of Rok Bar by Hamilton Police Service found the main floor to be over capacity by 21 people.

- The Alcohol & Gaming Commission of Ontario issued a Decision and Suspension for overcrowding February 20, 2010 and May 22, 2010.

Over Service Incidents:

- On October 18, 2010, Hamilton Police Service observed an apparently intoxicated female being carried out of Rok Bar to a cab by “Big Gill”, Rok Bar’s Manager of Security. Hamilton Police Service intervened and the female was transported to hospital by Hamilton Emergency Medical Services (EMS).

Assaults/ Disturbances:

- Denis Vranich, the brother of Diana Vranich, was charged with sexually assaulting an employee of Elixir Night Club and Lounge on July 20, 2006, and pled guilty to those charges on September 26, 2007.

- Alcohol & Gaming Commission of Ontario Liquor Licence conditions subsequently require that Denis Vranich have no involvement in the business operations of any establishments owned and operated by Diana Vranich; including as an officer, director, shareholder or owner, and is to have no beneficial or financial interest in the businesses or ongoing operations of the licences.

- On November 24, 2009, Hamilton Police Service responded to an assault complaint. The incident was alleged to have occurred on November 22, 2009 at the Rok Bar establishment. The allegation was that a drink was mixed without alcohol and a patron refused to pay. After an argument, security staff detained the patrons, but soon after let them leave. After review of the electronic systems in place for delivery of drinks, no charges were laid.

- On January 29, 2010, Hamilton Police Service responded to a complaint of assault behind at the Rok Bar establishment. A patron who had jumped on the stage during a punk rock event was physically removed by security staff. In the back lot behind the bar, the patron was approached by at least three males who beat him. Security was unable to assist with additional information and, since the surveillance system was not working, was unable to produce relevant images. Security was unable to identify who exited the bar at the same time as the patron was evicted.

- On February 18, 2010, Hamilton Police Service attended Rok Bar in respect to a disturbance report. Security staff had been struck in head by a bottle when attempting to break up a fight on the dance floor.

- On February 18, 2010, Hamilton Police Service, while conducting a check at the Rok Bar establishment, arrested a male patron for possession of marijuana.

- On April 17, 2010, Hamilton Police Service responded to a complaint at the Rok Bar establishment and made an arrest in connection to an assault of a Rok Bar employee. The individual arrested is known to police as having gang affiliation.

- On May 13, 2010, Hamilton Police Service responded to a disturbance call at the Rok Bar establishment. A second fight broke out and parties were removed.

- On August 9, 2010, Hamilton Police Service responded to an assault outside the Rok Bar involving a group of males that were leaving the Rok Bar establishment.

- On September 8, 2011, during a joint force inspection in Hess Village, Rok Bar security expelled two patrons who had fought in the bar. The patrons then began to fight again on the street in front of the bar.

Other

- Numerous complaints were received in 2010 and 2011, respecting bar patrons throwing or dropping objects and spitting from the Rok Bar rooftop patio onto the adjoining businesses.

- The Licence for the Elixir Night Club and Lounge had expired on March 27, 2011 and a renewal application was not submitted until May 27, 2011.

- The Licence for Rok Bar had expired on May 28, 2011 and a renewal application was not submitted until July 28, 2011.

Decisions

- By a decision, dated January 19, 2011, the Alcohol & Gaming Commission of Ontario suspended Rok Bar Hamilton Inc.'s Liquor Licence for 9 days, due to the

overcrowding occurrences of February 20 and May 22, 2010.

- On October 28, 2011, Rok Bar Hamilton Inc. plead guilty and was convicted of a charge of allowing the total number of persons occupying the first floor level to exceed the maximum occupant load allowed for the intended use, contrary to Section 2.7.1.4.(1) of the Ontario Fire Code, O. Reg. 213/07.

- On October 17, 2011, the property municipally known as 15 Hess Street South, Hamilton, Ontario where Rok Bar operates was sold to Raghunan Development Group Inc.

2. The application contained information relating to the previous operator, Diana Vranich, not the current applicant.

3. The facility's third floor balcony creates unsafe conditions for staff and the public on the abutting properties.

4. The facility has been operating without a municipal licence. Municipal Law Enforcement Officers observed the business open on November 6, 2011, without a licence.

5. A Boulevard Agreement for use of the City property as a ground floor patio has not been approved and registered on title.

Khalil Raghunan had not submitted a request for an appeal hearing within the thirty-day (30) time period; however, he did submit a Request for Extension of the Appeal Period, which was heard by the Tribunal on February 23, 2012.

Mr. Raghunan's request was granted and appeal was filed on February 28, 2012, based on the following grounds in relation to the December 22, 2011 refusal letter:

1. The Agreed Statement of Facts between the City of Hamilton and John Kranc, of Keesmaat, Dixon, Kranj, Lewis and Kovacs, representing Diana Vranich, concerning Rok Bark Hamilton Inc. concerns actions and incidences that have nothing to do with the new, current ownership of Rok Bar, namely the Raghunan family. We are a new and different entity and these incidents do not in any way reflect our operation of Rok Bar.

2. Overcrowding Incidents: These incidences occurred under the previous ownership and management and have nothing to do with the new, current ownership.

3. Other Service Incidents: This incident occurred under the previous ownership and management, and has nothing to do with the new, current ownership. "Big Gill" Security was immediately removed upon the new ownership taking possession of Rok Bar.

4. Assaults/Disturbances: These incidences occurred under the previous ownership and management and have nothing to do with the new, current ownership. Rok Bar's new in-house security team is dedicated to public safety and protection, and is committed to working with the Hamilton Police to continually improve safety at both Rok Bar and Hess Village as a whole.

   Incidences respecting patrons throwing or dropping objects and spiting from the Rok Bar rooftop patio onto the adjoining business occurred under the previous ownership and management and have nothing to do with the new, current ownership. These concerns are being addressed currently in partnership with Jim Skarett, the owner/operator of the neighbouring properties, by installing a glass barrier to protect patrons.

5. Decisions: These incidences occurred under the previous ownership and management and have nothing to do with the new, current ownership.

   Raghunan Development Inc.'s purchase of Rok Bar on October 17, 2011: That point should not bear on our ability to obtain a business licence.

   The application submitted contains information relating to our current operation and any and all references to Diana Vranich may have only to do with certain plans that were modified and improved, subsequent to the Raghunan family taking possession. No details have been disclosed by the City of Hamilton as to what this information relating to Diana Vranich may be; however, from our records we see that the Security Plan was one initially created by Big Gill.

   The Security Plan itself was not enforced under Big Gill, but many of the Plan's points are good protocols and arrangements; and, need a strong security force committed to public safety and a supportive ownership and management, and this is now the case under the new ownership. The Security Plan has been used as a starting point for our own improved Plan.

6. Third Floor Balcony: The third floor balcony is a concern that the new ownership is addressing with the cooperation of the proprietor of the neighbouring properties, who has kept diligent and detailed records of the perceived flaws, and we are committed to entering the spring/summer operating season with a viable solution to possible issues associated with the third floor.

On March 5, 2012, the Director of Municipal Law Enforcement sent correspondence to the attention of Kahlil Raghunan directing that he was to cease and desist with the operation of the Rok Bar, located at 15 Hess Street South Hamilton, pursuant to Section 2, of Schedule 12 of the Hamilton Licensing By-law 07-170 (as amended), which prohibits anyone from operating a food premises without a licence.

Inspections carried out by Municipal Law Enforcement Officers, of the City of Hamilton and other agencies, have found the business open to the public, and charges have been laid in connection to operating a bar/nightclub without the required business licence.

As 1837392 Ontario Inc. operating as Rok Bar Hamilton does not hold a valid Bar/Nightclub business license, it cannot operate its business until the hearing and the disposition of its appeal has been ratified.

On March 5, 2012, the Director of Municipal Law Enforcement, sent a second letter to Kahlil Raghunan (and copied the establishment), which provided additional grounds for the refusal of the licence application, further to the grounds provided in the letter of December 21, 2011:

(i) Pursuant to Section 12(1)(c) of the City of Hamilton Licensing By-Law 07-170, as amended, the business would put public safety at risk;

(ii) Pursuant to Section 12(1)(d) of the City of Hamilton Licensing By-Law 07-170, as amended, the business will not be carried on in compliance with the law, or the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in this business, in accordance with the law or with honesty or integrity; and,

(iii) Pursuant to Section 12(2) of the City of Hamilton Licensing By-Law 07-170, as amended, the Issuer of Licenses shall refuse to issue a licence for a business where a response received from a Department indicates that there is non-compliance with this By-Law or other applicable law, or that there will be such non-compliance if the business is allowed to operate.

Namely:

1. On February 18, 2012, Mr. Scott Gardner was charged with operating an establishment at 15 Hess Street South, Hamilton without a licence.

2. On February 19, 2012, Mr. Kahlil E. Raghunan was charged with operating a food premises at 15 Hess Street South, Hamilton without a licence.

3. On February 19, 2012, Mr. Scott Gardner was charged with operating a food premises at 15 Hess Street South, Hamilton without a licence.

4. On February 25, 2012, Mr. Kahlil E. Raghunan was charged with operating an eating establishment at 15 Hess Street South, Hamilton, Ontario without a licence.

5. It was reported on February 22, 2012, that a patron of Rok Bar, 15 Hess Street South, Hamilton, Ontario jumped from the upper patio to the roof of an abutting property.

On April 2, 2012, the Director of Municipal Law Enforcement, sent a correspondence to Kahlil Raghunan, which provided additional grounds for the refusal of the licence application, further to the grounds provided in the letters of December 21, 2011 and March 5, 2012:

(i) Pursuant to Section 12(1)(c) of the City of Hamilton Licensing By-Law 07-170, as amended, the business would put public safety at risk; and,

(ii) Pursuant to Section 12(1)(d) of the City of Hamilton Licensing By-Law 07-170, as amended, the business will not be carried on in compliance with the law, or the conduct of the person, or in the case of a corporation, the conduct of its officers, directors, employees or agents affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law or with honesty or integrity; and,

(iii) Pursuant to Section 12(2) of the City of Hamilton Licensing By-Law 07-170, as amended, the Issuer of Licenses shall refuse to issue a licence for a business where a response received from a Department indicates that there is non-compliance with this By-Law or other applicable law, or that there will be such non-compliance if the business is allowed to operate.

Namely:

1. November 5, 2011 — Hamilton Police Service Occurrence Details, Report No. 11783233, Other Weapons Offences.

2. November 27, 2011 — Hamilton Police Service Occurrence Details, Report No. 11780618, Assault – Level 1.

3. December 4, 2011 — Hamilton Police Service General Occurrence Report No. 11786162, Sexual Assault.

4. December 10, 2011 — Hamilton Police Service General Occurrence Report No. 11790653, Assault – Level 1.

5. January 4, 2012 — Hamilton Police Service General Occurrence Report No. 12502222, Disputes / Disturbances.

6. January 15, 2012 — Hamilton Police Service General Occurrence Report No. 12511068, Trespass to Property Act.

7. March 8, 2012 — Hamilton Police Service Occurrence Details, Report No. 12555169, Liquor License Act (Provincial Statute). (Supplementary Report, March 9, 2012, Follow up, Noise Complaint)

8. March 10, 2012 — Hamilton Police Service Occurrence Details, Report No. 12556880, Liquor License Act (Provincial Statute).

9. March 11, 2012 — Hamilton Police Service Occurrence Details, Report No. 12557149, Suspicious Circumstances. (Supplementary Reports)

Mr. Duxbury provided his Opening Statement. Mr. Duxbury's comments included, but were not limited to, the following:

- We will need to sort out which of the gentlemen will be speaking on behalf of Rok Bar today. Khalil Raghunan is the only party listed as Director on the Certificate of Incorporation and on the appeal.

- At that time, Tristan Raghunan advised Mr. Duxbury and the Tribunal that he would be speaking on behalf of (acting as agent) his brother, Kahlil Raghunan.

- Kenneth Byers, of Daley, Byers, was retained as legal counsel for the Appellant only last week, and is not present for today's hearing as he is in North Bay. The parties have agreed to move forward with the submission of the Agreed Statement of Facts in his absence.

- I will be presenting the Tribunal with an Agreed Statement of Facts (which was compiled by the City's legal counsel and Mr. Byers over the weekend) and the joint position of the parties.

Tristan Raghunan, acting as Agent for Khalil Raghunan, provided his Opening Statement. Tristan Raghunan was sworn under Oath, prior to providing any testimony. Mr. Raghunan's comments included, but were not limited to, the following:

- We are different from the previous owners and would like to be given the opportunity to differentiate ourselves.
- We must continue to operate as we have a lot invested in the business and would lose everything.

Mr. Duxbury submitted the Exhibit 1 and provided an overview of same:

Exhibit 1:

1. Agreed Statement of Facts, as amended, which reads as follows and was agreed upon by the parties:

AGREED STATEMENT OF FACTS

(April 23, 2012)

Application for City of Hamilton Food Premises – Bar/Nightclub Licence 1837392 Ontario Inc. operating as Rok Bar Hamilton, 15 Hess Street South, Hamilton, Ontario

Establishment History and Current Application:

1. Rok Bar Hamilton Inc. held an Eating Establishment – Restaurant Licence No. 10-278405 for an establishment operating as Rok Bar from premises municipally known as 15 Hess Street South Hamilton, Ontario, (hereinafter "the Rok Bar"). The licence expired on May 28, 2011, while under previous ownership.

2. On or about July 27, 2011, Rok Bar Hamilton Inc. applied for a renewal of the Eating Establishment licence No.10-278405. The Application was made by the previous ownership.

3. On August 9, 2011, the Issuer of Licences sent correspondence to Rok Bar Hamilton Inc. advising that in accordance with the City of Hamilton Licensing By-law 07-170 the renewal was refused and a licence would not be issued. This related to the previous ownership.

4. Diana Vranich, the previous owner, appealed the refusal on behalf of Rok Bar Hamilton Inc. to the Licensing Tribunal and the matter was set for a 'Show Cause Hearing' on November 10, 2011.

5. On or about October 17, 2011, Diana Vranich advised the Issuer of Licences that Rok Bar Hamilton Inc. was sold and that she was no longer the Director of the Corporation.

6. On November 6, 2011, Municipal Law Enforcement, Officer James Buffett attended the Rok Bar and found Rok Bar operating without the required Food Premises – Bar/Nightclub Licence. Officer Buffett spoke with Scott Gardiner, the Manager (of Rok Bar) and Kahlil Raghunan the Operator (of Rok Bar) who, at the time, indicated that his brother (Tristan Raghunan) was handling the issue and it was in process.

7. On or about November 10, 2011, the appeal of the refusal to issue the Eating Establishment licence to Rok Bar Hamilton Inc. was withdrawn by Diana Vranich. According to information provided by the new owners, they were not informed of the withdrawal.

8. On or about November 10, 2011, 1837392 Ontario Inc. submitted an application for a Food Premises – Bar/Nightclub Licence. The application was completed by Kahlil Raghunan.

9. Articles of Incorporation for 1837392 Ontario Inc. list Kahlil Raghunan of [redacted], Wasaga Beach, Ontario, as the sole Director of the Corporation.

10. On December 22, 2011, the Issuer of Licences rendered a decision refusing to issue a Food Premises – Bar/Nightclub Licence to 1837392 Ontario Inc. on the grounds that it was the opinion of the Issuer of Licences that the requirements of the By-law (07-170, as amended) were not met (Section 12(1)(b) of the Licensing By-law 07-170; that the business would put public safety at risk (Section 12(1)(c) of the Licensing By-law); that there are reasonable grounds to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity (Section 12(1)(d) of the Licensing By-law); and, that a response from a Department under Section 11 (of the Licensing By-law)

indicated that there is non-compliance with this By-law or other applicable law (Section 12(2) of the Licensing By-law).

11. An inspection of the premises carried out on February 18, 2012, found 1837392 Ontario Inc. operating an eating establishment/bar/nightclub from the premises, municipally known as 15 Hess Street South, Hamilton, Ontario without a valid municipal licence, and contrary to the City of Hamilton Licensing By-law (07-170, as amended). A Provincial Offence Notice number TB209170 for operating with no establishment licence contrary to Section 2(1) of Schedule 21 of the City of Hamilton Licensing By-law 07-170, as amended, was issued to Scott Gardner, the Manager (of Rok Bar). A Provincial Offence Notice TB209171 for operating with no establishment licence contrary to Section 2(1) of Schedule 21 of the City of Hamilton Licensing By-law 07-170 (as amended) was also issued to Kahlil Raghunan, Operator of the establishment and a Director of 1837392 Ontario Inc.

12. On February 20, 2012, Kahlil Raghunan attempted to file an appeal of the December 22, 2011 decision of the Issuer of Licences refusing to issue a Food Premises Licence to 1837392 Ontario Inc. Because the appeal was not filed within 30 days from the date of the decision, as is required by the Licensing By-law (07-170, as amended), it was not accepted at City Hall. Instead, the Appellant filed a motion to the Licensing Tribunal seeking an order granting an extension of time to file the appeal.

13. At the motion heard by the Licensing Tribunal on February 23, 2012, 1837392 Ontario Inc. was granted an extension of time to file the appeal from the decision of the Issuer of Licences refusing to issue the licence.

14. On February 28, 2012, the appeal was received by the (Office of the City Clerk) Issuer of Licences.

15. On March 5, 2012, the Issuer of Licences issued a letter to 1837392 Ontario Inc., which letter was hand delivered to Kahlil Raghunan at Rok Bar, 15 Hess St. South (Hamilton, Ontario), found to be operating, requesting that the applicant/appellant immediately cease and desist from carrying on the business of a bar/nightclub until such time as the Licensing Tribunal renders a decision on the appeal and the decision is approved by Council.

16. Rok Bar Hamilton has been operating since October 17, 2011 to the present time without the required Food Premises – Bar/Nightclub Licence.

17. The transfer of the Liquor Licence held by Rok Bar Hamilton Inc. to 1837392 Ontario Inc. has not been completed, but according to the Owners, is expected to be finalized in the next few weeks, if not days. The Rok Bar does possess a valid interim liquor license.

Infraction History:

18. On or about November 27, 2011, Hamilton Police Service's Detective Constable Slack, of the Vice Unit, became aware of a video posted on a youtube.com website that depicted Tristan Raghunan wielding what appeared to be a firearm while dancing in the office of the establishment of Rok Bar, located at 15 Hess Street South (Hamilton, Ontario). Also depicted in the video, were three unidentified individuals and Scott Gardiner, the Rok Bar Manager. Detective Constable Slack attended the location on December 1, 2011 and met with Raghunan and Gardiner to discuss the video. The Owners advised that a plastic pistol had been confiscated by the Owners during a Halloween function. The Owner retrieved the plastic pistol from the office safe and surrendered it to Detective Constable Slack. The Owners' legal counsel advises that the activity did not constitute an offence and no charges were laid.

19. Following February 18, 2012, Multi Agency Task Force (MATF) inspection, Rok Bar was found to be operating without the required Food Premises-Bar/Nightclub licence and that the facility was over capacity on the main floor by approximately 68 people.

20. A March 8, 2012, an inspection by Hamilton Police Service found Rok Bar operating without the required Food Premises-Bar/Nightclub licence. Raghunan was unable to produce a licence and advised that the license was in the appeal stage. He (Tristan) stated he will continue to operate without licence.

21. A March 10, 2012, inspection by the Police found Rok Bar operating without the required Food Premises-Bar/Nightclub licence. Tristan Raghunan stated he will remain open.

Over Service Incidents:

22. On February 18, 2012, the Alcohol & Gaming Commission of Ontario Inspector found a patron drinking directly from a vodka bottle with obvious signs of intoxication while a person with a security shirt stood beside and did not intervene. According to the ownership the security guard was confronted by ownership regarding the allegation. He explained that he was about to deal with the patron. The practice in place was the patrons were not to handle bottles and it was the responsibility of the host or hostess. A memo was provided to all staff the following day reiterating this rule. In addition, the individual security personnel was required to complete an incident report for the ownership. The individual security guard was reprimanded by the ownership.

Prior Ownership Assaults/ Disturbances:

23. Alcohol & Gaming Commission of Ontario Liquor Licence conditions required that Denis Vranich have no involvement in the business operations of any establishments owned and operated by Diana Vranich; including as an officer, director, shareholder or owner, and is to have no beneficial or financial interest in the businesses or ongoing operations of the licences. Dennis and Diana Vranich have no indirect or direct involvement with the present operations of Rok Bar.

Current Ownership Assault/Disturbances

24. On November 27, 2011, Police responded to an assault complaint at Rok Bar, involving an assault of an individual, while dancing, by three unknown males. Security removed the complainant from the bar. The security cameras were not working at the time of the incident. Normally there is no obligation to maintain security cameras although the present owners agree going forward to maintain a security camera system, as they concur that it is of value especially in relation to liability and security issues. The security cameras were inherited from the previous owners and were repaired as of March 26, 2012.

25. On December 4, 2011, Police responded to a sexual assault complaint at Rok Bar. Hamilton Police Service requested that Rok Bar staff provide a copy of the surveillance video, but to date it has not been provided. The security cameras were not operational at that time and as such the surveillance was unavailable. The cameras were repaired as of March 26, 2012.

26. On December 10, 2011, Police responded to an assault complaint at Rok Bar, alleging that the bouncer used excessive force on a patron who refused to remove his baseball cap. Hamilton Police Service requested that Rok Bar staff provide a copy of the surveillance video, but to date it has not been provided. The security cameras were not operational at that time and as such the surveillance was unavailable. The cameras were repaired as of March 26, 2012.

27. On January 4, 2012, Police responded to a dispute/disturbance call at Rok Bar wherein the complainant reported being assaulted by staff while being asked to leave. No charges were laid against any member of the Rok Bar staff.

28. On January 15, 2012, Police responded to a call from staff for assistance at Rok Bar regarding patrons refusing to leave establishment.

29. On March 11, 2012, Police responded to an assault complaint involving an allegation that a female patron was issued a noxious substance and awoke with injuries. Police requested that Rok Bar staff provide a copy of the surveillance video, but to date it has not been provided. The security cameras were not operational at that time and as such the surveillance was unavailable. The cameras were repaired as of March 26, 2012.

Other

30. Numerous complaints were received in 2010 and 2011, respecting bar patrons throwing or dropping objects and spitting from the Rok Bar rooftop patio onto the adjoining businesses. This issue is primarily related to the timeframe when the business was owned by the previous ownership group. To the knowledge of the present owner and as a result of consultation between the present ownership and James Skarratt there have been only 3 incidents of spitting since the new ownership took over.

31. A complaint was received from James Skarratt on or about February 22, 2012 from an abutting establishment, relating to cigarette butts, trash, empty glasses and vomit being thrown/deposited from the outdoor rooftop patio onto the abutting land. A complaint was also received that a patron jumped from Rok Bar's rooftop patio onto the abutting roof damaging the satellite system and the awning. There is no police report in respect to this event.

Decisions

32. By a decision dated January 19, 2011, the Alcohol & Gaming Commission of Ontario suspended Rok Bar Hamilton Inc.'s Liquor Licence for 9 days, due to the overcrowding occurrences of February 20 and May 22, 2010. This relates to the previous ownership.

33. On October 28, 2011, Rok Bar Hamilton Inc. plead guilty and was convicted of a charge of allowing the total number of persons occupying the first floor level to exceed the maximum occupant load allowed for the intended use, contrary to Section 2.7.1.4.(1) of the Ontario Fire Code, O. Reg. 213/07. This relates to the previous ownership.

34. The Alcohol & Gaming Commission of Ontario suspended the Liquor License for Rok Bar Hamilton Inc. for 10 days. This was a penalty issued against the previous ownership and the penalty was imposed on the present ownership and was served from February 6 to February 15, 2012.

Tristan Raghunan asked if he had any comments and/or questions respecting the Agreed Statement of Facts. Mr. Raghunan responded that he did not.

For the record, Mr. Duxbury submitted the following Exhibits, and provided an overview of same:

Exhibit 2:

Certificates of Incorporation, which illustrate Khalil Evans Raghunan as being the sole Director of the Corporation; Incorporation number 1837392 (dated November 26, 2010).

Exhibit 3:

City of Hamilton licence Application for a Food Premises Licence, submitted by Khalil Raghunan for 1837392 Ontario Inc. operating as Rok Bar, located at 15 Hess Street South, Hamilton, Ontario (dated November 4, 2011).

Exhibit 4:

Correspondence to 1837392 Ontario Inc., operating as Rok Bar Hamilton, attention Khalil Raghunan at 15 Hess Street South, Hamilton, Ontario, from the Director of Municipal Law Enforcement, advising that Mr. Raghunan's application for a Food Premises – Bar/Nightclub Licence had been refused; listing the grounds and the process for appeal, should he choose to do so (dated December 22, 2011).

Exhibit 5:

Correspondence to Khalil Raghunan, at the address in Wasaga Beach, from the Legislative Coordinator for the Tribunal, advising of the appeal hearing details for Monday, April 23, 2012 (dated March 5, 2012).

Exhibit 6:

Correspondence to 1837392 Ontario Inc. operating as Rok Bar Hamilton, attention Khalil Raghunan, delivered to the address in Wasaga Beach, from the Director of Municipal Law Enforcement, advising of the supplementary grounds, in addition to the grounds noted in the letter of December 21, 2011, that the City intended to include for the refusal of the Licence Application (dated March 5, 2012).

Exhibit 7:

JOINT SUBMISSIONS RESPECTING DISPOSITION

1. That the facts, as outlined in the Agreed Statement of Facts, establish that in accordance with section 12(1)(b) of the City of Hamilton Licensing By-Law 07-170,

the requirements of the by-law are not being met in that there is no registered encroachment agreement.

2. That the facts, as outlined in the Agreed Statement of Facts, establish that in accordance with section 12(1)(c) of the Licensing By-law 07-170, the business operating as Rok Bar Hamilton by 1837392 Ontario Inc. has put public safety at risk by permitting overcrowding (on one occasion), over service of alcohol (on one occasion to one individual) and operating without a valid municipal licence.

3. That the facts, as outlined in the Agreed Statement of Facts, establish that in accordance with section 12(1)(d) of the Licensing By-law 07-170, the business operating as Rok Bar Hamilton by 1837392 Ontario Inc. did not carry on in compliance with the law or with honesty or integrity by operating and continuing to operate without a valid municipal licence and ignoring the Licensing Tribunal caution about not operating until after Council approval.

4. That the Food Premises – Bar/Nightclub Licence be issued to 1837392 Ontario Inc. o/a Rok Bar Hamilton located at 15 Hess Street South, Hamilton, Ontario, subject to the following conditions:

    (a) That the Licensee agrees and acknowledges that no all-ages events will be undertaken, conducted or hosted at the Rok Bar.

    (b) That the Licensee implement a dress code requiring all clothing indicating gang colours or indicia of gang affiliation to be removed. If the patron does not remove the gang indicia, they be asked to leave the premises. This condition was implemented by new ownership upon taking over the operations;

    (c) That the Licensee post signs at the entrance of the establishment indicating that there is a dress code and that no clothing, which would indicate gang colour or gang affiliation, is allowed. This condition was implemented by new ownership upon taking over the operation;

    (d) That the Licensee satisfies the requirement for the Encroachment Agreement with the City of Hamilton and that the Agreement is registered on title by May 1, 2012. However, should delays result from actions on the part of the City of Hamilton, a reasonable extension will be provided by the Issuer of Licences;

    (e) That in respect to the operations of the rooftop patio the Licensee shall provide a detailed operations plan to the Director of Municipal Law Enforcement Licensing of the City of Hamilton or his or her designate, to the Director's satisfaction, on or before April 20, 2012 to demonstrate that the rooftop patio shall be maintained at all times to prevent objects, debris or fluids from being thrown, dropped or hurled from the patio which plan shall be implemented immediately. *That the Licensee discontinue all*

operations, on a go forward basis, for the third floor patio of Rok Bar, until such time as all necessary steps have been taken to cover the rooftop patio with netting or other similar devices to prevent objects, debris or other fluids from being thrown, hurled or dropped from the patio, as determined by the Director (of Municipal Law Enforcement) in his sole discretion, and in accordance with the Building Code and other applicable requirements on both the north and south sides of the patio, adjacent to the establishments on both sides of Rok Bar. However, should delays result from actions on the part of the City of Hamilton, a reasonable extension will be provided by the Issuer of Licenses;

(f) That the ownership maintain a working security camera system that records and stores data for 30 days;

(g) That the establishment maintain a security camera system in good working order to the best of its ability when the establishment is open to the public; and,

(h) That the Food Premises–Bar/Nightclub Licence shall be temporarily suspended and that no business operations shall take place at the Rok Bar on the following days:

- May 22, 23, 28, 29, and 30, 2012;
- June 4, 5, 6, 11, 12, and 13, 2012;
- August 13,14,15, 20, 21, 22, 28, and 29, 2012; and,
- October 1, 2, 3, 8, 9, 10, 15, 16, 17, 22, 23 and 24, 2012.

Mr. Duxbury noted that the establishment has been operating without a licence since October 2011. What is being brought before the Tribunal today is a balanced approach, with broad latitude for the Tribunal to make conditions, as they see fit.

It was highlighted, by Mr. Duxbury, that the number of days of suspension, outlined in the Joint Submission, adds up to 31 days; a significant number of days and more than what has been proposed in the past.

Mr. Duxbury advised the Tribunal that, with respect to subsection 4(e) of the Joint Submission Respecting Disposition, the representatives of Rok Bar met with Mr. Young (Director of Municipal Law Enforcement), and the City received an Operational Plan. Therefore, the Appellant has satisfied that requirement with the submission, which was provided to the City on April 20, 2012.

Tristan Raghunan was asked if he had any comments with respect to Mr. Duxbury's statement regarding the City's receipt of the Operational Plan. Mr. Raghunan advised that he had no comments respecting Mr. Duxbury's statement.

Tristan Raghunan advised the Tribunal that, through discussion with Mr. Young he has discussed the proposed security changes. Mr. Raghunan stated that the structure of rooftop (patio) is safe, but rather it's the conduct of the patrons that needs to be controlled. Mr. Raghunan stated that it is very important to the Operators that patrons behave appropriately on the roof top.

Mr. Raghunan' then submitted for the record, Exhibit 8 – Rok Bar Hamilton Operations Plan, Preventative Action Plan (the "Plan"), and provided an overview of same. Mr. Raghunan's comments regarding the Preventative Action Plan included, but were not limited to, the following:

- The use of glassware has been eliminated, effective immediately.
- Effective immediately, for this weekend, there will be no smoking allowed on the third floor patio.

The Plan provided the following points, as well as diagrams and photographs:

The current ownership at Rok Bar Hamilton has undertaken to address the safety concerns inherent to the rooftop patio in the following ways:

1. Effective immediately: An increase from three (3) to nine (9) Security Guards – 6 additional guards to be posted as stationary guards on the North, South and West sides of the patio; 2 on the side abutting the Lazy Flamingo (South); 2 on the side abutting the Jazz Club (North), at arm's length from each other; 1 on the West side overlooking Hess Street South; and 1 roaming on the patio. The guards will be instructed to pay special attention to the concern of projectiles of any kind being ejected over the sides of the patio.

2. Effective October 17, 2012: Glass bottles of beer and glassware in general have already been eliminated after having liaised with the Alcohol & Gaming Commission of Ontario Liquor License Inspector, Mr. Mark Hall, who was in agreement. Glassware will continue not to be sold at Rok Bar at any time. This policy will continue, and beverages will continue to be served in plastic cups to eliminate any danger of glassware falling from the rooftop.

3. Effective Immediately: A brightly coloured "Do Not Cross" fluorescent yellow strip in the floor, which will run the perimeter of the patio approximately 2.5 feet in from the patio's edges, behind which the posted guards will be standing.

4. Effective April 21, 2012: Smoking on the rooftop patio will be disallowed, and instead only allowed on the front street-level smokers' patio.

5. Effective Immediately: The rooftop patio will be designated as a space that caters to an older demographic, and will function henceforth as a 21+ patio, in an effort to attract a set of patrons that display greater age-related maturity. Additionally, this necessitates a new security procedure before patrons can gain access to the top floor where patrons must once more be screened by security to ensure only those displaying appropriate behaviours enter the 3rd floor.

6. In the event of a violation of any Rok Bar security protocol, zero tolerance will be displayed and such actions will merit immediate ejection from the premises. Any person breaking any club rule or regulation, depending upon the severity, will face being ejected as well as banned from Rok Bar, with a Notice that will circulate to the other establishments in Hess Village, noting the individual's identity and reason for being banned, and furthermore, matters may be forwarded to Hamilton Police Service.

The above measures, protocols and procedures are illustrated in Appendices "A" and "B" to Exhibit 8.

The Tribunal asked questions of Tristan Raghunan that included, but were not limited to, the following:

Q: It appears to be outright belligerence of the operators, and illustrates no regard for the regulations or respect for the law, when the Officers advised that Rok Bar was operating without a licence on several occasions and your response was that you were aware and would continue to operate.

A: (Tristan) I was not trying to be belligerent. The Officers would ask direct questions, and I would provide direct answers. We must operate to pay the bills. We need to operate to make money; we would have lost business and home. When officers asked questions, I didn't lie – it was stated in the context that we have no choice, but to operate.

Q: Do you respect the regulatory obligations of the City?

A: We didn't expect to receive any resistance (with respect to the licence application). We were cooperative and complied with Fire and Health, and it is our position to have a good relationship with the City; one of honesty and integrity.

It was only clear to us then that we were not supposed to be operating. We were not aware until we received the letter that the City was not working with us.

Q: On March 5, 2012, Rok Bar was provided an order to cease and desist operations of the establishment, as you were operating without a licence. You knew then and carried on with operations anyway. As well, when new charges were laid – you continued to operate.

A: We had a lot invested, and would have lost our business and homes. We had to continue to operate.

Q: What is the capacity on the street patio?

A: 35 (on the street patio), approximately 126 on the first floor, 86 on the second floor, 96 on the rooftop patio and 45 inside (on the 3rd floor) – total capacity for the bar (all floors) is 410. The second floor overlooks the dance floor on the first floor. It is a very controlled area (2nd floor); it is for people who like to sit in booths.

Tristan was advised that if they plan on reducing the size of usable space on the third floor patio (by not allowing patrons past the fluorescent yellow lines), they would most likely have to reduce the capacity on the rooftop patio and Fire would need to inspect that area again.

The Tribunal was advised that Jim Skarett, Owner of the neighbouring business may wish to address the Tribunal.

Jim Skarett was called as a witness, respecting the operation of Rok Bar, located at 15 Hess Street South, Hamilton, Ontario.

First Witness:

The City called upon its first Witness, Jim Skarett, Owner of the Lazy Flamingo and the Jazz Club, located at 19 Hess Street South and 13 Hess Street South, Hamilton, Ontario. Mr. Skarett was sworn under Oath prior to providing his testimony.

Mr. Skarett's comments included, but were not limited to, the following:

- Has owned and operated a restaurant in Hess Village for over 20 years.
- It has been a horrible experience having the Rok Bar next door. Mr. Skarett clarified that he was referring to the business itself, not necessarily the new owners.
- Patrons of his restaurant have had someone throw up on their table from the patio above, and glasses, cigarette and pot have been thrown over from the patio above (at Rok Bar). As well, patrons have been spit on by patrons of the Rok Bar rooftop patio.
- Mr. Skarett has been promised in the past a wall or netting would be put on the rooftop patio, that extra security would help, but nothing was ever done.
- Mr. Skarett has suggested many times that the simple solution would be to put up a higher wall or netting (on the 3rd floor patio). Netting wouldn't ruin the ambience of the patio, but would stop bottles or cigarettes from being

thrown below. If a patron of Rok Bar were to throw up or spit on the net, it will just roll down the netting. No-one below will be affected.

- There needs to be a permanent type of structure to mitigate the problem ~ we need to just fix it once and for all.
- I met the new owners in the parking lot and was told (by Kahlil and Tristan's father, Dr. Roy Raghunan) he understood my concerns and the situation with the rooftop patio. That a quote for putting up a wall would be installed before the bar even opened, and nothing has been done to-date. Indulge me for not believing anymore.
- Last summer a security guard from Rok Bar was holding a female patron over the edge of the patio (on rooftop) so that she could throw up over the edge onto my property so she wouldn't get it on Rok Bar's patio.
- Tristan asked Mr. Skarett if they have developed a good relationship, and if he thought they (Kahlil and Tristan) were different from the previous owners.
- Mr. Skarett responded by stating that – if you (Kahlil and Tristan) disregard the Tribunal and the regulations – some of which he (Mr. Skarett) is just finding out now – then don't blame me for getting skeptical.

Tristan Raghunan was asked if he had any questions of Mr. Skarett. He replied that he did not.

There were no further questions; therefore, the witness was excused.

The Tribunal stated to Tristan Raghunan that it was pretty clear that the only solution for the third floor patio was a permanent solution; whether it is an 8 foot wall or fine netting that is installed. Are you prepared to accept the condition?

Tristan responded that they have never been given the opportunity to do this – we can control 100 people on the patio. We are different from the previous owners. We have done this before and we feel that there was some degree of injustice regarding the 25 points, related to the Vranich's (that were grounds in the refusal letter).

The Tribunal commented to Tristan that you (Tristan) have been saying (to the City) play fair. Yet you have been operating without a municipal licence, were charged with being over capacity by 68 people, a person was overly intoxicated in front of a security guard and the guard took no action.

The Tribunal took a 10 minute recess.

Dr. Roy Raghunan, Tristan and Kahlil's father, asked if he could speak before the Tribunal.

Dr. Roy Raghunan was called as a witness, respecting the operation of Rok Bar, located at 15 Hess Street South, Hamilton, Ontario.

Dr. Roy Raghunan was sworn under Oath prior to providing his testimony. Dr. Raghunan's comments included, but were not limited to, the following:

- I would like to address Mr. Skarett's concerns – we have spoken several times, and I've even had a beer with him at his place.
- It is true that his sons have changed some of the dynamics (of the bar).
- I will ensure that we will put up a simple netting or wall on the North side (of the patio), which will protect the building below.
- Mr. Skarett and I get along well – that will help him and also get rid of the yellow line on the patio.
- The long-term costs of the security guards would be greater. We will take what Mr. Skarett has to say - we will implement the netting on the aluminum pole that will satisfy Mr. Skarett.
- The bar cannot be open without the third floor patio.
- We hope that we can get the licence – we cannot afford not to and did not expect to run into problems or I would have done things differently.
- We want to upgrade the bar, make it a pleasant and good for Hamilton. We would like to attract young professionals.

The Tribunal commented to Dr. Raghunan that it is clear that Mr. Skarett has concerns on both sides of the third floor patio – he owns a restaurant on one side and a jazz club on the other side (of Rok Bar) – not just on the North side. Are you prepared to build some type of structure on both sides? Dr. Raghunan agreed (to address both the South and North sides of the rooftop patio).

Mr. Duxbury commented that the Appellant would be required to review the Building Code and speak to the City regarding the regulations and requirements before putting up a wall or netting.

In Closing, Tristan Raghunan's comments included, but were not limited to, the following:

- It is my position that we have been held to account for the previous owners.
- The Alcohol and Gaming Commission has come by 4 or 5 times and things have been good, but no-one is looking at those points – only the negative points.
- Our operation has been safe – we know how to do that.
- We want the opportunity to implement our Plan and we should be given the opportunity to differentiate ourselves.
- The issues that have come up are largely due to the conduct of patrons – we can control that.
- We apologize for being in contravention of the by-laws. We would have lost everything.

Tristan Raghunan had no further comments or questions.

Mr. Duxbury had no further comments or questions.

As no other witnesses were to be called during these proceedings, all the witnesses were excused.

The Hamilton Licensing Tribunal moved into Closed Session, at 12:10 p.m., to deliberate upon the submissions of the parties, respecting the Refusal of an Application for City of Hamilton Food Premises – Bar / Nightclub Licence for 1839392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario.

Members of the Public were invited to return to hear any further deliberations upon the Tribunal reconvening in Open Session.

The Tribunal reconvened in Open Session at 12:40 p.m.

Having heard the submissions of the parties, the Tribunal provided their recommendations, which are shown as Item 2 of the Hamilton Licensing Tribunal Report 12-004.

Subsequent to the Tribunal providing their decision, Tristan Raghunan was asked if he understood that Rok Bar could not operate on any day of the week, until such time as the decision was ratified by Council and they were provided a Food Premises licence by the City – that if they did so, they would be operating without a licence. The Tribunal asked Tristan if he believed they could do that (not operate without a licence).

Tristan responded that they would find a way not to operate – that they needed to regain the City's confidence.

(f) Closed Session Minutes – April 12, 2012 (Item 5.1)

The Closed Session Minutes of the April 12, 2012 meeting of the Hamilton Licensing Tribunal were approved, as presented.

(g) ADJOURNMENT (Item 6)

There being no further business, the Hamilton Licensing Tribunal was adjourned at 12:51 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
Hamilton Licensing Tribunal

Stephanie Paparella
Legislative Coordinator
Hamilton Licensing Tribunal
April 23, 2012