



**City of Hamilton**  
**GENERAL ISSUES COMMITTEE**

**Meeting #:** 19-009  
**Date:** May 1, 2019  
**Time:** 9:30 a.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

Alicia Davenport, Legislative Coordinator (905) 546-2424 ext. 2729

---

	<b>Pages</b>
<b>1. CEREMONIAL ACTIVITIES</b>	
<b>2. APPROVAL OF AGENDA</b>	
(Added Items, if applicable, will be noted with *)	
<b>3. DECLARATIONS OF INTEREST</b>	
<b>4. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>	
4.1 April 17, 2019	3
<b>5. COMMUNICATIONS</b>	
<b>6. DELEGATION REQUESTS</b>	
<b>7. CONSENT ITEMS</b>	
7.1 Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019 to 2023 (PED19054(a)) (Wards 3 and 4)	26
7.2 Business Improvement Area Advisory Committee Minutes, March 19, 2019	53
<b>8. PUBLIC HEARINGS / DELEGATIONS</b>	

**9. STAFF PRESENTATIONS**

- 9.1 CityLAB Annual Report and Request for Extension (CM19003) (City Wide) 57

**10. DISCUSSION ITEMS**

- 10.1 Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) 65
- 10.2 Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 212 King William Street, ERG-17-04 (PED19094) (Ward 2) 98
- 10.3 Mayor's Blue Ribbon Task Force on Workforce Development Report 19-001, March 26, 2019 107
- 10.4 Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038) (City Wide) 110
- 10.5 Conservation Authorities Act Review (LS15027(d)) (City Wide) 124

**11. MOTIONS****12. NOTICES OF MOTION****13. GENERAL INFORMATION / OTHER BUSINESS****14. PRIVATE AND CONFIDENTIAL**

- 14.1 Acquisition of Industrial Land in Ward 11 (PED19093) (Ward 11)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

**15. ADJOURNMENT**



## **GENERAL ISSUES COMMITTEE MINUTES 19-008**

9:30 a.m.

Wednesday, April 17, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

---

**Present:** Mayor F. Eisenberger, Deputy Mayor B. Clark (Chair)  
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, T. Jackson,  
J. P. Danko, M. Pearson, L. Ferguson, A. VanderBeek, T. Whitehead,  
J. Partridge

**Absent:** Councillor B. Johnson, C. Collins – Other City Business  
Councillor E. Pauls - Personal

---

### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Labour Relations Activity Report (2014 - 2018) (HUR19007) (City Wide) (Item 10.1)**

**(Eisenberger/Pearson)**

That Report HUR19007, respecting the Labour Relations Activity Report (2014 - 2018), be received.

**CARRIED**

- 2. 2018 Municipal Tax Competitiveness Study (FCS19023) (City Wide) (Item 10.2)**

**(Eisenberger/VanderBeek)**

That Report FCS19023, respecting the 2018 Municipal Tax Competitiveness Study, be received.

**CARRIED**

- 3. Office Tenancy Assistance Program - 286 Sanford Avenue North, 2nd Floor, Hamilton (PED19020) (Ward 3) (Item 10.3)**

**(Nann/Danko)**

- (a) That a conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property leasing office space at 286 Sanford Avenue North, 2nd Floor, Hamilton, be authorized and approved under the Office Tenancy Assistance Program in accordance with the Program's terms and conditions;

- (b) That the Mayor and City Clerk be authorized and directed to execute the Loan agreement together with any ancillary documentation required, to give effect to the conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property leasing office space at 286 Sanford Avenue North, 2nd Floor, Hamilton, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements together with any ancillary amending documentation, if required, provided that the terms and conditions of the Office Tenancy Assistance Program, as approved by City Council, are maintained.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**4. Office Tenancy Assistance Program - 286 Sanford Avenue North, 3<sup>rd</sup> Floor, Hamilton (PED19021) (Ward 3) (Item 10.4)**

**(Nann/Farr)**

- (a) That a conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property leasing office space at 286 Sanford Avenue North, 3<sup>rd</sup> Floor, Hamilton, be authorized and approved under the Office Tenancy Assistance Program in accordance with the Program's terms and conditions;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Loan agreement together with any ancillary documentation required, to give effect to the conditional loan commitment totalling \$250K for 2580922 Ontario Inc. (Meir Dick and Ray Hutton) the owner of the subject property

leasing office space at 286 Sanford Avenue North, 3<sup>rd</sup> Floor, Hamilton, in a form satisfactory to the City Solicitor; and,

- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Office Tenancy Assistance Program, as approved by City Council, are maintained.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**5. Airport Sub-Committee Report 19-002, March 29, 2019 (Item 10.5)**

**(Partridge/Eisenberger)**

**(a) Appointment of Chair and Vice-Chair (Item 1.1)**

That Councillors L. Ferguson and B. Johnson be appointed as Co-Chairs of the Airport Sub-Committee on a rotating basis for the 2018-2022 term.

**(b) Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation regarding the John C. Munro Hamilton International Airport (PED19082) (City Wide) (Item 7.1)**

That Report PED19082, respecting the Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation regarding the John C. Munro Hamilton International Airport, be received.

- (c) **2019 - 2020 John C. Munro Hamilton International Airport (HIA) - City of Hamilton Joint Marketing Initiatives (PED19086) (City Wide) (Item 10.1)**

That the City of Hamilton approve and allocate \$100,000 from the Airport Joint Marketing Reserve Fund No. 112217 as the City's contribution to the 2019-2020 John C. Munro Hamilton International Airport (HIA) – City of Hamilton Joint Marketing Initiatives, as outlined in Report PED19086.

- (d) **2019 - 2030 Capital Expenditure Request for John C. Munro Hamilton International Airport (HIA) (PED19083) (City Wide) (Item 14.1)**

That the contents of Report PED19083, respecting the 2019 - 2030 Capital Expenditure Request for John C. Munro Hamilton International Airport (HIA), including recommendations remain confidential, until final execution of the pending agreement.

- (e) **Tradeport / City Lease Negotiation Information Report (PED19084) (City Wide) (Item 14.2)**

That Report PED19084, respecting Tradeport / City Lease Negotiation Information Report, be received and remain confidential.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeeck  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**6. Annual Assessment Appeals as of December 31, 2018 (FCS19030) (City Wide) (Item 10.6)**

**(VanderBeek/Whitehead)**

That Report FCS19030, respecting the Annual Assessment Appeals as of December 31, 2018, be received.

**CARRIED**

**7. Annual Tax Arrears as of December 31, 2018 (FCS19031) (City Wide) (Item 10.7)**

**(Eisenberger/Whitehead)**

That Report FCS19031, respecting the Annual Tax Arrears as of December 31, 2018, be received.

**CARRIED**

**8. 2019 Tax Policies and Area Rating (FCS19022) (City Wide) (Item 10.8)**

**(Jackson/Whitehead)**

(a) That the following optional property classes be continued for the 2019 taxation year:

- (i) Parking Lot and Vacant Land; and,
- (ii) Large Industrial.

(b) That, based on the 2019 final approved Tax Operating Budget, the following final tax ratios be established for the 2019 taxation year:

(i)	Residential	1.0000
(ii)	Multi-Residential	2.5671
(iii)	New Multi-Residential	1.0000
(iv)	Commercial	1.9800
(v)	Parking Lot and Vacant Land	1.9800
(vi)	Industrial	3.3696
(vii)	Large Industrial	3.9513
(viii)	Pipeline	1.7947
(ix)	Farm	0.1767
(x)	Managed Forest	0.2500
(xi)	Landfills	2.9696

(c) That the following tax reductions be established for the 2019 taxation year:

(i)	Excess Land Subclass (Residual Commercial)	30%
(ii)	Excess land Subclass (Residual Industrial)	30%
(iii)	Vacant land Subclass (Residual Industrial)	30%
(iv)	Excess land Subclass (Large Industrial)	30%

(v)	Farmland awaiting development (1 <sup>st</sup> Subclass)	25%
(vi)	Farmland awaiting development (2 <sup>nd</sup> Subclass)	0%

- (d) That the existing Seniors' (65+) Tax Rebate Program be continued for the 2019 taxation year;
- (e) That the Deferral of Tax Increases for Seniors and Low-Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued for the 2019 taxation year;
- (f) That the Full Tax Deferral Program for Seniors and Low-Income Persons with Disabilities Program (Full Tax Deferral Program) be continued for the 2019 taxation year as the second year of the three-year pilot;
- (g) That the existing 40% Tax Rebate for eligible charities and similar organizations be continued for the 2019 taxation year;
- (h) That the existing Tax Rebate for eligible charities and similar organizations be amended to include a 100% tax rebate for Veteran's Clubhouses and Legion Halls, which use and occupy land as a memorial home, clubhouse or athletic grounds and would otherwise be tax exempt under Section 3(1) of the *Assessment Act, R.S.O. 1990, c. A.31*;
- (i) That the City of Hamilton By-law 12-116 to provide property tax rebates for Veteran's Clubhouses and Legion Halls occupying property in the City of Hamilton be repealed as they are now exempt;
- (j) That, for the 2019 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial and Industrial property classes be set at the maximum allowable of 10% of previous year's Current Value Assessment (CVA) level taxes;
- (k) That, for the 2019 taxation year, any capped property in the Commercial and Industrial property classes that is within \$500 of its Current Value Assessment (CVA) taxes in 2019, be moved directly to its full Current Value Assessment (CVA) taxes;
- (l) That capping protection will be limited only to reassessment related changes prior to 2017;
- (m) That the four-year capping phase-out option be continued for the Commercial property class with 2019 being year 2 of 4;
- (n) That, if conditions are met pending release of the education tax rate, the four-year capping phase-out option be started for the Industrial property class;

- (o) That vacant lands that are currently subject to capping protection be excluded from the phase-out eligibility criteria where all properties must be within 50% of CVA level taxes;
- (p) That, for the 2019 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for the new construction / new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;
- (q) That for the 2019 taxation year, any property in the Commercial and Industrial property class which paid full Current Value Assessment (CVA) taxes in 2018, no longer be eligible for capping protection in 2019 and future years;
- (r) That, for the 2019 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;
- (s) That, for the 2019 taxation year, the Area Rated Levies be approved as identified in Appendix "A" to Report FCS19022 "2019 Tax Policies and Area Rating" attached hereto;
- (t) That Schedule "C" of the City of Hamilton By-law 18-131 be amended to reflect the provincially prescribed Education tax rate for the small-scale on-farm business subclasses;
- (u) That the City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2019 taxation year.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**9. Open for Business Sub-Committee Report 19-001, February 27, 2019 (Item 10.9)****(Pearson/Eisenberger)****(a) Appointment of Chair and Vice Chair (Item 1)**

- (i) That Councillor M. Pearson be appointed Chair of the Open for Business Sub-Committee for the 2018-2022 term; and
- (ii) That Councillor J. Farr be appointed Vice-Chair of the Open for Business Sub-Committee for the 2018-2022 term.

**(b) Continuous Improvement Team - Process Review - Micro-breweries - Case Study No. 20 (Item 7.1)**

That the Continuous Improvement Team - Process Review - Micro-breweries - Case Study No. 20, be received.

**(c) Continuous Improvement Team - 2018 Special Occasion Permit Review – Case Study No. 21 (Item 7.2)**

That the Continuous Improvement Team - 2018 Special Occasion Permit Review – Case Study No. 21, be received.

**(d) Open for Business Future Ready Leadership Program (PED19058) (City Wide) (Item 7.3)**

That Report PED19058 respecting the Open for Business Future Ready Leadership Program, be received.

**(e) 2019 ePLANS Launch - Online Building Permit Submissions - Case Study No. 22 (Added Item 7.4)**

That the 2019 ePLANS Launch - Online Building Permit Submissions - Case Study No. 22, be received.

**(f) Rural Development and Sustainable Private Servicing (PED18191) (Wards 9, 11, 12, 14, 15) (Item 9.1)**

That Report PED18191, respecting Rural Development and Sustainable Private Servicing, be received.

**(g) Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19 (Item 9.2)**

That the Continuous Improvement Process Review - Transportation Reviews for Development Case Study No. 19, be received.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**10. Advisory Committee for Persons with Disabilities Report 19-002, March 12, 2019 (Item 10.10)**

**(Jackson/VanderBeek)**

(a) That sub-section (a) to the Advisory Committee for Persons with Disabilities Report 19-002, respecting Hamilton Street Railway Bus Transfers, which reads as follows, be referred to staff for a report back to the Public Works Committee:

**(a) Hamilton Street Railway Bus Transfers (Item 11.1)**

WHEREAS, Accessibility for Ontarians with Disabilities Act (AODA) Standards stress the need for equity of services on transit;

WHEREAS, those experiencing disabilities such as mobility challenges are frequently slow moving, requiring a longer time to reach bus stops, especially those mid-block and, similarly more time to complete tasks such as shopping and appointments;

WHEREAS, there is no actual financial costs to implement this practice; and,

WHEREAS, benefit may be gained from the goodwill and educational process that acknowledges diversity in ridership.

THEREFORE, BE IT RESOLVED:

That staff be directed to investigate the feasibility of the Hamilton Street Railway (HSR) extending the duration of the HSR bus transfers for persons with disabilities, including consultation with Advisory Committee for Persons with Disabilities on the process.

**(b) City's Commitment to the Lives of Persons with Disabilities in the City of Hamilton (Added Item 11.2)**

That the Mayor and Council be invited to attend and speak to the Advisory Committee for Persons with Disabilities respecting the City's commitment to the betterment of the lives of persons with disabilities in the City of Hamilton.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**11. Interview Sub-Committee (to the General Issues Committee) Report 19-001, March 29, 2019 (Item 10.12)**

**(Farr/Whitehead)**

**(a) Appointment of Chair and Vice Chair (Item 1)**

- (i) That Councillor B. Clark, be appointed as Chair of the Interview Sub-Committee (to the General Issues Committee) for the balance of the 2018 to 2022 term of Council; and,
- (ii) That Councillor J. Farr, be appointed as Vice Chair of the Interview Sub-Committee (to the General Issues Committee) for the balance of the 2018 to 2022 term of Council; and,

**(b) Arts Advisory Commission Citizen Member Appointments (Item 4.1)**

- (i) That the citizen appointments to the Arts Advisory Commission, as outlined in Private & Confidential Appendix "A" to Report 19-001, be approved for the balance 2018 to 2022 term of Council or until successors are appointed by Council;
- (ii) That, upon approval of Council, the names of the citizen appointments to the Arts Advisory Commission, as outlined in Private & Confidential Appendix "A" to Report 19-001 to the Interview Sub-Committee, be released to the public; and,
- (iii) That the Terms of Reference for the Arts Advisory Commission be amended, by changing the composition from "up to 8 members" to "up to 9 members".

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 NOT PRESENT - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**12. Judicial Investigation Red Hill Valley Parkway (LS19017) (City Wide) (Item 10.14)**

**(Eisenberger/Whitehead)**

- (a) That the Terms of Reference for the Judicial Investigation, attached as Appendix "A" to Report LS19017, be approved and be forwarded to the Chief Justice of the Superior Court;
- (b) That the City Manager be authorized and directed to take such actions and to execute such documents in a form satisfactory to the City Solicitor as required to give effect to Council's decision to initiate a Judicial Investigation, including such actions required by the Justice presiding over the Investigation.
- (c) That the costs of the Judicial Investigation be paid from the Tax Stabilization Reserve (110046);
- (d) That staff provide regular status reports identifying the costs to date associated with the Judicial Investigation;
- (e) That the law firm of Lenczner Slaght Royce Smith Griffin LLP be appointed as legal counsel for the City of Hamilton for the Judicial Investigation.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 NOT PRESENT - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**13. Update respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province (Item 13.2)**

**(Whitehead/Wilson)**

That the update respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province, be received.

**CARRIED**

**14. Disposition of Real Estate in the Barton-Tiffany Area (PED19063(a)) (Ward 2) (Item 14.3)**

**(Farr/Eisenberger)**

That the entirety of Report PED19063(a) remain confidential and not be released as a public document with the exception of the recommendations in this Report that may be released after the execution of the Memorandum of Understanding (MOU) for the media industry hub (Film & TV Studio District) in the Barton-Tiffany area.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**15. Strathearne Avenue North Monitoring - Potential Regulatory Litigation (PW19036 / LS19016) (Ward 4) (Item 14.4)**

**(Merulla/Eisenberger)**

That Report PW19036/LS19016, respecting Strathearne Avenue North Monitoring - Potential Regulatory Litigation, remain confidential.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES**

Mayor Eisenberger congratulated Debbie Edwards, Deputy City Solicitor, on her upcoming retirement and provided her with a certificate of appreciation on behalf of Council.

**(b) APPROVAL OF AGENDA (Item 2)**

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

**1. DISCUSSION ITEMS (Item 10)**

10.8 2019 Tax Policies and Area Rating (FCS19022) (City Wide)

Report FCS19022 has an added Appendix "C".

10.13 Downtown Entertainment Assets Operating Agreements (CM18013(a)) (City Wide)

This report has been withdrawn from the agenda at this time.

As this item was withdrawn from the agenda, the matter will remain on the Outstanding Business List and not be removed under Item 13.1.

- 10.14 Judicial Investigation Red Hill Valley Parkway (LS19017) (City Wide)

As there will be external legal counsel present to speak to this matter, if need be, and in order to reduce legal costs, staff are requesting this matter be moved up on the agenda to be considered prior to Item 10.1.

**2. GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

- 13.2 Update respecting the Province's Intention to Move from 52 Paramedic Services to 10 across the Province (no copy)

**3. PRIVATE & CONFIDENTIAL (Item 14)**

- 14.4 Strathearne Avenue North Monitoring - Potential Regulatory Litigation (PW19036 / LS19016) (Ward 4)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), 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 City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**(Pearson/Whitehead)**

That the agenda for the April 17, 2019 General Issues Committee meeting, be approved, as amended.

**Result: Motion CARRIED by a vote of 10 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 NOT PRESENT - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead

NOT PRESENT - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Brenda Johnson  
YES - Councillor Maria Pearson

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

There were no declarations of interest.

**(d) APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS (Item 4)**

**(i) April 3, 2019 (Item 4.1)**

**(Pearson/Danko)**

That the Minutes of the April 3, 2019 meeting of the General Issues Committee be approved, as presented.

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

YES - Councillor Maureen Wilson  
NOT PRESENT - Councillor Jason Farr  
YES - Councillor Nrinder Nann  
YES - Councillor Sam Merulla  
NOT PRESENT - Councillor Chad Collins  
NOT PRESENT - Councillor Tom Jackson  
NOT PRESENT - Councillor Esther Pauls  
YES - Councillor John-Paul Danko  
YES - Deputy-Mayor Brad Clark  
YES - Mayor Fred Eisenberger  
YES - Councillor Judi Partridge  
YES - Councillor Terry Whitehead  
NOT PRESENT - Councillor Arlene VanderBeek  
NOT PRESENT - Councillor Lloyd Ferguson  
NOT PRESENT - Councillor Brenda Johnson  
YES - Councillor Maria Pearson

**(e) CONSENT ITEMS (Item 7)**

**(i) Arts Advisory Commission Minutes, November 27, 2018 (Item 7.1)**

**(Whitehead/Merulla)**

That the Arts Advisory Commission Minutes, November 27, 2018, be received.

**CARRIED**

**(f) DISCUSSION ITEMS (Item 10)**

**(i) Navy League Licence Agreement-Barton Community Hub (PED19077) (Ward 2) (Item 10.11)**

**(Farr/Whitehead)**

That consideration of Item 10.11, respecting Report PED19077 - Navy League Licence Agreement-Barton Community Hub, be deferred until after discussion of the Private & Confidential Appendix "B" to Report PED19077.

**CARRIED**

**(Farr/Eisenberger)**

That Report PED19077, respecting the Navy League Licence Agreement-Barton Community Hub, be DEFERRED until such time as staff reports to the General Issues Committee with respect to the Operating Agreement and Request for Proposals for this location.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 YES - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**(g) MOTIONS (Item 11)**

**(i) Strategies to Reduce Tax Arrears (Item 11.1)**

**(Eisenberger/VanderBeek)**

That staff be directed communicate with other municipalities to determine strategies that those municipalities may be using to reduce their tax arrears and report back to the General Issues Committee with potential options.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 NOT PRESENT - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**(ii) Assessment of the Business Tax Reduction Program (Item 11.2)**

**(Merulla/Jackson)**

That staff be directed to provide an assessment of the historical pros and cons of the Business Tax Reduction Program, implemented in 2001, through an analysis, based on a return on investment that was justified by the suggestion that the ratio of residential-to-commercial/industrial would be improved by shifting additional taxes onto the residential base from the commercial/industrial base, and report back to the General Issues Committee.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 NOT PRESENT - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**(h) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

**(i) Amendments to the Outstanding Business List (Item 13.1)**

**(Pearson/Whitehead)**

That the following amendments to the General Issues Committee's Outstanding Business List, be approved:

**(1) Proposed New Due Dates:**

- (aa) Tourism Gateway Centre in Winona  
Current Due Date: March 20, 2019  
Proposed New Due Date: December 4, 2019
- (bb) Corporate Strategic Growth Initiatives – Annual Update  
Current Due Date: March 20, 2019  
Proposed New Due Date: October 2, 2019
- (cc) Pier 8 Development Opportunity RFP – Summary of the 4 Proposals  
Current Due Date: March 20, 2019  
Proposed New Due Date: July 8, 2019
- (dd) CityLAB Pilot Update  
Current Due Date: March 20, 2019  
Proposed New Due Date: May 1, 2019

**(2) Items to be Removed:**

- (aa) Review of the Downtown and Community Renewal Improvement Program (Addressed as Item 1(b) at the February 21, 2019 AF&A Agenda – Development Charges Stakeholder Sub-Committee Report 19-002 (FCS18062(a))
- (bb) Policy to Govern the Process for the Installation of Signage, Art, Statues and Other Such Public Projects that are Donated to the City by the Private Sector (Addressed as Item 10.2 on today's agenda (Report PED19068))

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 NOT PRESENT - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson

NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**(ii) Update respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province (Item 13.2)**

Paramedic Chief Sanderson and Paul Johnson, General Manager, Healthy & Safe Communities Department, provided a verbal update respecting the Province's intention to move from 52 paramedic services to 10 across the Province.

**(Whitehead/Wilson)**

That the verbal update, respecting the Provinces Intention to Move from 52 Paramedic Services to 10 across the Province, be received.

**CARRIED**

**(i) PRIVATE & CONFIDENTIAL (Item 14)**

**(i) Closed Session Minutes – March 22, 2019 (Operating Budget) (Item 14.1)**

**(Eisenberger/Partridge)**

- (a) That the Closed Session Minutes of the March 22, 2019 General Issues Committee (Operating Budget) meeting be approved, as presented; and,
- (b) That the Closed Session Minutes of the March 22, 2019 General Issues Committee (Operating Budget) meeting, remain confidential.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko

YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**(ii) Closed Session Minutes – April 3, 2019 (Item 14.2)**

**(Eisenberger/Partridge)**

- (a) That the Closed Session Minutes of the April 3, 2019 General Issues Committee meeting be approved, as presented; and,
- (b) That the Closed Session Minutes of the April 3, 2019 General Issues Committee meeting, remain confidential.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 YES - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**(Eisenberger/Farr)**

That the Committee move into Closed Session, respecting Appendix “B” to Item 10.11, as well as Items 14.3 and 14.4, pursuant to Section 8.1, Sub-sections (c), (e), (f) and (k), of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (c), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Councillor Maureen Wilson  
 YES - Councillor Jason Farr  
 YES - Councillor Nrinder Nann  
 YES - Councillor Sam Merulla  
 NOT PRESENT - Councillor Chad Collins  
 YES - Councillor Tom Jackson  
 NOT PRESENT - Councillor Esther Pauls  
 YES - Councillor John-Paul Danko  
 YES - Deputy-Mayor Brad Clark  
 YES - Mayor Fred Eisenberger  
 YES - Councillor Judi Partridge  
 NOT PRESENT - Councillor Terry Whitehead  
 YES - Councillor Arlene VanderBeek  
 NOT PRESENT - Councillor Lloyd Ferguson  
 NOT PRESENT - Councillor Brenda Johnson  
 YES - Councillor Maria Pearson

**(iii) Disposition of Real Estate in the Barton-Tiffany Area (PED19063(a))  
(Ward 2) (Item 14.3)**

Staff was provided with direction in Closed Session. For further disposition of this matter, please refer to Item 14.

**(iv) Strathearne Avenue North Monitoring - Potential Regulatory  
Litigation (PW19036 / LS19016) (Ward 4) (Item 14.4)**

Staff was provided with direction in Closed Session. For further disposition of this matter, please refer to Item 15.

**(j) ADJOURNMENT (Item 13)**

**(Ferguson/Pearson)**

That there being no further business, the General Issues Committee be adjourned at 1:22 p.m.

**CARRIED**

**General Issues Committee  
Minutes 19-008**

**April 17, 2019  
Page 23 of 23**

Respectfully submitted,

B. Clark, Deputy Mayor  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2019
<b>SUBJECT/REPORT NO:</b>	Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019 to 2023 (PED19054(a)) (Wards 3 and 4)
<b>WARD(S) AFFECTED:</b>	Wards 3 and 4
<b>PREPARED BY:</b>	Julia Davis (905) 546-2424 Ext. 2632
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the following individuals be appointed to the Ottawa Street Business Improvement Area (BIA) Board of Management for a four-year term (2019 to 2023):

- (i) Councillor Nrinder Nann, Ward 3 Councillor
- (ii) Councillor Sam Merulla, Ward 4 Councillor
- (iii) Melanie Anderson
- (iv) Sauro Bertolozzi
- (v) Michael Carruth
- (vi) Randy Gallant
- (vii) Eva Grad
- (viii) Mike Heddle
- (ix) Kerry James
- (x) Wendy Kemp
- (xi) Helena McKinney
- (xii) Mike Spadafora
- (xiii) Ariane Terveld

### EXECUTIVE SUMMARY

Appointment of the above individuals to the 2019 to 2023 Business Improvement Area (BIA) Board of Management of the Ottawa Street BIA.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019 to 2023 (PED19054(a)) (Wards 3 and 4) - Page 2 of 6**

---

At its Annual General Meeting (AGM) on Wednesday November 14, 2018, the membership of the Ottawa Street BIA elected the above individuals to serve on its Board of Management for a four-year term (2019 to 2023).

Following the AGM, five property owner/business members of the Ottawa Street BIA put forward a formal written challenge to the Board of Management which identified perceived inconsistencies with the election with respect to timelines for: AGM notification, improper process of allowing proxy voting, as well as, a statement that expressed concern that steps were not taken to ensure that the voting proceeded in an orderly fashion.

Once this formal challenge was received, the Ottawa Street BIA Board of Management had the responsibility to review the issues identified and provide an appropriate response to the written challenge. Boards of Management for the BIAs are responsible for the election process, which takes place every four years (aligned with the timing of the Municipal Elections) at the organization's AGM. Once the election is held by the members, the Board of Management is required to forward a list of the nominees elected to the City of Hamilton for consideration and appointment by City Council.

The Ottawa Street BIA Board of Management provided information to the City of Hamilton addressing the items outlined in the challenge. The BIA Board of Management indicated that various communications notifying the members of the AGM were sent out via email (the BIAs normal communication channel) three separate times:

- 35 days prior (October 10, 2018);
- 23 days prior (October 22, 2018); and,
- 14 days prior (October 31, 2018) to the scheduled meeting date of Wednesday November 14, 2018.

In addition to the email communication, the Ottawa Street BIA Board of Management advised that hand-written letters were also delivered to member businesses and properties within the BIA jurisdiction on Thursday September 27, 2018 (47 days prior) and Tuesday October 6, 2018 (40 days prior). *The Municipal Act, 2001*, Section 206, dictates that Board of Management shall give reasonable notice to membership of an election vote.

In response to the matter outlined regarding proxy voting, the Ottawa Street BIA Board of Management indicated that a written letter was provided to the BIA Secretary 12 days prior to the date of the AGM. Within the City of Hamilton BIA Procedure By-law No. 14-253, Article 13, Section 2, it is stated that any Member of a corporation may nominate, in writing by letter, delivered to the Secretary of the Board of Management at least 15 days before the set date for a vote, one individual to vote on its behalf. The City of Hamilton

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019 to 2023 (PED19054(a)) (Wards 3 and 4) - Page 3 of 6**

---

BIA Procedure By-law is included as Appendix “A” to Report PED19054(a) (Schedule C to the Business Improvement Area By-law No. 14-253). Given that this receipt of letter did not adhere to the outlined timeframe, the Ottawa Street BIA Board of Management, at an emergency meeting held on Friday December 21, 2018, voted to void the proxy vote, removing one vote from each of the 11 elected candidates. With this outcome, the Ottawa Street Board of Management has stated results of the election would not be altered.

Upon further direction from Council, Urban Renewal Staff conducted a meeting with the Ward 3 and Ward 4 Councillors along with the complainants on Friday March 22, 2019. At this meeting, the group discussed the concerns outlined in the election held on Wednesday November 14, 2018 and determined that recommendation for appointment would move forward as per staff Report PED19054(a). Urban Renewal Staff committed to working with members of the community, within the Ottawa Street BIA and across the city, to develop best practice governance and communication processes for all BIAs to proactively address and avoid similar issues and complaints in the future.

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: There are no financial implications.

Staffing: There are no staffing implications.

Legal: *The Municipal Act, 2001*, Section 204, Sub-section (3) dictates that City Council must appoint the Board of Management of the Business Improvement Areas.

**HISTORICAL BACKGROUND**

At its AGM on Wednesday November 14, 2018, the Ottawa Street BIA membership elected the above individuals to serve on its Board of Management for a four-year term (2019 to 2023).

Following the AGM, on December 3, 2018, three members of the Ottawa Street BIA voiced concern to City of Hamilton staff during an in-person meeting that there were perceived inconsistencies with the election process by the Ottawa Street Board of Management. On December 13, 2018 a formal written challenge to the election was submitted by five members to the Ottawa Street BIA Board of Management. The Urban Renewal Section staff were copied on this correspondence.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019 to 2023 (PED19054(a)) (Wards 3 and 4) - Page 4 of 6**

---

Outlined in this written challenge were concerns regarding the timelines of notifications as outlined in Appendix "A" to Report PED19054(a) (Schedule C to the Business Improvement Area By-law No. 14-253). The five members who challenged the election results indicated in their correspondence that the notification of the meeting and the slate of candidates was received 22 days prior to the meeting date when 30 days is the outlined threshold. Additionally, in the challenge there were issues outlined that there may have been unsanctioned proxy voting that did not comply with the outlined process in the BIA Procedure By-law as well as a statement that steps were not taken to ensure that the voting proceeded in an orderly fashion.

Once this formal challenge was received, the Ottawa Street BIA Board of Management had the responsibility to review the comments and provide an appropriate response to the written challenge. Boards of Management for the BIAs are responsible for the election process which takes place every four years (aligned with the timing of the Municipal Elections) at the organization's annual meeting of the membership. Once the election is held, the Board of Management is to forward a list of the nominees elected to the City of Hamilton for consideration and appointment by City Council.

In order to discuss and review the challenge received on December 13, 2018, the Ottawa Street Board of Management held an emergency meeting on Friday December 21, 2018 at which the concerns included within the written challenge were discussed. Following this meeting, a written update and minutes were provided to Urban Renewal Staff on Monday January 7, 2019.

At an in-person meeting with four representatives of the Ottawa Street BIA Board of Management on Monday January 14, 2019 additional documentation was requested by City of Hamilton staff with respect to the communications to the Ottawa Street BIA membership regarding the AGM. The Ottawa Street Board of Management provided information to the City of Hamilton on Monday January 21, 2019 which addressed the items outlined in the written challenge. The BIA Board of Management indicated that various communications notifying the members of the AGM were sent out via email (the BIAs normal communication channel), three separate times:

- 35 days prior (October 10, 2018);
- 23 days prior (October 22, 2018); and,
- 14 days prior (October 31, 2018) to the scheduled date of Wednesday November 14, 2018.

In addition to the email communication, the Ottawa Street BIA Board of Management advised that hand written letters were delivered to member businesses and properties within the BIA jurisdiction on Thursday September 27, 2018 and Tuesday October 6,

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019 to 2023 (PED19054(a)) (Wards 3 and 4) - Page 5 of 6**

---

2018. *The Municipal Act, 2001*, Section 206, dictates that Board of Management shall give reasonable notice to membership of an election vote.

In response to the matter outlined regarding proxy voting, the Ottawa Street BIA Board of Management indicated that a written letter was provided to the BIA Secretary 12 days prior to the date of the AGM. Within the City of Hamilton BIA Procedure By-law No. 14-253, Article 13, Section 2, it is stated that any Member of a corporation may nominate, in writing by letter, delivered to the Secretary of the Board of Management at least 15 days before the set date for a vote, one individual to vote on its behalf. The City of Hamilton BIA Procedure By-law is included as Appendix "A" to Report PED19054(a) (Schedule C to the Business Improvement Area By-law No. 14-253). Given that this receipt of letter did not adhere to the outlined timeframe, the Ottawa Street BIA Board of Management, at an emergency meeting held on Friday December 21, 2018, voted to void the proxy vote, removing one vote from each of the 11 elected candidates. With this outcome, the Ottawa Street Board of Management has stated results of the election would not be altered.

Upon further direction from Council, Urban Renewal Staff conducted a meeting with the Ward 3 and Ward 4 Councillors along with the complainants on Friday March 22, 2019. At this meeting, the group discussed the concerns outlined in the election held on Wednesday November 14, 2018 and determined that recommendation for appointment would move forward as per staff Report PED19054(a). Urban Renewal Staff committed to working with members of the community, within the Ottawa Street BIA and across the city, to develop best practice governance and communication processes for all BIAs to proactively address and avoid similar issues and complaints in the future.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

*The Municipal Act, 2001*, Section 204, Sub-section (3) dictates that City Council must appoints the Boards of Management to the BIAs.

## **RELEVANT CONSULTATION**

Through the consultation process, staff engaged with the following City of Hamilton Divisions, Boards and external organizations to assist with the development of the recommendations included within this Report:

- Councillor Nrinder Nann, Ward 3 and Councillor Sam Merulla, Ward 4;
- Ottawa Street Business Improvement Area Board of Management;
- Ottawa Street Business Improvement Area Members who submitted the written challenge to the election;
- Ontario Business Improvement Area Association; and,
- Corporate Services Department, Legal and Risk Management Services Division.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Revised Ottawa Street Business Improvement Area (BIA) Appointment of the Board of Management for 2019 to 2023 (PED19054(a)) (Wards 3 and 4) - Page 6 of 6**

---

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Board of Management of BIAs is entrusted, subject to limitations as the bylaws provide, with the administration of the organization known as the BIA. The election process of BIA Boards of Management is within the control and responsibility of the Board itself. The City of Hamilton is not specifically obliged to oversee the election process of BIAs, the ownership of this resides with each individual Board of Directors which is a corporation and a local board of the City of Hamilton.

The Ottawa Street BIA Board of Directors provided information to the City of Hamilton in response to the challenge addressing the issues as presented and have determined as a group that they will be moving forward with the slate as elected by the membership at their AGM on Wednesday November 14, 2018.

**ALTERNATIVES FOR CONSIDERATION**

Should Council decide not to accept the recommendations as included within Report PED19054, then the Ottawa Street Board of Management slate as presented would not be appointed for the 2019 to 2023 term. Council would then move forward with directing the Ottawa Street BIA, under *The Municipal Act, 2001*, Section 204, Sub-section 9, that a meeting of the members of the improvement area be held to elect or select another candidate for the municipality's consideration.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

**Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A"–Schedule C to the Business Improvement Area By-law No. 14-253

JD:sd

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**Appendix "A" to Report PED19054(a)**  
**Page 1 of 21**

**SCHEDULE C**

**TO THE BUSINESS IMPROVEMENT AREA BY-LAW NO. 14-253**

**Procedure By-Law**

**ARTICLE 1**

**Interpretation**

In this By-law, unless the context requires otherwise:

"City" means the City of Hamilton;

"corporation" means a body recognized as a separate legal entity in the Province of Ontario in accordance with federal or provincial legislation (for example, a business corporation incorporated under the *Business Corporations Act*, R.S.O. 1990, c. B. 16 or a non-profit corporation incorporated under the *Corporations Act*, R.S.O. 1990, c. C. 38) and "corporate" has a corresponding meaning;

"Director" means an individual:

- (a) selected by a vote of the members of the Business Improvement Area and then appointed by City Council to the Board of Management; or
- (b) an individual, including but not limited to a member of Council, appointed directly by City Council to the Board of Management; and

**Appendix “A” to Report PED19054(a)**  
**Page 2 of 21**

“Member” means a person, including but not limited to a corporation, assessed, on the last returned assessment roll, with respect to rateable property in the Business Improvement Area that is in a prescribed business property class and tenants of such property.

#### **Scope**

The Municipal Act, 2001, specifically sections 204-215, is the Act under which business property owners petition City Council to enact by-laws for an improvement area, designating its geographical boundaries and establishing a Board of Management. The Board of Management is entrusted, subject to such limitations as the by-law provides, with the administration of the organization known as the Business Improvement Area (the “B.I.A.”). The Board of Management is a corporation and a local board of the City of Hamilton for all purposes. Attached to this document are copies of sections 204-215 of the Municipal Act, 2001 and By-law No. 14-253, the Business Improvement Area By-law.

#### **Purpose and Objectives**

The objective of the B.I.A. shall be to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and to promote the area as a business or shopping area.

#### **ARTICLE 2**

##### **General**

**Section 1** In all instances, the B.I.A. shall operate in conformity with the provisions of the Municipal Act, 2001 and City by-laws.

**Section 2** General guidelines, rules and regulations above and beyond those provided under the Municipal Act, 2001 may be set for the B.I.A., but such guidelines, rules or regulations shall never conflict with or frustrate the Act. This By-law is passed pursuant to subsection 8(c) or subsection 8(d) of City of Hamilton By-law No. 14-253, the Business

**Appendix "A" to Report PED19054(a)**  
**Page 3 of 21**

Improvement Area By-law, and is intended to provide such further rules of procedure as are not specified in the Municipal Act, 2001 or City by-laws in order that the functions of the B.I.A. may be performed in as fair and democratic a manner as possible.

**ARTICLE 3**

**Eligibility for Membership**

Every person who is assessed with respect to property in a prescribed business property class within an area designated as a business improvement area, and tenants of such property, is a Member of the B.I.A. Each Member is entitled to one vote regardless of the number of properties that the Member may own or lease.

**ARTICLE 4**

**Board of Management**

**Section 1** All Directors of the Board of Management are appointed by City Council.

- (a) The Board of Management shall consist of 12 Directors (which will provide for a minimum of 3 Directors and a maximum of 20 Directors), selected by a vote of the Members of the BIA and then appointed as Directors by City Council. In addition, the Board of Management shall consist of the Councillor(s) of the Ward(s) in which the BIA is located, directly appointed as Directors by the City.
- (b) Directors of the Board of Management shall have one vote at Board of Management meetings. A quorum for conducting any meeting of the Board of Management shall consist of a majority of Directors not directly appointed by the City.
- (c) The Board of Management shall have the following Officers: Chair, Vice-Chair, Secretary, Treasurer, provided that the Secretary and the Treasurer may be the

**Appendix “A” to Report PED19054(a)**  
**Page 4 of 21**

same Director. At the first meeting of the Board of Management, the Board shall, amongst themselves, elect the Officers.

**Section 2**      Vacancies

The seat of a Director of the Board of Management becomes vacant when:

- (a) A Director is absent from Board of Management meetings for three (3) consecutive regular meetings without reasonable cause. Upon a Director failing to attend two (2) consecutive regular meetings without reasonable cause, the Board of Management shall send by prepaid mail, a notice to the Director advising that upon a third (3<sup>rd</sup>) failure to attend, the Board of Management shall recommend to the City that such Director be removed from the Board of Management.
  
- (b) A Director resigns in writing to the Board of Management with a copy of the letter copied to the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department.

**Section 3**      Appointment to the Board

In the event of a vacancy occurring on the Board of Management:

- (a) The remaining Directors may nominate for the City’s consideration and appointment an individual for Directorship to fill the vacancy for the remaining portion of the term of office.
  
- (b) In the event that the remaining Directors no longer constitute a quorum, a meeting of the Members shall be called by the remaining Directors for the

**Appendix “A” to Report PED19054(a)**  
**Page 5 of 21**

purpose of nominating an individual for Directorship for consideration and appointment by the City.

- (c) The Board of Management shall notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department, as soon as any vacancy occurs and shall further notify him or her if and when a nomination is made by the remaining Directors or the Members for appointment to the Board of Management by the City.

**Section 4**      Term of Office

The Directors' term of office is the same term as City Council but continues until their successors are appointed.

**Section 5**      Remuneration

- (a) The Directors shall receive no remuneration, either directly or indirectly, for services rendered as a Director, but may be reimbursed for out-of-pocket expenses incurred by them as a result of representing the B.I.A. at non-B.I.A. meetings, upon approval of the Board of Management.
- (b) The above requirement does not pertain to the contracting of services with a Director's business, by the Board of Management, in order for the Board to have the preference of purchasing its services from Members, provided business is shared fairly.
- (c) A Director who is in any way directly or indirectly interested in a contract or proposed contract with the B.I.A. shall disclose his or her interest to the Board.

**Appendix “A” to Report PED19054(a)**  
**Page 6 of 21**

Unless otherwise provided by law, no such Director shall vote on any resolution to approve any such contract.

**Section 6** Responsibilities of the Board of Management

The Board of Management shall:

- (a) Notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department of those nominees for Directorship to the Board of Management proposed for appointment by the Members.
- (b) Manage and supervise the affairs of the B.I.A.
- (c) Maintain liaison with the City through the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department.
- (d) shall submit to the City’s Auditor, for auditing, financial statements for the Business Improvement Area for the fiscal year on or before February 28 in each year and, after they have been audited, shall submit an annual report to Council, including the audited financial statements, on or before in December 31 in each year, and shall comply with such other requirements as may be set out by the City from time to time.
- (e) On or before the thirty-first day of March in each year, submit its proposed budget for the fiscal year to the City after holding at least one meeting of the Members to discuss the proposed budget.

**Appendix “A” to Report PED19054(a)**  
**Page 7 of 21**

- (f) Authorize all expenditures in accordance with the budget established for the current fiscal year as approved by City Council.
- (g) Report to the B.I.A.’s Members on its actions affecting the administration, activities and policies of the B.I.A. at all Members’ meetings.
- (h) Notify and keep informed the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department regarding any potential or actual litigation and the progress of such matters.
- (i) Designate a financial institution for the deposit of funds on behalf of the B.I.A.
- (j) Determine the time and place of all B.I.A. meetings (except for committees) and have authority to call any special meetings it deems necessary.
- (k) Notify the Co-ordinator of Business Improvement Areas, Economic Development Division, Planning and Economic Development Department of all B.I.A. meetings. A representative of the City’s staff shall be entitled to attend all meetings of the Board of Management, Committee meetings and all Members’ meetings, called for the purpose of carrying on the business of the B.I.A.
- (l) In the event that both the Chair and the Vice-Chair are unable to attend a B.I.A. scheduled meeting, a presiding Officer shall be selected from that meeting only by those Directors present, providing that there is a quorum of the Board of Management.

**Appendix “A” to Report PED19054(a)**  
**Page 8 of 21**

The duties of the Directors and Officers of the Board of Management are as follows:

(a) Chair

- (i) Shall be the Chief Executive Officer of the B.I.A. and the only spokesperson authorized to speak publicly for the B.I.A. unless another Director is expressly delegated with this responsibility with Board of Management approval.
- (ii) Shall preside over all meetings of the Board of Management and those of the Members, unless otherwise delegated.
- (iii) Shall be an ex-officio member of all committees.
- (iv) Shall be one of no fewer than two signing Officers for the B.I.A. contracts.
- (v) May be called upon to sign cheques.

(b) Vice-Chair

- (i) Shall exercise the duties of the Chair in the Chair's absence.

(c) Secretary

- (i) Shall record the minutes of all proceedings, give all notices required to be given to Members, be custodian of all books, records, correspondence, contracts and other documents belonging to the Board

**Appendix “A” to Report PED19054(a)**  
**Page 9 of 21**

of Management of the B.I.A. unless otherwise delegated subject to any requirements imposed by law.

(ii) May be called upon to sign cheques.

(d) Treasurer

(i) Shall receive and account for all monies of the B.I.A., keep on deposit at the B.I.A.'s bank all monies received, keep full and accurate accounts of receipts and disbursements; disburse all funds by cheque unless otherwise directed by the Board of Management.

(ii) Shall submit an up-to-date statement of receipts and disbursements at each regularly scheduled Board of Management meeting. Upon approval by the Board of Management the statement will be attached to the minutes of the meeting at which they were approved.

(iii) Shall provide to the Board of Management an annual financial report.

(iv) Shall sign all cheques of the B.I.A.

(e) Directors of the Board of Management

(i) May be asked to serve on a committee.

(ii) Shall ensure that any committee, on which he or she is a member, acts within its mandate.

**Appendix "A" to Report PED19054(a)**  
**Page 10 of 21**

- (iii) Shall report to the Board of Management on the activities of the committees that he or she chairs.
  
- (iv) In the event that the chair of a committee is not a Director, and the chair of the committee does not wish to present the committee report himself or herself, a Director representing the committee shall be the committee spokesperson at the Board of Management meeting.

**Section 8**      Executive Committee

The Executive Committee, comprising the Chair, Vice-Chair, Secretary and Treasurer, shall have the authority to act for the Board of Management in the intervals between Board of Management meetings on such matters as may be necessary to conduct the business of the B.I.A. provided that:

- (a) The Executive Committee may proceed on the basis of the majority of votes from the Board of Management obtained by a phone poll, provided that the Chair shall report on the Executive Committee's activities at the next full Board of Management meeting.
  
- (b) A meeting of the Executive Committee shall be called by the Chair and a minimum of three members of the Executive Committee are required to be present for quorum.
  
- (c) Minutes shall be taken at a meeting of the Executive Committee and attached to the minutes of the following Board of Management meeting.

**ARTICLE 5**

**Committees of the Board of Management**

**Section 1**      Formation

**Appendix "A" to Report PED19054(a)**  
**Page 11 of 21**

- (a) All committees are established by the Board of Management and report only to the Board of Management.
- (b) All committees shall comprise no fewer than three (3) members. At least one shall be a Director of the Board of Management, other than the Chair, and at least two (2) may be Members of the B.I.A. The chair of a committee shall be elected by the members of the committee from within their ranks.
- (c) The chair of a committee may be a Director. The Chair of the Board of Management shall not chair any committees.

**Section 2** Functions

- (a) All committees are responsible for investigating, preparing plans, and recommending actions to the Board of Management within their mandate.
- (b) Committees shall not have the authority to enter into a contract on behalf of the B.I.A. or commit the B.I.A. to any financial obligation or liability.
- (c) Each committee shall report (preferably in writing) its activities to the Board of Management at each regularly scheduled Board of Management meeting, either by the chair of the committee or by a Director representing the committee. Any written report is to be attached to the minutes of the Board of Management meeting at which it was presented.

**ARTICLE 6**

**Meetings of Members**

**Section 1** General Meetings

**Appendix "A" to Report PED19054(a)**  
**Page 12 of 21**

- (a) There shall be at least one (1) general meeting in each calendar year.
- (b) Notice of all General Members' meetings shall be hand-delivered or sent by prepaid mail to each Member not less than fifteen (15) days prior to the meeting. The notice is to be mailed to the address last provided by the Member to the Secretary or, where no address is provided, to the property address of the owner(s) indicated on the last municipal assessment roll.
- (c) Notice of the General Members' Meeting shall include the formal agenda. New business may be received from the floor after the formal agenda has been completed.
- (d) All General Members' meetings properly called shall be held on the date and time for which they are called.
- (e) Quorum of a General Meeting consists of the majority of those Members present at the meeting duly called.
- (f) No error or accidental omission in giving notice of any meeting of Members shall invalidate such meeting or make void any proceedings taken at such meeting.
- (g) No error or omission in giving notice of any annual or special meeting or any adjourned meeting of the Members of the B.I.A. shall invalidate any resolution passed or any proceedings taken at any meetings of Members.
- (h) No omission to give any notice to any Member, Director or Officer, or the non-receipt of any notice by any Member, Director or Officer, nor error in any notice not affecting the substance thereof shall invalidate any action taken at any meeting held pursuant to such notice or otherwise founded thereon.

**Appendix "A" to Report PED19054(a)**  
**Page 13 of 21**

**Section 2** Special Meetings of the Members

- (a) The Board of Management has authority to call any special Members' meeting it deems necessary.
  
- (b) Upon written petition by the lesser of 20% or twenty-five (25) Members of the B.I.A. stating a cause or concern, which shall be considered as the agenda of the meeting, the Board of Management shall call a special meeting to deal with the cause or concern in question within thirty (30) days of receipt of the petition by the Secretary of the Board of Management.

**ARTICLE 7**

**Meetings of the Board of Management and its Committees**

**Section 1** Board of Management Meetings

- (a) The Board of Management shall regularly meet to conduct the business of the Board, not less than 8 times per year, as established by the Board of Management. The Secretary shall notify all Directors of the date and time of each meeting not less than 7 days in advance. Despite the foregoing, in the event of a special meeting of the Directors, the Secretary shall provide such notice as is reasonable in the circumstances.
  
- (b) At regularly scheduled Board of Management meetings, any Member may attend, ask to be recognized by the Board of Management's Chair and speak on any items on the agenda or request new business to be placed on a future agenda. However, they shall not vote on any items on the agenda.

**Appendix "A" to Report PED19054(a)**  
**Page 14 of 21**

- (c) Upon written petition of any four (4) Directors, stating a cause or concern, which shall be considered as the agenda of the meeting, the Chair shall call a Board of Management meeting, to deal with the cause or concern in question within fifteen (15) days of reception of the petition by the Secretary of the Board of Management.
- (d) The Board of Management may limit the time for deputations or presentations prior to the commencement of any meeting.
- (e) No error or accidental omission in giving notice of any meeting of Directors shall invalidate such meeting or make void any proceedings taken at such meeting.
- (f) No omission to give any notice to any Member, Director or Officer, nor error in any notice not affecting the substance thereof shall invalidate any action taken at any meeting held pursuant to such notice or otherwise founded thereon.
- (g) If all Directors of the Board of Management consent, a meeting of Directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously and a Director participating in such a meeting by such means is deemed to be present at the meeting.
- (h) A resolution in writing, signed by all the Directors entitled to vote on that resolution at a meeting of Directors or committee of Directors, is as valid as if it has been passed at a meeting of Directors or committee of Directors. A copy of every such resolution shall be kept with the minutes of the proceedings of the Directors or committee of Directors.

**Appendix "A" to Report PED19054(a)**  
**Page 15 of 21**

- (a) A committee shall meet as often as its members deem necessary to perform the committee's mandate.
- (b) A committee shall establish a time and place suitable to the majority of its members for the holding of its regular meetings.
- (c) A committee shall keep accurate records of its activities, including minutes, attendance list and agendas, or may report orally to the Board of Management on these matters to be recorded by the Secretary in the minutes. These documents are to be attached to the minutes of the Board of Management meeting at which they are presented.

**ARTICLE 8**

**Annual Budget**

- Section 1** An annual budget prepared by the Board of Management shall be presented at a Members' meeting called for this purpose for review and input from the Members.
- Section 2** A copy of the proposed budget must be included with notice of a budget meeting if available and if not shall be available at the Members' meeting.
- Section 3** After adoption of the annual budget by the Board of Management, the proposed budget shall be submitted to the City for approval.
- Section 4** The allocation of funds may be made by the Board of Management in accordance with the budget upon approval by the City.

**ARTICLE 9**

**General Expenditures**

**Appendix “A” to Report PED19054(a)**  
**Page 16 of 21**

**Section 1** All monies spent from the B.I.A. account, shall be within the budgeted provisions and spent only for the benefit of the B.I.A. Members' businesses. Nothing precludes the B.I.A. from accepting a donation, including a donation from a Member to increase the value of improvements carried out in the B.I.A. provided the proposed donation is included in the budget or revised budget for the project approved by Council.

**ARTICLE 10**

**Rules of Order**

**Section 1** In the absence of rules in this By-law, the proceedings of the B.I.A. shall be in accordance with the Municipal Act, 2001 and shall be conducted as set out in Bourinot's Rules of Order.

**ARTICLE 11**

**Banking**

**Section 1** The designation of a financial institution for the deposit of funds on behalf of the B.I.A., is the responsibility of the Board of Management.

**Section 2** The disbursement of funds shall be by cheque unless otherwise provided by the Board of Management.

**Section 3** All cheques shall bear two (2) signatures, one (1) of which shall be that of the Treasurer and one (1) of either the Chair, the Vice-Chair or the Secretary.

**Appendix "A" to Report PED19054(a)**  
**Page 17 of 21**

**ARTICLE 12**

**Contracts**

- Section 1** All B.I.A. contracts are the responsibility of the Board of Management.
- Section 2** To enter into a contract, a resolution thereof approved by the Board of Management shall be required to be entered in the minutes of a Board of Management meeting and a copy of the contract is to be attached to the minutes of that meeting.
- Section 3** Once approved, a contract shall bear two (2) B.I.A. official signatures, one (1) of which shall be the Chair of the Board of Management and one (1) of either the Vice-Chair, the Secretary or the Treasurer of the Board of Management.

**ARTICLE 13**

**Proxy Voting**

- Section 1** There shall be no proxy voting of any kind at meetings of the Board of Management or any committees established by the Board of Management.
- Section 2** There shall be no proxy voting of any kind at Members' meetings, including voting at the Annual General Meeting in a City Council's election year for the purpose of providing the City with the opinion of the B.I.A. on Council's appointment of Directors to the Board Management, except a corporate Member may nominate, in writing by letter delivered to the Secretary of the Board of Management at least fifteen (15) days before the date set for a vote, one individual to vote on its behalf. Such a nomination shall be effective on the date it is received and shall continue to be effective until it is replaced or revoked by a further letter received by the Secretary of the Board of Management.

**ARTICLE 14**

**Appendix "A" to Report PED19054(a)**  
**Page 18 of 21**

**Elections**

- Section 1** The Board of Management shall conduct elections for Directors on the Board of Management as part of the Annual General Meeting in a City Council election year for the purpose of providing City Council with the opinion of the B.I.A. on Council's appointment of Directors to the Board of Management.
- Section 2** The Board of Management shall appoint a "nominating committee" not less than forty-five (45) days before the date set for the elections of the Board of Management.
- Section 3** The nominating committee shall submit to the Secretary of the Board of Management a list of at least 8 candidates not less than thirty-five (35) days before the date set for the elections of the Board of Management.
- Section 4** The Board of Management shall distribute to all Members not less than thirty (30) days before the date set for the elections, a list of candidates submitted by the nominating committee.
- Section 5** Any three (3) Members or more may nominate a candidate or candidates in writing to the Secretary of the Board of Management. Any nomination shall be submitted to the Secretary not less than twenty (20) days prior to the date of the election to be included in the list of nominations. Despite the foregoing, nominations can be made at the commencement of the meeting set for the elections from the floor.
- Section 6** All nominations shall bear:
- (a) The name of the individual nominated and, if any, the business or property they own or represent.
  - (b) The signature of the nominee.

**Appendix "A" to Report PED19054(a)**  
**Page 19 of 21**

**Section 7** The Board of Management shall distribute to all Members not less than fifteen (15) days before the date set for the elections:

- (a) The date of the General Members' Meeting at which the elections will be held.
- (b) The list of all nominations received by the Secretary from the nominating committee and Members.
- (c) A copy of this By-law.

**Section 8** Voting shall follow the following procedure:

- (a) Voting shall take place at a place and time designated by the Board of Management.
- (b) Each Member may cast one (1) vote.
- (c) After the poll closes the sealed ballots are to be delivered to three (3) scrutineers appointed by the Board of Management.
- (d) A candidate has the right to appoint a representative to be present during the counting of the ballots.
- (e) The scrutineers shall count all ballots on election day and post the results at a place designated by the Board of Management.
- (f) If two or more candidates who cannot both or all be elected have received the same number of votes, one scrutineer shall choose, in the presence of the other two scrutineers, the successful candidate or candidates by lot.

**Appendix “A” to Report PED19054(a)**  
**Page 20 of 21**

- (g) All ballots shall be kept securely for thirty (30) days following the election. If no challenges are registered with the Secretary of the Board of Management the ballots shall be destroyed with approval of the Board of Management.

**Section 9** (a) The list of elected nominees for the Board of Management chosen at the Annual General Meeting shall be forwarded to the City for consideration in appointing the new Directors of the Board of Management.

- (b) The newly appointed Board of Management shall assume their responsibilities in accordance with their appointment by City Council. The previous Board of Management continues in office until the new Board of Management takes office following City appointment.

**ARTICLE 15**

**Voting at Meetings**

**Section 1** At each Members’ meeting a Member may cast one (1) vote on each motion.

**Section 2** The Chair of the Board or of a Committee has the right to vote at all meetings of the Board or Committee of which he or she is the Chair.

**ARTICLE 16**

**Amendments**

**Section 1** The number of Directors under Article 4, Subsection 1(a), the number of Board of Management meetings and the number of days notice of such meetings under Article 7, subsection 1(a), and the number of candidates under Article 14, Section 3 may be amended by a majority vote at a meeting of the Board of Management. Any other amendments to this By-law require an amendment to City of Hamilton By-law No. 14-253, the Business Improvement Area By-law.

Appendix "A" to Report PED19054(a)  
Page 21 of 21

**Section 2** The amendment shall be effective only after it has been circulated to the Members along with notice that the amendment shall take effect if no objection is received from a Member by the Secretary within ten (10) days of the notice being given.

**Section 3** If an objection is received, the amendment must be confirmed by majority vote at a General Meeting of the B.I.A.

PASSED by the Directors this 4 day of November, 2014 .

W. Kemp Treasurer  
A. Jackson Secretary  
Arthur C. Cul vic chair  
Henry J. S. Chair



# Hamilton

## **BUSINESS IMPROVEMENT AREA ADVISORY COMMITTEE**

### **MINUTES 19-003**

**8:00 a.m.**

**Tuesday, March 19, 2019**

**Rooms 192 & 193**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Cristina Geissler – Concession Street BIA (Vice-Chair)  
Catherine Johnston – Ottawa Street BIA  
Rachel Braithwaite – Barton Village BIA  
Tracy MacKinnon – Westdale Village BIA and Stoney Creek BIA  
Kerry Jarvi – Downtown Hamilton BIA  
Peter Loukas – Main West Esplanade BIA  
Lisa Anderson – Dundas BIA  
Susie Braithwaite – International Village BIA  
Jennifer Mattern – Ancaster BIA  
Susan Pennie – Waterdown BIA

**Absent with  
Regrets:** Councillor Esther Pauls – Personal  
Anne Marie Bergen – King West BIA  
Tony Greco – Locke Street BIA

---

### **FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**(R. Braithwaite/MacKinnon)**

That the agenda for the March 19, 2019 Business Improvement Area Advisory Committee meeting be approved, as presented.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) February 12, 2019 (Item 4.1)**

**(MacKinnon/R. Braithwaite)**

That the February 12, 2019 Minutes of the Business Improvement Area Advisory Committee be approved, as amended.

**CARRIED**

**(d) STAFF PRESENTATIONS (Item 9)**

**(i) HSR (Re)envision Survey Information (Deferred from the February 12, 2019 meeting, due to loss of quorum) (Item 9.1)**

**(R. Braithwaite/Mattern)**

That the staff presentation material respecting the HSR (Re)envision Survey Information, be received.

**CARRIED**

A copy of the presentation is available on the City's website or through the Office of the City Clerk.

**(ii) Update on Cannabis Retail Locations (Item 9.2)**

Ken Leenderste, Director, Licensing & By-law Services, provided Committee with an update on Cannabis Retail Locations.

**(Mattern/S. Braithwaite)**

That the staff update on Cannabis Retail Locations, be received.

**CARRIED**

**(iii) Cigarette Litter Prevention Program (Item 9.3)**

Diedre Rozema, Clean and Green Coordinator, addressed Committee with information on the Cigarette Litter Prevention Program, with the aid of a presentation. A copy of the presentation has been included in the official record.

**(R. Braithwaite/MacKinnon)**

That the staff presentation respecting the Cigarette Litter Prevention Program, be received.

**CARRIED**

A copy of the presentation is available on the City's website or through the Office of the City Clerk.

**(e) DISCUSSION ITEMS (Item 10)**

**(i) Shop the Neighbourhood Discussion (Item 10.1)**

Committee members discussed the possibility of a 'Shop Small Saturday' to be held on November 30<sup>th</sup>, the day after Black Friday. Susie Braithwaite from the International Village BIA will look into organizing and getting group discounts depending on the level of interest of the other BIAs. Susie requested that interested BIAs contact her directly.

**(Mattern/MacKinnon)**

That the discussion on Shop the Neighbourhood, be received.

**CARRIED**

**(f) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

**(i) Update from Julia Davis, Business Development & BIA Officer (Item 13.1)**

Julia Davis advised the Committee that the Main Street Revitalization Funding has been approved and applications should be submitted to her.

The Digital Main Street Program representatives have been in contact with BIAs and Julia is interested in feedback on the program to pass along to the Digital Main Street Program group, the Ontario Business Improvement Area Association, and the Chamber.

Julia advised Committee that the On-Street Patio Applications are now open until the end of April.

Julia thanked Susan Pennie from the Waterdown BIA for agreeing to speak at the at the Hamilton Chamber of Commerce Outstanding Business Achievement Awards on March 26<sup>th</sup>.

Julia advised the Committee that the Governance Training session will be held on April 16<sup>th</sup> and members can register online. Julia will resend the link to Committee.

The last week of March is Toronto BIA Week and Julia is interested to see what Toronto is doing for this. She is hoping to get some ideas from it and evaluate whether it might be a good idea for Hamilton to incorporate here.

**(Mattern/MacKinnon)**

That the verbal update from Julia Davis, Business Development & BIA Officer, be received.

**CARRIED**

**(ii) Statements by Members (Item 13.2)**

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

**(g) ADJOURNMENT (Item 15)**

**(S. Braithwaite/Mattern)**

That there being no further business, the Business Improvement Area Advisory Committee be adjourned at 9:16 a.m.

**CARRIED**

Respectfully submitted,

Christina Geissler, Vice-Chair  
Business Improvement Area  
Advisory Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**City Manager's Office**  
**Office of the City Manager**

<b>TO:</b>	Mayor and Members of Council General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2019
<b>SUBJECT/REPORT NO:</b>	CityLAB Annual Report and Request for Extension (CM19003) (City Wide) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Patrick Byrne (905) 977-1897
<b>SUBMITTED BY:</b>	Andrea McKinney Chief Digital Officer City Manager's Office
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the CityLAB Hamilton pilot program be extended until May 31, 2022, and that the City's financial contribution be funded through the Tax Stabilization Reserve (110046)

### EXECUTIVE SUMMARY

As part of the approval of the CityLAB Hamilton Feasibility Review (Report CM16016 – November 16, 2016), staff were directed to provide an annual update to the General Issues Committee respecting the success of CityLAB Hamilton for the duration of the pilot.

The purpose of this report is to provide Council with an update on the progress of CityLAB by providing an overall status of the actions, highlights of key achievements, and next steps.

CityLAB is also seeking an extension of the pilot to May 31, 2022. This extension would enable a comprehensive evaluation that can enable a determination of long-term viability. The CityLAB program launched in the fall of 2017 and the agreement currently expires in December of 2019.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: CityLAB Annual Report and Request for Extension (CM19003) (City Wide) - Page 2 of 7**

---

**Principles of Co-operation and Alignment to Strategic Plan**

CityLAB is an innovation hub that brings together student, academic, and civic leaders to co-create a better Hamilton for all. This partnership between McMaster University, Mohawk College, Redeemer University College, and the City of Hamilton matches students and faculty with City staff to develop innovative solutions to city-identified projects that align with the City's Strategic Priorities.

CityLAB Hamilton is contributing towards the Principles of Co-operation: Post-Secondary Education that were agreed upon by the post-secondary schools and the City in 2016, particularly in the areas of:

Working in Collaboration  
Community Engagement  
Community Building  
Retaining Local Talent

CityLAB is moving the City's Strategic Priorities forward through an emphasis on **Community Engagement and Participation** by actively including students and the community in meaningful projects that allow for mutual understanding of City processes and encourage a more open and transparent government, rooted in a spirit of collaboration and partnership.

CityLAB also supports the **Our People and Performance** priority by providing opportunities for City staff to grow their network, collaborate with peers from across the City, and work with top students and faculty members in areas directly related to their work. CityLAB offers staff an excellent opportunity for professional development by contributing to a vibrant culture that fosters innovative thinking.

By providing Hamilton's top students with the opportunity to directly apply their skills and knowledge to improving the city, CityLAB is offering direct support to the City's goal of retaining students and reversing the brain drain. CityLAB is expected to help retain students in Hamilton by engaging them in robust professional networks and by encouraging personal investment and a sense of ownership in the direction of their city.

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: CityLAB Annual Report and Request for Extension (CM19003) (City Wide) - Page 3 of 7**

---

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The request can be accommodated through the Tax Stabilization Reserve with no impact on the Levy.

**Operating revenues from all four partners**

Source	Current	Requested Extension			TOTAL \$K
	2018-2019	2019 - 2020	2020 - 2021	2021 - 2022 (until May 31)	
City of Hamilton	\$34.30	\$45	\$45	\$19	\$109
McMaster	\$60	\$85	\$85	\$35	\$205
Mohawk	\$25	\$36	\$36	\$15	\$87
Redeemer	\$5	\$10	\$10	\$4	\$24
<b>Total</b>	\$124.30	\$176	\$176	\$73	\$425

- Budget does not include in kind contributions from City or its partners

Our academic partners have agreed to the above schedule of payments, pending approval from the City of Hamilton.

Staffing: This extension would require an extension of the CityLAB Project Manager position for the remainder of the term.

Legal: Minimal updates to the existing agreement

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: CityLAB Annual Report and Request for Extension (CM19003) (City Wide) - Page 4 of 7**

---

## **HISTORICAL BACKGROUND**

**November 2016** – City Council officially endorses CityLAB Hamilton

**January 2017** – CityLAB pilot officially begins and Steering Committee formed

**May 2017** – Project Manager hired

**September 2017** – First official round of CityLAB projects are launched

**December 2017** – Lights On @ CityLAB event officially opens our space

**January 2018** – New projects are launched for Winter semester

**March 2018** – Update presentation to City Council

**April 2018** – Project Showcase highlights innovative projects

**April and June 2018** – Matchmaker events spur new collaborations and launch new partnerships

**September 2018** – CityLAB Semester in Residence program launches and new projects begin at McMaster, Mohawk, and Redeemer

## **Overall Status of CityLAB**

CityLAB has had an enthusiastic response from students, faculty members, and City staff. Throughout 2018, we have matched a number of projects successfully that represent shared interests and alignments between staff, faculty, and student expertise, we have conducted extensive consultation with faculty members and administration at Hamilton's three post-secondary institutions, and we have begun to formalize our process for accepting challenges from City staff members. CityLAB continues to break down institutional barriers as we form communities of experts across and within institutions in order to better achieve Hamilton's Strategic Priorities.

## **Website**

CityLAB continues to develop our website, [www.citylabhamilton.com](http://www.citylabhamilton.com) which showcases the projects underway, provides a form for staff to submit their challenges, and gives background and contact information. We have seen significant growth in our traffic this year and expect this trend to continue as we further develop our program.

<b>Period</b>	<b>Unique visitors</b>	<b>Page views</b>	<b>Visits</b>
Oct. 1 – Dec. 31, 2017	284	1019	259
2018	5480	15.7 k	5628

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: CityLAB Annual Report and Request for Extension (CM19003) (City Wide) - Page 5 of 7**

---

## Projects

In Fall 2018, we matched already-existing courses at McMaster, Mohawk, and Redeemer with staff members across City departments to create 13 projects:

Reducing Undergraduate Food Waste
Dismantling Barriers to Diverse Leadership in Hamilton: Increasing Indigenous Inclusion within the Environmental Sector
Accessible Entrepreneurship Solutions for Strategic Partnerships & Communications
What's in Our Water?
Hamilton Heritage Hunt
School Site Design Study
Mischief in the Harbour
Belonging, Well-Being, Engagement and Expression in EarlyON Child and Family Centres
Enhancing Public Safety
Mohawk College Community Project in Partnership with CityHousing Hamilton, Part 2
Multimodal Level of Service (MMLOS) Assessment of Pier 7/8
Design of Rainwater Harvesting System for McQuesten Urban Farm
Waste Diversion in Multi-residential Buildings in Hamilton

## Semester at CityLAB 2018 – “Climate Change Resilience in the City”

CityLAB launched the first cohort of the Semester in Residence program in Fall 2018. This 15-unit university level course, offered through McMaster and Redeemer, attracted 60 applicants in its initial offering. The course successfully ran with 25 students who delivered four projects related to neighbourhood climate change resilience strategies. Working closely with a small team of staff, and led by Trevor Imhoff, Senior Project Manager, Air Quality and Climate Change, the student groups were able to move forward a series of projects:

Breathe Freely: Vegetation and Air Quality in the John Rebecca Park Development
Empowering Green Living: Promoting Sustainable Living Through Tenant Engagement in CityHousing Hamilton
Fun in the Sun Requires Shade: Mitigating Urban Heat Islands In the Beasley Park Through Urban Greenery
King William Street Opening Study: A Semi-Regular Street Opening Prioritizing the Well-Being of Hamiltonians

To see all of our completed project posters, visit [www.citylabhamilton.com/projects](http://www.citylabhamilton.com/projects)

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: CityLAB Annual Report and Request for Extension (CM19003) (City Wide) - Page 6 of 7**

---

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Not applicable

**RELEVANT CONSULTATION**

- Interim City Manager
- General Manager, Finance and Corporate Services

**ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

CityLAB uses a variety of approaches to evaluate effectiveness and understand the value of the program itself. As it has moved into full operations we have continued to explore approaches to best capture the impact and outcomes of the program, projects, and collaborations that we form.

This includes program level metrics that are tracked related to number of projects, as well as student, faculty and staff participation. Given the diversity and range of types of projects, which reflects the challenges put forward across the City Departments, each individual project focuses on its own specific outcomes.

Program metrics to date:

**Projects**

14 projects completed in 2017-2018

31 projects completed in 2018-2019

**=total of 45 projects completed**

**People directly involved in CityLAB projects**

400 + students

49 city staff

38 faculty members

**Student and staff hours developing projects**

16,000+ student hours

596 staff hours

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: CityLAB Annual Report and Request for Extension (CM19003) (City Wide) - Page 7 of 7**

---

**Other developments**

CityLAB has garnered attention from a wide variety of media as well as from other Canadian cities, universities, and colleges. We continue to develop partnerships and share information with other cities embarking on similar programs.

**Next steps**

Given the tremendous interest in the program, to continue to ensure success the program is shifting to a longer view of upcoming projects. This will enable broader capacity planning and ensure the City challenges continue to be effectively matched with upcoming program offerings that could be multi-year.

The extension of the program allows CityLAB to continue to evolve and will be supported by a fulsome pilot evaluation.

**ALTERNATIVES FOR CONSIDERATION**

Not applicable

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and Participation**

**Our People and Performance**

**APPENDICES AND SCHEDULES ATTACHED**

Mohawk Executive Group Disposition Sheet

---

*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*





## INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2019
<b>SUBJECT/REPORT NO:</b>	Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Carlo Gorni (905) 546-2424 Ext. 2755 Lisa Browett (905) 546-2424 Ext. 7519 Meredith Plant (905) 546-2424 Ext. 1219
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### COUNCIL DIRECTION

City Council, at its meeting held November 28, 2012, approved increasing loan commitments under the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program (HDBKMRPIP), formerly known as the Hamilton Downtown Multi-Residential Property Investment Program, from \$26 M to \$45 M, provided that the total loan monies loaned under the Program at one time does not exceed \$35 M. City Council also directed staff to review the terms and conditions of the HDBKMRPIP on an annual basis and report back to the General Issues Committee during the first quarter of each year on the outcome of the review.

### INFORMATION

Report PED19085 provides an update on the status of the HDBKMRPIP, as well as other Urban Renewal Programs and Initiatives.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 2 of 31**

---

**Hamilton Downtown Barton/Kenilworth Multi-Residential Property Investment Program**

The City has loaned, as at December 31, 2018, approximately \$42.8 M under the HDBKMRPIP supporting the creation/renovation of 1,484 dwelling units at an interest cost to the City of approximately \$4 M (\$2,705.98/dwelling unit). The public cost of the Program has levered approximately \$244.5 M of private construction value at a ratio of 1:48. As of December 31, 2018, there were 17 loans that had been repaid in full, two loans being repaid, one loan had been written-off, and one project was under construction. The project under construction achieved 60% completion and received their first advance under the program in 2018.

Appendix "A" to Report PED19085 identifies the location of 21 projects within the Downtown Hamilton Community Improvement Project Area (DHCIPA) that have received funding or are under construction and will receive funding under the HDBKMRPIP.

**Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program - 2018 Year End Status**

Units Built/Under Construction	1,484
Number of Projects	21
Construction Value	\$244,493,949
Loans Advanced	\$42,795,525
Loans Paid Back	\$29,187,994
Written-off (One Loan)	\$1,101,207
Loans Outstanding	\$12,506,324
Interest Paid	\$4,015,677
Ratio of Interest Paid to Construction Value	1:61
Cost (Interest Plus Default)	\$5,116,884
Ratio of Cost to Construction Value	1:48

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 3 of 31**

---



**179-181 James Street North, Hamilton**

As of December 31, 2018, \$12,506,324 was outstanding in loans that are in various stages of repayment or redevelopment and \$2,124,252 is committed but not advanced. Therefore, based on a maximum of \$35 M in loans being outstanding, there is an additional \$20,369,424 in future loan commitments that can be approved by City Council and advanced.

The terms and conditions of the HDBKMRPIP were reviewed by staff as part of the Five-Year Review of the Downtown and Community Renewal Community Improvement Plan. The review culminated in Report PED16050 which was approved by City Council at its meeting held on May 11, 2016. Amendments to the HDBKMRPIP included, but were not limited to:

- Expanding the Program to the Barton and Kenilworth commercial corridors;
- Reducing the maximum loan per project to \$4 M; and,
- Reducing the maximum loan per developer or related group to \$10 M.

Staff also would like to take this opportunity to update Committee and Council on the following Urban Renewal Programs and initiatives:

**Hamilton Tax Increment Grant Program**

In 2018, \$1,243,546 was due to be issued to 18 reassessed projects through the Hamilton Tax Increment Grant Program (HTIGP). Since grants were first issued in 2004, \$8.7 M has been granted through the Program to 38 reassessed projects that had a combined construction value of \$270,917,881 which accounts for a 1:25 ratio of public grant leveraging private investment.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 4 of 31**

---

**Hamilton Tax Increment Grant Program**

**2018 Year End Status of Reassessed Projects**

Grants Due in 2018 (to 18 Projects)	\$1,243,546
Grants Issued 2004-2018 (to 38 projects)	\$8,651,245
Estimated Total Grants (for all 38 projects including all prior and future payments)	\$10,824,706
Construction Value	\$270,917,881
Ratio of Total Grants to Construction Value	1:25



**1005 King Street West, Hamilton**



**31-39 King William Street, Hamilton**

The Map, attached as Appendix "B" to Report PED18102, identifies the location of 34 properties within the Downtown Hamilton Community Improvement Project Area that have received grants under the HTIGP. Note that the map does not include three

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 5 of 31**

projects; one located in Ancaster, one in Westdale Village, and one in Stoney Creek that have received grants.

**Increase in Taxes**

The following chart lists projects in Downtown Hamilton and in the Ancaster, Westdale Village, Stoney Creek and Barton/Kenilworth Community Improvement Project Areas (CIPA) that have been approved, for loans/grants under the HDBKMRPIP and/or the HTIGP and/or the Barton/Kenilworth Tax Increment Grant Program and compares their pre-development Municipal taxes to their 2018 Municipal taxes. The increase in total Municipal taxes (inclusive of growth, reassessment and budget) equates to approximately \$5.9 M. This increase will be realized annually. Note that the figures with an asterisk are estimates of the increase in Municipal taxes as the projects have been completed but not reassessed by the Municipal Property Assessment Corporation (MPAC), are under construction, or construction has not commenced to date.

Property Address	Base Year	Difference between base year taxes and 2018 taxes	HDBKMRPIP	HTIGP	BKTIG
135 James Street South	2003	+\$446,300	✓		
11 Rebecca Street	2004	+\$79,700	✓	✓	
155 James Street South	2003	+\$84,300	✓		
118 Market Street	2003	+\$144,800	✓	✓	
91 Wellington Street North	2003	+\$15,800	✓		
4, 8, 12 Forest Avenue	2005	+\$27,300	✓	✓	
47 Caroline Street North	2007	+\$133,000	✓	✓	
80 King William Street	2003	+\$151,200	✓		
267/271 King Street East	2007	+\$3,300	✓		
260-280 King Street East	2005	+\$105,400	✓	✓	
170-176 Jackson Street West	2007	+\$8,000	✓	✓	
289 Hunter Street East	2007	+\$700	✓		
68 George Street	2010	+\$226,200	✓	✓	
275 King Street West	2011	+\$40,200	✓	✓	
40 Bay Street South	2012	+\$314,700	✓	✓	
150 Main Street West	2013	+\$522,600	✓	✓	
137-149 Main Street West	2013	+\$110,200	✓	✓	
33 Main Street East	2002	+\$18,400		✓	
135 Hunter Street	2002	+\$61,900		✓	
100-110 James Street South	2004	+\$24,000		✓	
1 Main Street West	2004	+\$67,900		✓	
66 Bay Street South	2004	+\$265,600		✓	
1 Hunter Street East	2006	+\$63,300		✓	

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 6 of 31**

Property Address	Base Year	Difference between base year taxes and 2018 taxes	HDBKMRPIP	HTIGP	BKTIG
210 Main Street East	2007	+\$54,600		✓	
87-89 King Street East	2006	+\$16,200		✓	
232 Cannon Street East	2009	+\$51,000		✓	
52 Cannon Street West	2008	+\$30,100		✓	
193-197 James Street North	2009	+\$10,100		✓	
130-134 Wellington Street North	2011	+\$10,900		✓	
162 Ferguson Avenue North	2012	+\$17,900		✓	
121-123 James Street North	2012	+\$84,200		✓	
69 Hughson Street North	2013	+\$11,800		✓	
205 Hunter Street West	2013	+\$24,300		✓	
50 Murray Street	2012	+\$105,700		✓	
147-159 Walnut Street South	2013	+\$17,700		✓	
180-188 Wilson Street	2014	+\$15,600		✓	
179-191 James Street North	2014	+\$282,900	✓	*✓	
189 King Street East	2014	+\$6,100		*✓	
191 King Street East	2014	+\$4,300		*✓	
125 Wellington Street North	2014	+\$59,200		*✓	
140 Main Street West	2014	+\$317,700		*✓	
290 Barton Street West	2015	+\$104,900		✓	
112 King Street East	2015	+\$347,700		✓	
245 James Street North	2015	+\$4,200		*✓	
193 King Street East	2015	+\$9,700		✓	
31-39 King William Street	2015	+\$49,200		✓	
127 Market Street	2016	+\$5,200		*✓	
220 Cannon Street East	2016	+\$184,200	✓	*✓	
232 Cannon Street East	2016	+\$9,900		✓	
20-22 George Street	2017	+\$629,100		*✓	
73 King Street East	2017	+\$2,900		*✓	
27 Bold Street	2017	\$103,300		*✓	
<b>Ancaster CIPA</b>					
407 Wilson Street East	2013	+\$6,600		✓	
<b>Westdale Village CIPA</b>					
1005 King Street West	2016	+\$7,000		✓	
<b>Stoney Creek CIPA</b>					
22 Jones Street	2014	+\$7,000		✓	
7 King Street	2014	+\$5,000		✓	
<b>Barton/Kenilworth Tax Increment Grant Program</b>					
601 Barton Street East	2017	+\$329,400			*✓
657-659 Barton Street East	2017	+\$6,300			*✓

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 7 of 31**

Property Address	Base Year	Difference between base year taxes and 2018 taxes	HDBKMRPIP	HTIGP	BKTIG
431-435 Barton Street East	2017	+\$13,500			*✓
374 Barton Street East	2017	+5,300			*✓
<b>Total</b>		<b>\$5,892,800</b>			

In addition to increasing the assessment and resulting property taxes of the specific property that directly receives funding, the redeveloped properties also help increase the value and desirability of surrounding properties that are no longer next to a vacant, derelict or contaminated property. Surrounding properties might also benefit from new residents, employees, and customers in nearby redevelopment properties.

**Financial Incentive Programs Administered by Urban Renewal**

Urban Renewal administers various financial incentives. The chart below identifies the number of applications staff processed from 2011-2018:

Financial Incentive Program	2011	2012	2013	2014	2015	2016	2017	2018
BIA Commercial Property Improvement Grant Programs	34	38	53	62	55	59	46	34
Commercial Corridor Housing Loan and Grant Program (pre-application)	14	21	17	22	18	21	17	21
Commercial Corridor Housing Loan and Grant Program (final application)	2	3	2	6	3	5	5	7
Hamilton Heritage Property Improvement Grant Program	2	2	8	4	8	2	13	9
Hamilton Office Tenancy Assistance Program	1	1	1	2	5	1	5	3
Hamilton Downtown Barton and Kenilworth Multi-Residential Property Investment Program	2	4	2	1	3	0	2	1
Hamilton Tax Increment Grant Program	2	8	8	10	9	4	4	10
Hamilton Commercial Façade Property Improvement Grant Program		17	31	54	4	16	28	52
GORE Building Improvement Grant Program		5	8	15	0	0	0	0
Hamilton Community Heritage Fund Loan Program			2	1	1	1	1	2
ERASE Programs		21	19	25	12	23	27	30

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 8 of 31**

<b>Financial Incentive Program</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Hamilton Heritage Conservation Grant Program				18	7	9	9	7
Barton/Kenilworth Commercial Corridor Building Improvement Grant Program						4	13	9
Barton/Kenilworth Tax Increment Grant Program						3	4	4
Barton/Kenilworth Planning and Building Fee Rebates						1	4	3
<b>TOTALS</b>	<b>57</b>	<b>120</b>	<b>151</b>	<b>220</b>	<b>125</b>	<b>149</b>	<b>180</b>	<b>192</b>

Although the Business Improvement Area Commercial Property Improvement Grant Program, the Commercial Property Improvement Grant Program, the Gore Building Improvement Grant Program and the Hamilton Heritage Conservation Grant Program are 50/50 matching grants, the true value of the work leveraged by the City grant is more than 50%. Funds under the Programs are advanced only when the work has been completed. The charts below provide an overview of the grants.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 9 of 31**

---

**Business Improvement Area Commercial Property Improvement Grant Program**

The Business Improvement Area Commercial Property Improvement Grant Program (BIACPIG) is offered within Hamilton's active Business Improvement Areas (BIAs) and provides a matching grant to a maximum of \$20 K (\$25 K for corner properties) for façade improvements and limited interior improvements. The grant amount is dependent upon the linear foot of frontage of the building.

<b>Business Improvement Area Commercial Property Improvement Grant Program 2002 - December 31, 2018</b>				
Time Period	Number of Projects Paid	Construction Value	Grant Paid	Grant as a percentage of Construction
2018	17	\$647,234	\$245,134	38%
2002-2018	474	\$12,832,681	\$4,989,938	39%



**143 Main Street East, Hamilton**

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 10 of 31**

**Commercial Property Improvement Grant Program**

The Commercial Property Improvement Grant (CPIG) offers a matching grant for façade improvements and limited interior improvements to a maximum of \$10 K per application (\$12.5 K for corner properties). The Program is offered to property owners and authorized tenants who are not eligible for the BIACPIG and located within Downtown Hamilton, Community Downtowns, the Mount Hope/Airport Gateway and the commercial corridors as identified in the Downtown and Community Renewal Community Improvement Project Area.

<b>Commercial Property Improvement Grant Program 2012 – December 31, 2018</b>				
<b>Time Period</b>	<b>Number of Projects Paid</b>	<b>Construction Value</b>	<b>Grant Paid</b>	<b>Grant as a Percentage of Construction</b>
2018	17	\$293,620	\$130,814	45%
2012-2018	79	\$1,934,854	\$723,345	37%



**3200 Homestead Drive, Mount Hope**



**10 Barton Street East, Hamilton**

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 11 of 31**

---

**Commercial Corridor Housing Loan and Grant Program**

The Commercial Corridor Housing Loan and Grant Program (CCHLGP) offers financial assistance for the construction of new residential units and renovation of existing residential units within Downtown Hamilton, Community Downtowns, the Mount Hope/Airport Gateway, Business Improvement Areas, the commercial corridors as identified in the Downtown and Community Renewal CIPA By-law and properties within the City boundary designated under the *Ontario Heritage Act*. The loan is calculated on the basis of \$20 K per dwelling unit, to a maximum of \$600 K per property. The grant provides up to a \$5 K grant per property for professional fees and some City of Hamilton fees paid.

<b>Commercial Corridor Housing Loan and Grant Program Inception 2017 - December 31, 2018</b>				
<b>Time Period</b>	<b>Number of Projects Approved</b>	<b>Loan Amount Advanced</b>	<b>Loans Repaid</b>	<b>Grant Paid Out</b>
2007-2018	10	\$894,250	\$464,250	\$34,216

**GORE Building Improvement Grant Program**

The GORE Building Improvement Grant Program (GBIGP) offered a matching grant for building improvements to a maximum of \$50 K per application for properties fronting on King Street between James Street and Catharine Street. It was offered for a three-year period with applications being accepted until December 31, 2014.

Note that City Council at its meeting held February 13-14, 2019, decided that:

- The deadline for the submission of a separate, completed GBIGP Application for each 18, 20, 22, 24 and 28 King Street East, for the previously approved conditional grant commitment to an upset limit of \$250 K under the GBIGP for Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn, and William Rogan, the registered owners) be extended to no later than January 31 2020, conditional upon the receipt of a Building Permit application being submitted to the City for the redevelopment of 18-28 King Street East no later than July 31, 2019; and,
- That, should the Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan) the registered owners of 18, 20, 22, 24 and 28 King Street East not submit a Building Permit Application for the redevelopment of 18-28 King Street East by July 31, 2019, staff be directed to report back to the General Issues Committee for direction as to whether or not the conditional grant commitments, under the Hamilton Heritage Property Grant Program (HHPGP) and GBIGP, for those properties should continue to be valid.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 12 of 31**

<b>Gore Building Improvement Grant Program 2012 - December 31, 2018 (Three-Year Program Only)</b>				
<b>Time Period</b>	<b>Number of Projects Paid</b>	<b>Construction Value</b>	<b>Grant Paid</b>	<b>Grant as a percentage of Construction</b>
2012-2018	18	\$2,303,229	\$754,511	33%



**11 King Street East, Hamilton (before and after)**

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 13 of 31**

---

**Hamilton Heritage Conservation Grant Program**

The Hamilton Heritage Conservation Grant Program (HHCGP) is offered to owners/authorized tenants of properties designated under Parts IV or V of the *Ontario Heritage Act* that are not eligible for the Hamilton Heritage Property Grant Program. The maximum matching grant is \$5 K for the conservation/preservation of heritage features.

<b>Hamilton Heritage Conservation Grant Program Since Inception 2014 – December 31, 2018</b>	
Number of Grant Commitments	42
Total Grant Commitments	\$179,805
Grants Advanced	\$148,590
Conservation Value of Projects	\$662,005
Grants as a Percentage of Construction	27%



**51 Markland Street, Hamilton**

This Program expired on April 9, 2017. A staff report which addressed the future status of this Program was considered by Council at its meeting on July 13, 2018. At this meeting, Council adopted recommendations which extended the Program indefinitely.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 14 of 31**

---

**Hamilton Heritage Property Grant Program**

The HHPGP is offered to owners/authorized tenants of properties designated under Parts IV or V of the *Ontario Heritage Act* and located within Downtown Hamilton, a Community Downtown, an active Business Improvement Area, or, located within the lower City between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional or multi-residential purposes. The Program offers grants to a maximum of \$150 K (50% for the first \$40 K of work and 25% of costs over and above the \$40 K) for conservation or structural/stability work plus an additional \$20 K grant for heritage assessments/reports.

Note that City Council at its meeting held February 13-14, 2019, decided that:

- The deadline for the submission of a separate, completed HHPGP Application for each 18, 20, 22, 24 and 28 King Street East, for the previously approved conditional grant commitment to an upset limit of \$850 K for the Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan), the registered owners, be extended to no later than January 31, 2020, conditional upon the receipt of a Building Permit Application being submitted to the City for the redevelopment of 18-28 King Street East no later than July 31, 2019; and,
- Should the Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan) the registered owners of 18, 20, 22, 24 and 28 King Street East not submit a Building Permit Application for the redevelopment of 18-28 King Street East by July 31, 2019, staff be directed to report back to the General Issues Committee for direction as to whether or not the conditional grant commitments, under the HHPGP and GBIG, for those properties should continue to be valid.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 15 of 31**

<b>Hamilton Heritage Property Grant Program Since Inception 2008 – December 31, 2018</b>	
Number of Grant Commitments	46
Total Grant Commitments	\$2,369,807
Total Conditional Grant Commitments (for 18-28 King Street East)	\$850,000
Grants Advanced	\$1,521,515
Grants Approved to be Advanced (not including 18-28 King Street East)	\$848,292
Conservation Value of Projects (not including 18-28 King Street East)	\$14,795,454
Grants as a Percentage of Construction (not including 18-28 King Street East)	10%



**46, 48-50 James Street North, Hamilton**



**1014 King Street West, Hamilton**

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 16 of 31**

---

**Office Tenancy Assistance Program**

The Office Tenancy Assistance Program (OTAP) offers a zero percent interest loan for leasehold improvements for office use within Downtown Hamilton, Community Downtowns, Business Improvement Areas and the commercial corridors along Barton Street, east of the Barton Village BIA, and along Kenilworth Avenue North, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

<b>Office Tenancy Assistance Program Since Inception 2010–December 31, 2018</b>	
Number of Loan Commitments	8
Total Loan Commitments	\$1,103,557
Square Feet of New/Expanded Office Space	79,329
Loans Advanced	\$554,232
Loan Amount Paid Back	\$409,316
Loan amount forgiven	\$38,505
Loans to be Advanced	\$549,325
Construction Value of Approved Projects	\$6,459,244



**96 MacNab Street North, Hamilton**

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 17 of 31**

---

**Hamilton Community Heritage Loan Fund**

The Hamilton Community Heritage Loan Fund (HCHLF) offers a zero percent interest loan to a maximum of \$50 K for work that conserves or restores the heritage attributes of a property designated under Part IV or Part V of the *Ontario Heritage Act* within the City of Hamilton.

<b>Hamilton Community Heritage Loan Fund January 1, 2009 – December 31, 2018</b>	
Number of Loan Commitments	19
Total Loan Commitments	\$710,852
Loans Advanced	\$523,735
Loans Paid Back	\$389,380
Loans Outstanding	\$134,354
Loans to be Advanced	\$187,117
Interest Paid	\$50,454



**10 Markland Street, Hamilton**

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 18 of 31**

---

**Barton/Kenilworth Commercial Corridor Building Improvement Grant Program**

The BKCCBIGP was introduced in June of 2016 for properties located within the boundaries of the Barton Village BIA, the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the DHCIPA. The Program offers a matching grant to a maximum of \$50 K per deeded property towards the redevelopment of property.

<b>Barton/Kenilworth Commercial Corridor Building Improvement Grant Program June 2016 – December 31, 2018</b>	
Number of Grant Commitments	13
Total Actual Payments and Grant Commitments	\$517,963
Grant Paid	\$252,367
Grants Approved to be Advanced	\$265,596
Construction Value of Projects	\$1,819,807
Grants as a Percentage of Construction	28%



**657-659 Barton Street East, Hamilton**

This program had been scheduled to expire on December 31, 2018. At its meeting on July 13, 2018 Council adopted recommendations which extended the Program indefinitely.

**Barton/Kenilworth Tax Increment Grant Program**

The Program provides for a nine-year grant based on the increase in the Municipal portion of the realty taxes attributed to the redevelopment of residential or commercial lands and buildings located within the boundaries of the Barton Village BIA, the Barton Street East and Kenilworth Avenue North commercial corridors, and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the DHCIPA. The grant is at 100% of the Municipal realty tax increase

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 19 of 31**

---

during the first five years, 80% in year six, 60% in year seven, 40% in year eight and 20% in year nine.

<b>Barton/Kenilworth Tax Increment Grant Program Inception 2016 - December 31, 2018</b>	
Number of Grants Approved	4
Estimated Total Grants	\$2,482,154
Construction Value	\$16,825,000
Ratio of Total Grants to Construction Value	1:7

This program had been scheduled to expire on December 31, 2018. At its meeting on July 13, 2018 Council adopted recommendations which extended the Program indefinitely.

**Barton/Kenilworth Commercial Corridors Rebate of Application Fees**

The Program provides a rebate of some Planning and Building application fees for properties within the boundaries of the Barton Village BIA, the Barton Street East and Kenilworth Avenue North commercial corridors, and properties that front on Barton Street between James Street North and Victoria Avenue North, as identified in the Downtown Hamilton Community Improvement Project Area (DHCIPA). Building Permit fees are rebated upon final inspection and building permit completion. Fees for Committee of Adjustment (COA) minor variances that support the revitalization of the corridors supported by Planning staff are rebated upon approval of the variance, as long as there were no appeals to the Ontario Municipal Board (OMB). If appeals are filed with the OMB and the OMB upholds the COA's decision, the rebate of the fee would be issued. If there are appeals and the OMB overturns a COA decision, a rebate is not issued. Site Plan application fees are rebated after issuance of a Building Permit.

**Applications**

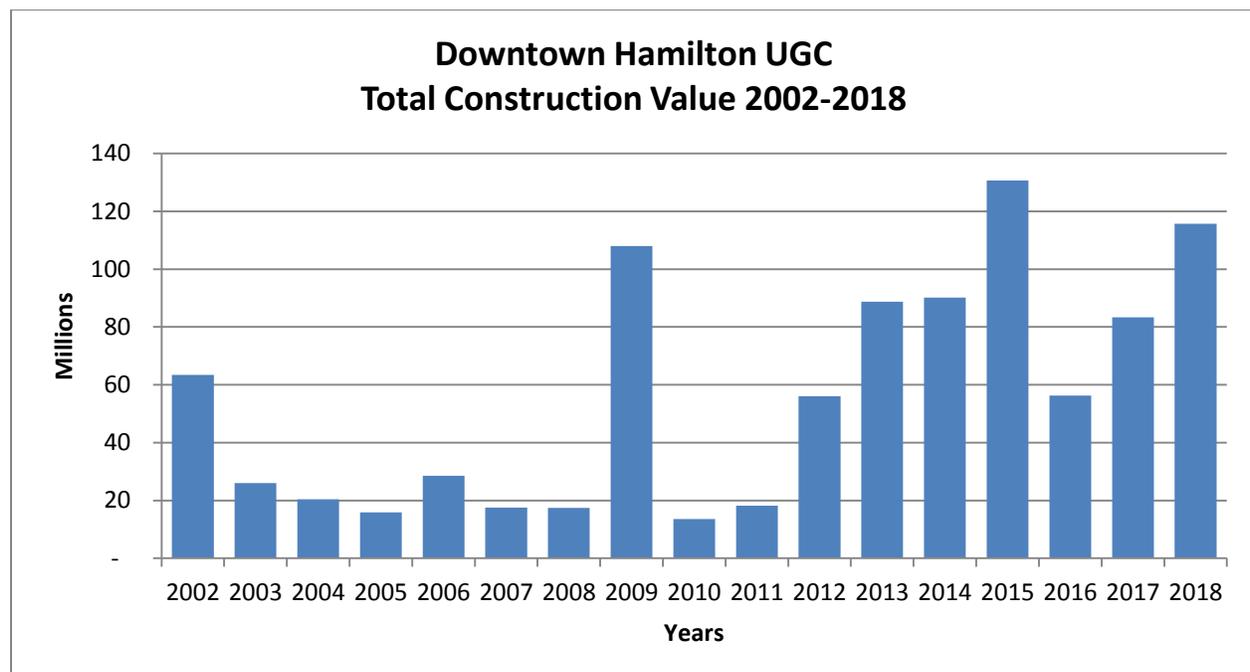
One Application was received in 2016 for a Demolition Permit fee and Building Permit fee totalling \$1,951. The rebate for the Demolition Permit fee in the amount of \$228 was approved and paid in July of 2017. The rebate for the Building Permit fee will be issued in accordance with the terms of the Program. Four additional applications were received in 2017. Three applications were received in 2018. Two of the applications received in 2018 were approved and paid out. A total of \$926 in rebates were paid out in 2018. Rebates will be paid in accordance with the terms of the Program.

This program had been scheduled to expire on December 31, 2018. At its meeting on July 13, 2018, Council adopted recommendations which extended the Program indefinitely.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 20 of 31**

**2018 Downtown Hamilton Building Activity**

Development in the Downtown Hamilton Urban Growth Centre (UGC) continued in 2018, with a total of 194 building permits being issued, representing \$115,731,677 in building permit construction value.<sup>1</sup> The UGC area includes properties within and abutting the block bounded by Hunter Street, Queen Street, Cannon Street and Victoria Avenue, and also includes properties abutting James Street North to the West Harbour GO Train Station and southerly to Charlton Avenue (St. Joseph's Hospital). The construction values from 2002 to 2018 are illustrated in Figure 1.



**Figure 1**

Those developments and improvements valued at \$500 K or greater, and listed below, account for over 88% of the total building permit construction value.

<sup>1</sup>Permits issued for demolition, signs and events are excluded from the reported totals for Downtown Hamilton and the Community Downtowns.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 21 of 31**

---

Developments in the DHCIPA, which includes the Downtown Hamilton UGC are outlined below and total approximately \$126,802,340 in construction value, totalling 296 building permits. Those projects which merit acknowledgment to the building permit construction value reported for 2018 include the following residential and non-residential developments:

- 181 James Street North - To install a sprinkler system and standpipe system to serve the entire building, The Residents at Acclamation;
- 181 James Street North - To construct the superstructure of a sprinklered eight-storey, 71-unit residential building (with basement), The Residents at Acclamation, with parking in the basement and commercial-parking on floors one and two;
- 135 James Street South - Alterations to the existing building for localized concrete repairs for the underground parking structure;
- 100 Main Street East - Alterations to the existing building for installation EIFS cladding, concrete balcony slab repairs and installation of new balcony guards;
- 20 George Street - To construct a sprinklered 25-storey residential tower (Level 8 - 32 and mechanical penthouse) above the existing parking structure;
- 20 George Street - To construct the superstructure of a sprinklered seven-storey, 24,742 m<sup>2</sup> parking garage (with two levels below grade);
- 107 McNab Street North - To construct a three-storey 2,525 m<sup>2</sup> addition to the existing building and to renovate the existing two-storey industrial building;
- 45 Main Street East - Alteration to the existing building for upgrades to HVAC System;
- 280 Barton Street West - To construct the shell only, of a one-storey, 298.4 m<sup>2</sup>, office building;
- 100 King Street West - Alterations to Unit H137 of the commercial building to renovate the TD Bank;
- 101 York Boulevard - Alterations to the existing building for renovations to existing passenger and freight elevators, replacement of seven escalators and installation of a new passenger elevator for First Ontario Centre;
- 180 Bold Street - Alteration to the existing building for parking garage repairs;

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 22 of 31**

---

- 151 Queen Street North - Alteration to the existing building for localized concrete repairs to balconies and building envelope;
- 50 Main Street West - Alteration to the existing building to restore the structural integrity of masonry wall, provide waterproofing protection at the elevated walkway, courtyard and exterior stairway along MacNab Street and to replace the handrail, soffit cladding and lighting;
- 40 Oxford Street - Alteration to the existing building for building envelope and balcony repairs;
- 119 King Street West - Alterations for the replacement of existing roofing and roof anchors;
- 85 King Street East - To install a new sprinkler system to serve the four-storey building (with basement);
- 85 King Street East - Alterations to the interior of the commercial building to convert floors two, three and four to 16 residential units;
- 100 King Street West - Podium deck localized concrete and waterproofing repairs;
- 55 York Boulevard - Alteration of the existing Library to replace window glazing and curtain wall repairs (west, north and east elevation floors two, three, four, five and six) and removal of brise-soleil structures;
- 100 King Street West - Alterations to floors 11 and 12 of the existing commercial building to renovate office, Old Republic;
- 15 Ray Street North - Alterations to the ground floor shell space, of the eight-storey mixed use building, for the interior fit-out of Good Shepherd Administrative Offices;
- 11 King Street East - Alteration to the interior of the existing building for The Alley, Core Urban Inc;
- 120 Cannon Street East - Alterations to the existing warehouse/food bank building for structural repairs of walls and floors.
- 55 John Street North - Alteration to the fourth floor of the existing six-storey commercial building to create office Alectra Utilities; and,

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 23 of 31**

---

- 31 John Street South - Alteration to floors two, three and four of the existing building for interior fit-up of office space.

Building permits were issued for the construction of 326 new residential units in 2018 in the DHCIPA (323 within the UGC), including:

- 230 units at 20 George Street;
- 71 units at 181 James Street North; and,
- 16 units at 85 King Street East.

From 2002 – 2018, building permits have been issued for a total of 3,038 dwelling units in the UGC, providing an average growth of 179 units per year.

**Residential vs. Non-Residential Construction**

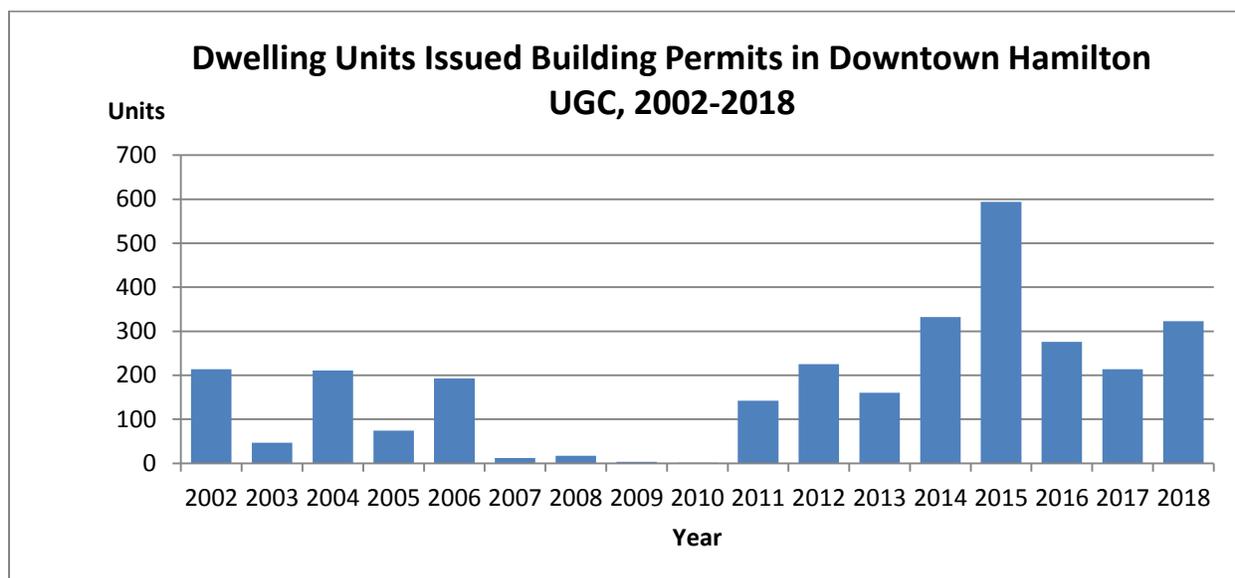
In 2018, residential development values surpassed non-residential development in the Downtown:

UGC Non-residential: 117 permits = \$45,274,100 construction value

UGC residential: 77 permits = \$70,457,577 construction value

Downtown CIPA Non-residential: 153 permits = \$50,147,867 construction value

Downtown CIPA residential: 143 permits = \$76,654,473 construction value



Notes:

- Dwelling units as per the year a building permit was issued;

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 24 of 31**

---

- 2004 includes 108 units in the former Staybridge Suites Hotel, which converted to a retirement residence in 2010;
- 2011 includes 127 units in the new Staybridge Suites Hotel;
- 2012 includes 182 units in the new Hilton Homewood Suites Hotel; and,
- Dwelling units at 14 Mary Street are not included since the project did not proceed even though a building permit was issued in 2001 (62 units) and 2009 (59 units).

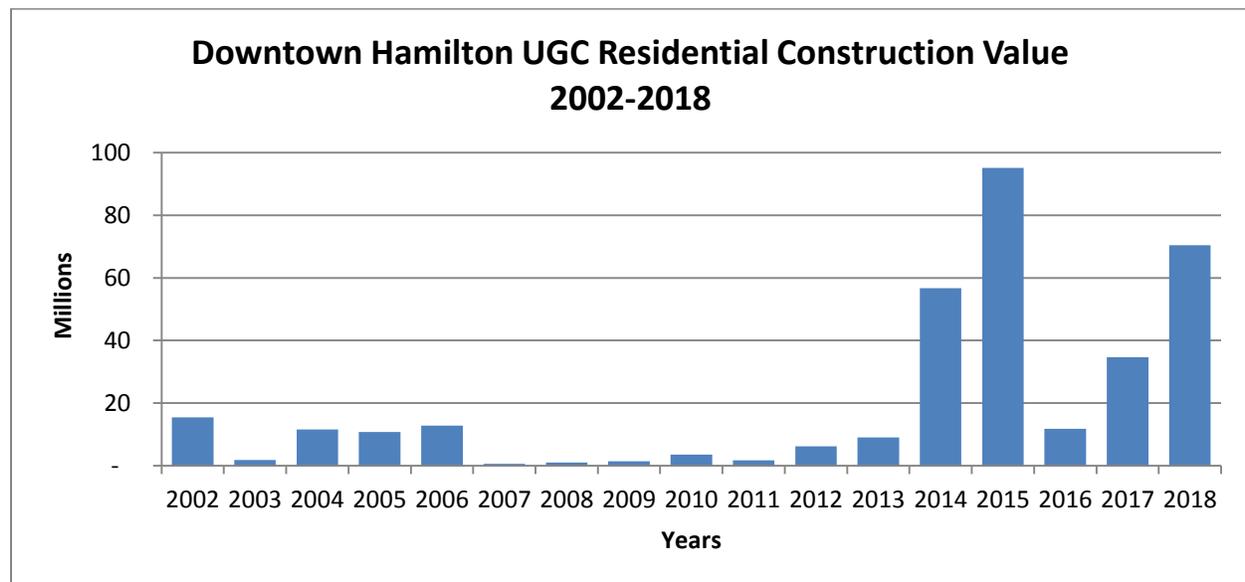
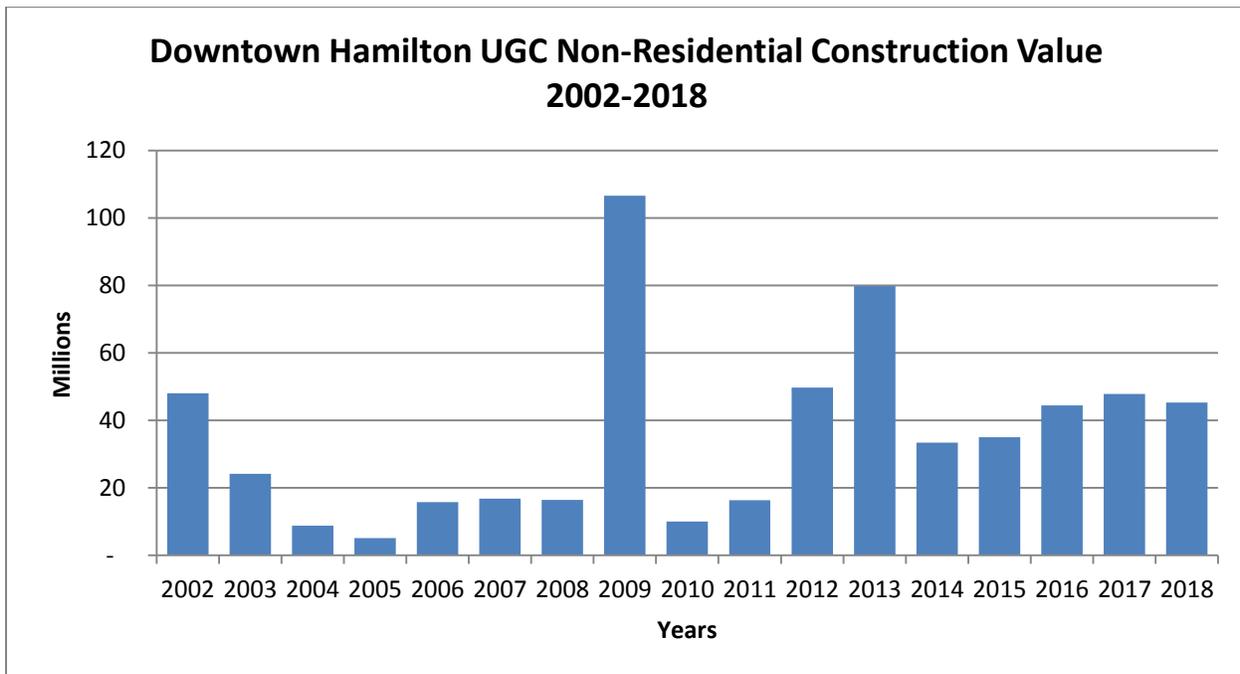


Figure 2

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 25 of 31**



**Figure 3**

There were an additional 75 building permits issued in 2018 within the boundary of the Downtown Hamilton Community Improvement Project Area. They account for an approximately additional \$739 K in building permit construction value in the entire Downtown Hamilton CIPA. Projects in this additional area include construction values which did not generate an increase in overall dwelling unit yield, however, did attribute an increase to non-residential values, which have also been mentioned above.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 26 of 31**

**2018 Community Downtown Building Activity**

Community Downtowns, including Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown and Mount Hope, collectively, had a total of 62 building permits issued in 2018 within their respective community improvement project areas, representing a building permit construction value of approximately \$17.8 M. Growth in these communities was comprised of 67% residential and 33% non-residential. Waterdown had the largest growth out of all the Community Downtowns in 2018 totalling 36% of the total construction values (see Figure 5).



Figure 4

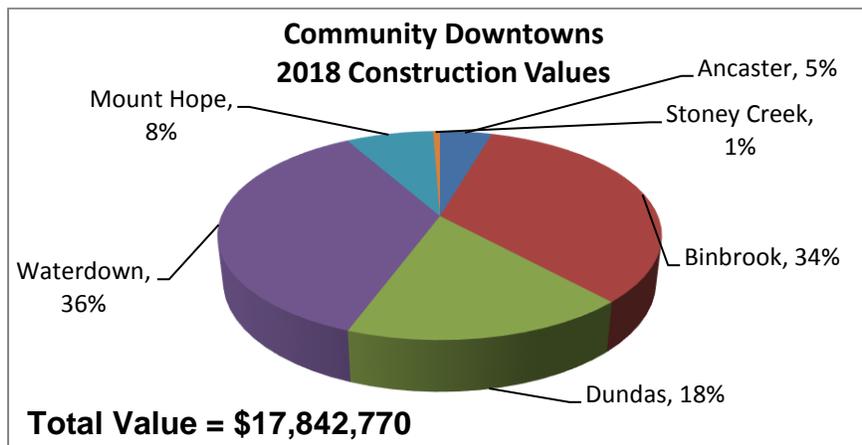


Figure 5

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 27 of 31**

---

Honourable mentions include the following investments in 2018 to the Community Downtowns (\$ construction value):

- \$600 K to construct a one-storey, 231.8 m<sup>2</sup> addition (brewery) to the restaurant building in Ancaster;
- \$5,600 to erect a 36.6 m by 18.3 m enclosed temporary structure for the Binbrook Fair from September 11, 2018, to September 17, 2018;
- \$1.7 M to repair the concrete parking garage of the apartment building in Dundas;
- \$750 K to construct the shell only of a three-storey, (549.9 m<sup>2</sup>, GFA) commercial building in Dundas;
- \$1.06 M to construct a new one-storey sun shelter for Mount Hope Park;
- \$200 K for alterations to the existing church to relocate washrooms in fellowship hall and renovate the kitchen, nursery and basement areas in Mount Hope;
- \$40 K for alterations to establish a 78-seat restaurant in Stoney Creek;
- \$2 M to construct a three-storey, 980 m<sup>2</sup>, ten-unit townhouse block in Waterdown; and,
- \$1.8 M to construct a three-storey building, commercial on the main floor 290.76m<sup>2</sup> (GFA) [Units 1-3] and six dwelling units in Waterdown.

**Urban Renewal Projects Completed in 2018**

**Wayfinding Pilot (Phase 1 and Phase 2):**

In continuation of Phase One of the Comprehensive Wayfinding Project map, graphics for the BIA pedestrian kiosks are being designed for installation in the participating BIA's and printed on long lasting 3 mm sintra medium to reduce replacement costs of the maps. A design workshop was held in 2018 to determine the preferred look for the BIA Points of Interest Maps.

One Phase One pedestrian kiosk was installed in the Downtown in 2018 and the kiosk associated with the West Harbour Go Station was installed permanently. After ongoing negotiations with Metrolinx through 2017, it was decided that installation on site at the two GO stations would be redundant given the Metrolinx Wayfinding Pilot Program. In 2018 new locations for the two kiosks intended for installation in GO stations were determined. These remaining two pedestrian kiosks will be installed in 2019.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 28 of 31**

---

Phase Two Pedestrian kiosk poster side graphics application process was developed in consultation with the participating BIA groups. Keys were provided to allow BIA groups access to change posters. BIA branding “Spend it Here” graphics were printed and installed on the poster side of BIA kiosks in 2018.



Seven out of ten Phase Two pedestrian kiosks were completed in 2017. Two were installed in 2018 with one outstanding installation.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 29 of 31**

**Waterdown Memorial Hall (Front Yard Landscape Plan):**



\*NOTE: THIS ILLUSTRATION IS INTENDED TO CONVEY THE ARTIST'S GENERAL INTENT, WHILE PRESERVING THE INTENT, THE FINAL DESIGN MAY BE SUBJECT TO CHANGE TO REFLECT THE AVAILABLE BUDGET, FINAL MATERIAL SELECTIONS AND PLANT SPECIES.\*

**WATERDOWN MEMORIAL HALL**  
FINAL REVISED CONCEPT

SEPTEMBER 2017



The Waterdown Memorial Hall Landscape Revitalization project went out for tender in 2018, with the successful bidder (Brook Restoration Ltd) to commence construction in April of 2019. The anticipated construction completion date is June 28, 2019.

**OUR Vision:** To be the best place to raise a child and age successfully.

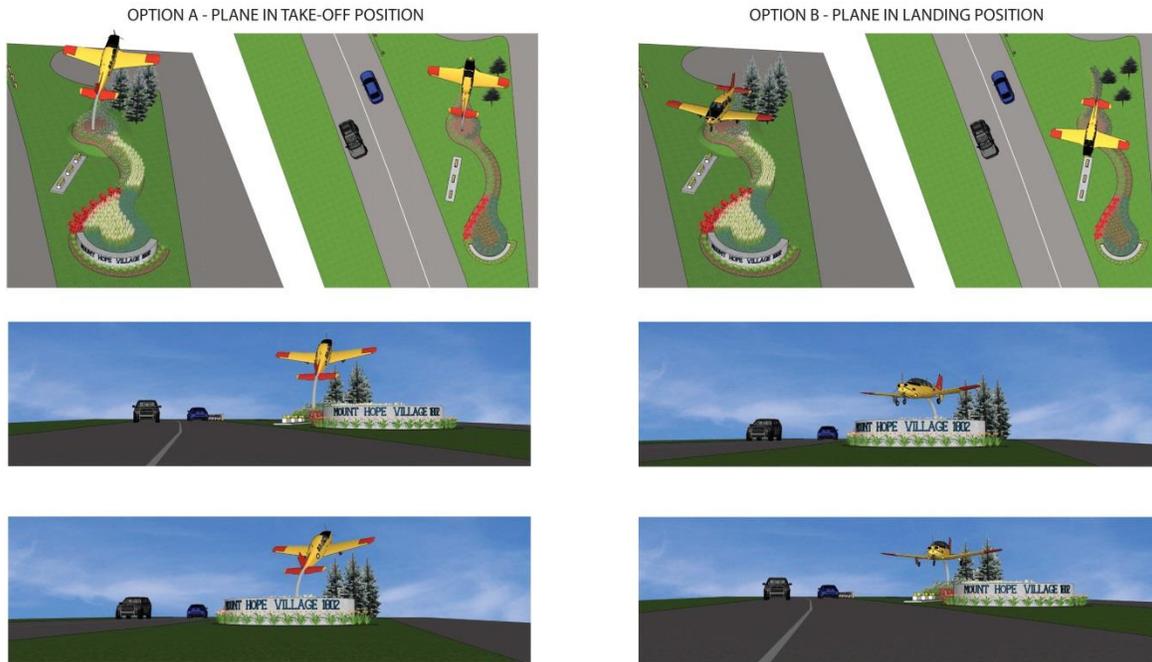
**OUR Mission:** To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

**OUR Culture:** Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 30 of 31**

**Mount Hope Gateway (Landscape Plan):**

As a result of public workshops and strong Mount Hope pride, a Concept Plan for the Mount Hope Gateway was developed throughout 2017. Construction documents and coordination was on-going in 2018. The project is anticipated to go to tender in summer/fall of 2019.



\*NOTE: THIS ILLUSTRATION IS INTENDED TO CONVEY THE ARTIST'S GENERAL INTENT, WHILE PRESERVING THE INTENT, THE FINAL DESIGN MAY BE SUBJECT TO CHANGE TO REFLECT THE AVAILABLE BUDGET, FINAL MATERIAL SELECTIONS AND PLANT SPECIES.\*

**MOUNT HOPE VILLAGE GATEWAY**  
CONCEPT 1

JULY 2017

landscape planning  
LANDSCAPE ARCHITECTS

OUR Vision: To be the best place to raise a child and age successfully.  
 OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.  
 OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED19085) (City Wide) - Page 31 of 31**

**Locke Street Gateway:**

Four revised concept designs were prepared in coordination with the Locke Street BIA, based on the functional plans prepared by the Public Works Department for the Locke Street improvements, (concept sketches below). A decision was not made by the Locke Street BIA related to the proposed concept designs in 2018, and a placeholder for a future entrance marker for the community was built into the Public Works project at the south west corner of Jackson Street.

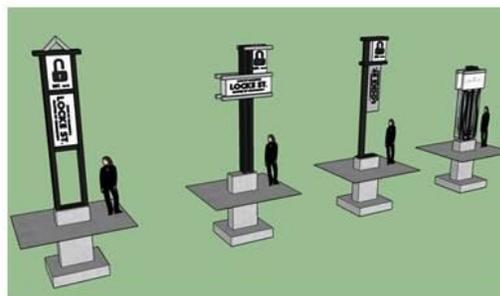


Jackson St S Gateway  
– interim concept development



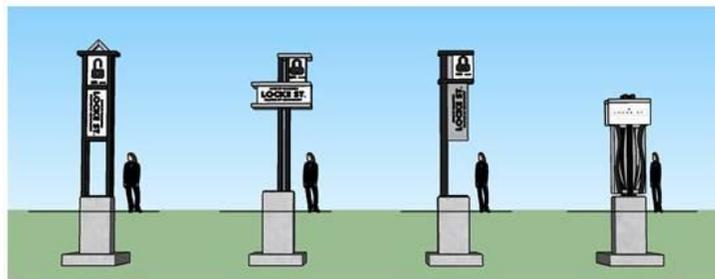
Stanley Ave Gateway  
– interim concept development

## Locke Street Gateway: 2018 Concepts



Concept Priorities:

- Maintain Clear Sightlines
- Clean Lines to Reduce Visual Clutter
- Frame the Streetscape
- Accommodate Current and Future BIA Branding
- Provide Social Media Photo Opportunities

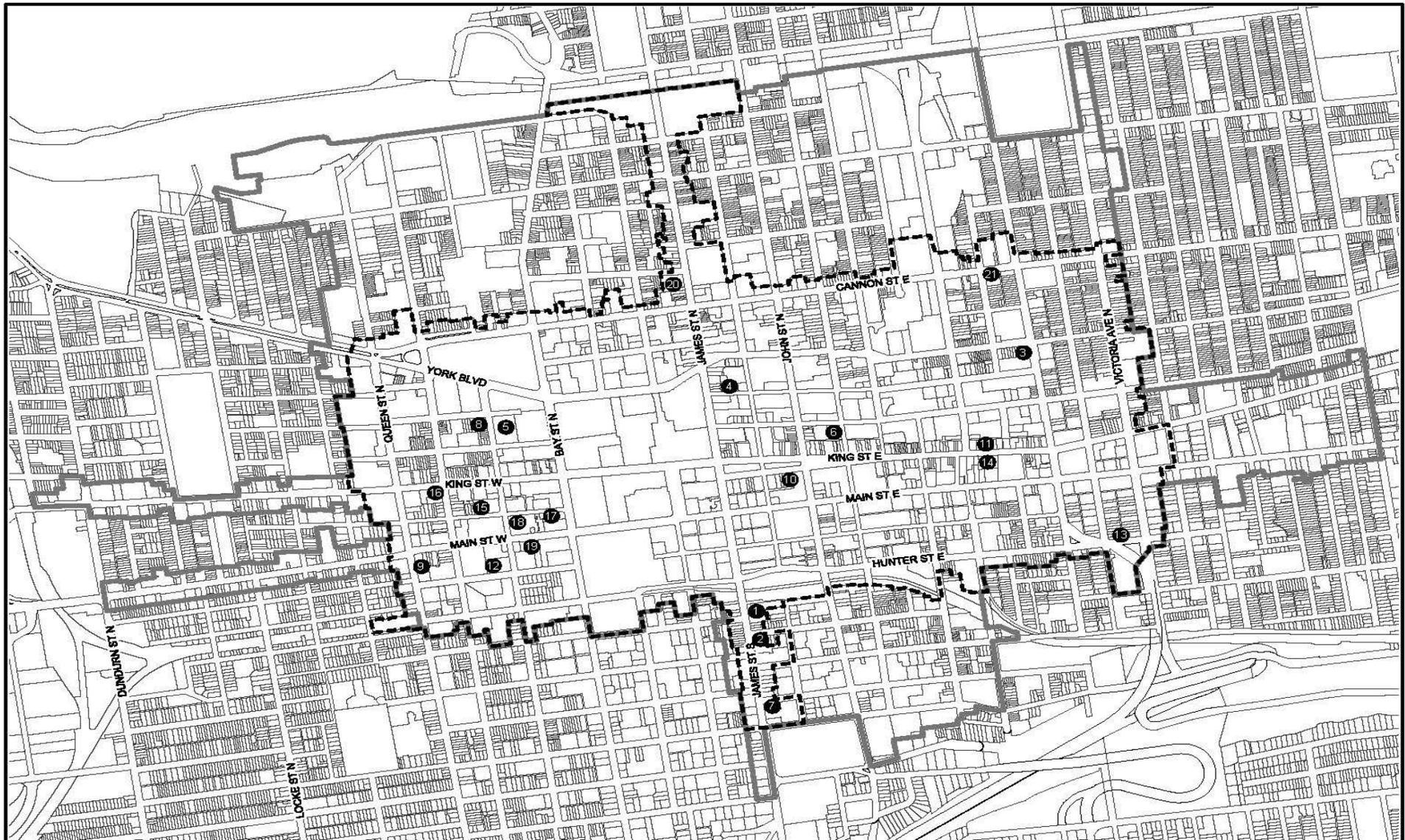


Concepts refined as per PW resurfacing project  
– based on improving visibility and to match footing style included in the tender documents

## APPENDICES AND SCHEDULES ATTACHED

Appendix “A”-Location Map  
Appendix “B”-Location Map

CG/LB/MP:sd



- |                        |                         |                             |                           |                      |
|------------------------|-------------------------|-----------------------------|---------------------------|----------------------|
| 1 135 James St. S.     | 6 80 King William St.   | 11 269 - 271 King St. E.    | 16 275 King St. W.        | 21 220 Cannon St. E. |
| 2 155 James St. S.     | 7 4 Forest Av.          | 12 170 - 176 Jackson St. W. | 17 40 Bay St. S.          |                      |
| 3 91 Wellington St. N. | 8 47 Caroline St.       | 13 289 Hunter St. E.        | 18 150 Main St. W.        |                      |
| 4 11 Rebecca St.       | 9 215 - 231 Main St. W. | 14 260 King St. E.          | 19 137 - 149 Main St. W.  |                      |
| 5 118 Market St.       | 10 66 - 68 King St. E.  | 15 68 George St.            | 20 179 - 191 James St. N. |                      |

Date: February 2017  
  
 NOT TO SCALE

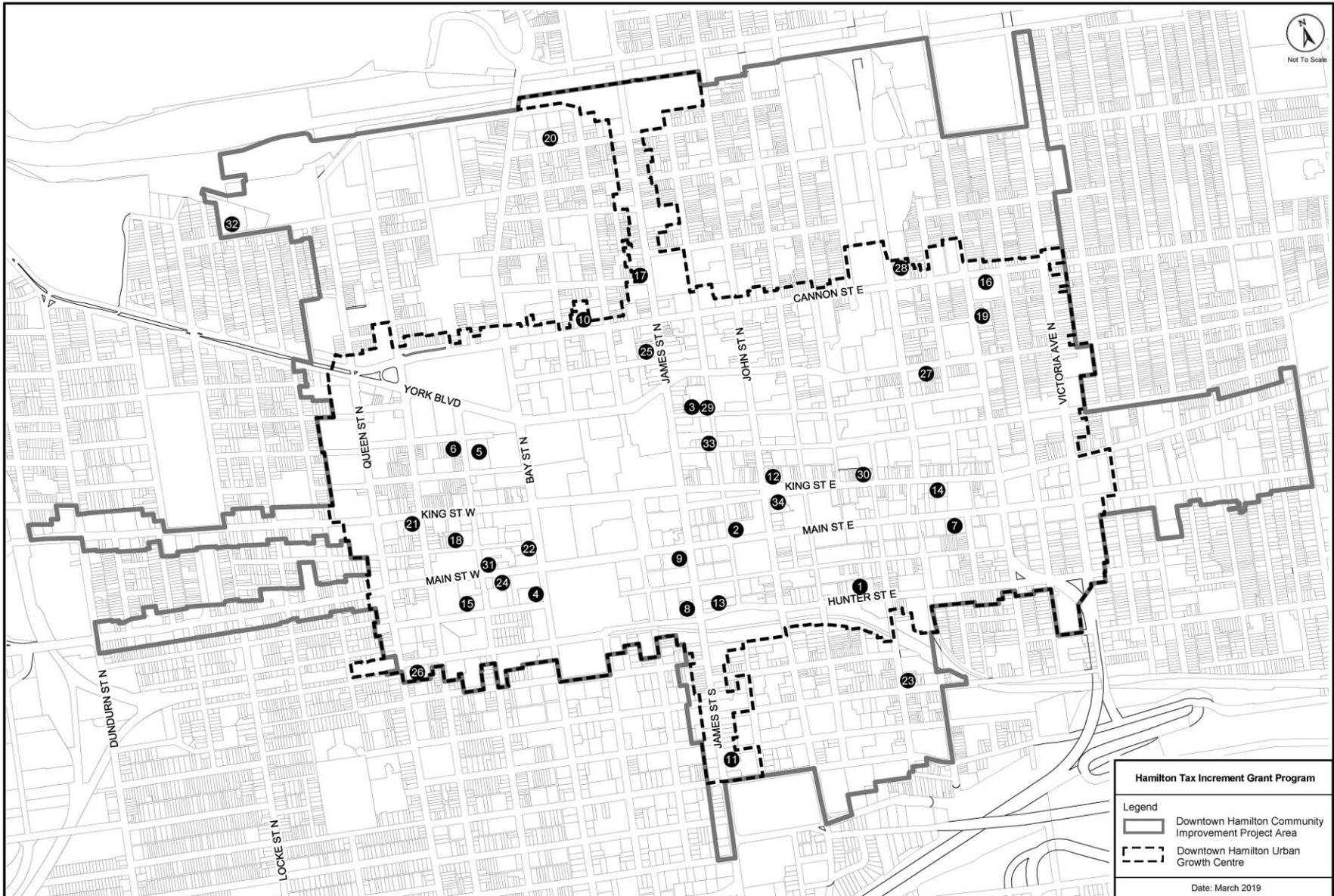
**Hamilton Downtown Multi-Residential Property Investment Program Developments**

Legend

- Downtown Hamilton Community Improvement Project Area
- Downtown Hamilton Urban Growth Centre



Appendix "B" to Report PED19085  
Page 1 of 1



- |                     |  |                           |                              |   |                           |
|---------------------|--|---------------------------|------------------------------|---|---------------------------|
| 1 135 Hunter St. E. | 7 210 Main St. E.                            | 12 89 King St. E.         | 18 68 George St.             | 24 137-147 Main St. W.                        | 29 69 Hughson St. N.      |
| 2 33 Main St. E.    | 8 100-110 James St. S.                       | 13 1 Hunter St. E.        | 19 130-134 Wellington St. N. | 25 121-123 James St. N.                       | 30 193 King St. E.        |
| 3 11 Rebecca St.    | 9 1 Main St. W.                              | 14 260-280 King St. E.    | 20 50 Murray St. W.          | 26 205 Hunter St. W.                          | 31 150 Main St. W.        |
| 4 66 Bay St. S      | 10 52 Cannon St. W.                          | 15 170-176 Jackson St. W. | 21 275 King St. W.           | 27 180-188 Wilson St.                         | 32 290 Barton St. W.      |
| 5 118 Market St.    | 11 207-211 James St. S./<br>4-14 Forest Ave. | 16 232 Cannon St. E.      | 22 40 Bay St. N              | 28 181 Cannon St. E.<br>(162 Ferguson Av. N.) | 33 31-39 King William St. |
| 6 47 Caroline St.   |  | 17 193-197 James St. N.   | 23 147-157 Walnut St. S.     |   | 34 112 King St. E.        |





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2019
<b>SUBJECT/REPORT NO:</b>	Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 212 King William Street, ERG-17-04 (PED19094) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	Karol Murillo (905) 546-2424 Ext. 7859
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application - ERG-17-04, submitted by Rose Hamilton Home Inc., owner of the property at 212 King William Street, Hamilton, for an ERASE Redevelopment Grant not to exceed \$4,803,684, the actual cost of the remediation over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to effect Recommendation (a) of Report PED19094, in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 212 King William Street, ERG-17-04 (PED19094) (Ward 2) - Page 2 of 8**

---

Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

## **EXECUTIVE SUMMARY**

An Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application was submitted by Rose Hamilton Homes Inc., the owner of the property located at 212 King William Street, Hamilton. A Phase One Environmental Site Assessment (ESA), was undertaken in 2017 to determine if there were Potentially Contaminating Activities (PCAs) on the site that could result in an Area of Potential Environmental Concern (APEC).

The site was defined as approximately 0.28 ha (0.70 ac) and is located on the south side of King William Street between Ferguson Avenue North and Jarvis Street. The Phase One ESA revealed that the historical on-site operations were considered a potential contaminating activity that may have resulted in an area of potential environmental concern. The site was historically occupied by an automotive repair shop, gasoline service station, auto parts store, commercial trucking company and a manufacturing facility.

Subsequently, a Phase Two ESA was completed in 2017. The Phase Two ESA included the collection of groundwater samples from new and existing monitoring wells. The result was evidence establishing the lateral and vertical limits of the contaminants of concerns (COCs) in both the soil and groundwater on the site in accordance with O. Reg. 153/04.

The grant application is for \$4,803,684 in eligible environmental site remediation. The proposed redevelopment of this site will include a new 14-storey mixed-use commercial and residential building consisting of 493 sq m of commercial space with 266 residential units and 135 parking spaces.

Project construction costs are estimated at \$30,652,000. It is estimated that the proposed development will increase the property assessment from the pre-development value of \$1,068,957 (CT - Commercial) to approximately \$97 M (RT – Residential, XT – Commercial, New Construction). This will increase total annual property taxes generated by this property from \$34,839.13 to \$1,263,903.42 an increase of approximately \$1,229,064.29. The municipal portion of this increase is \$1,057,491.71 of which 80% or approximately \$845,993.37 would be paid to the owner in the form of an annual grant over a maximum of ten years or up to an amount not to exceed total estimated eligible costs for an ERASE Redevelopment Grant of \$4,803,684.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 212 King William Street, ERG-17-04  
(PED19094) (Ward 2) - Page 3 of 8**

---



*Existing Conditions - 212 King William Street, Hamilton (March 2019)*

**Alternatives for Consideration – See Page 7**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** As per the ERASE Redevelopment Grant Program (RGP), the City will provide the applicant with a grant equivalent to 80% of the increase in municipal taxes up to the total eligible cost figure of \$4,803,684. Based on an annual grant amount of \$845,993.37 the ten-year grant will be reached by year six when it reaches the maximum grant amount of \$4,803,684. The City will realize the full tax increase after year six.

The City will retain 20% of the municipal tax increment estimated at \$211,498.34 a year for six years. These monies will be deposited into the Brownfield Pilot Project Account – Project No. 3620155102 - to be used by

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 212 King William Street, ERG-17-04 (PED19094) (Ward 2) - Page 4 of 8**

---

the City for its Municipal Acquisition and Partnership Program (MAPP). This Program, as approved in the ERASE Community Improvement Plan (CIP), involves the City acquiring key Brownfield sites, cleaning up and redeveloping property it already owns, or participating in public/private partnerships to redevelop Brownfield properties.

**Staffing:** Applications and loan/grant payments under the ERASE RGP are processed by the Economic Development Division and Taxation Division. There are no additional staffing requirements.

**Legal:** The provision of the ERASE RGP is authorized in the ERASE CIP which was adopted and approved in 2001 and the expansion of the original plan in 2005, 2010 and 2018 under Section 28 of the *Planning Act*. The ERASE Redevelopment Agreement will specify the obligations of the City and the applicant and will be prepared in a form satisfactory to the City Solicitor.

## **HISTORICAL BACKGROUND**

The site is located in Downtown Hamilton in a residential/commercial area. The site is approximately 0.28 ha (0.7 ac) and is bounded by King William Street to the north, Jarvis Street to the east, a commercial building and parking lot to the south and Ferguson Avenue to the west. The site is currently occupied by a vacant single-storey brick building, located on the western portion of the site and a small wooden parking hut in the north-central portion of the site. The remainder of the site is comprised of an asphalt commercial surface parking area.

The site was historically occupied by warehousing, manufacturing, commercial trucking, and various commercial sale businesses and suppliers. In addition, a vehicle repair garage and gasoline service station with an underground fuel storage tank (UST) was located on the eastern portion of the site.

A Phase One ESA indicated six PCAs on the Phase One Property. The Phase One ESA also identified other potential environmental concerns on the Phase One Property that were not PCAs listed in Table 2 of Schedule D of O.Reg. 153/04 but were interpreted to result in an APEC. Each of the PCAs and the other potential environmental concerns identified on the Phase One Property were considered to result in an APEC. It was recommended that a Phase Two ESA was required to assess APECs on the site and before a Record of Site Condition (RSC) could be filed.

The recommended Phase Two ESA were completed in 2017. The results of the Phase Two ESA identified COCs in the soil and groundwater on the Site. The results of the sampling and analysis identified contamination at concentrations above the applicable

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 212 King William Street, ERG-17-04  
(PED19094) (Ward 2) - Page 5 of 8**

---

Ontario Ministry of the Environment (MOE) Table 3 Site Condition Standards (SCSs) for residential land use and coarse textured soil. The COCs identified in soil on the site included metals, arsenic, mercury, multiple polycyclic aromatic hydrocarbons, electrical conductivity, sodium adsorption ration and tetrachloroethylene (PCE). The COCs in groundwater included PCE, trichloroethylene and cis-1, and 2-DCE.

To accomplish the removal of the groundwater and soil contamination, a Remedial Action Plan (RAP) was developed based on the results of the Phase Two ESA of the site. The preferred remedial action plan will involve modified generic risk assessment (MGRA) approach which will include risk management measures, well decommissioning, remedial excavations to remove the contaminated soil to be conveyed offsite to licensed facilities for disposal and treatment. The contaminated soil is estimated at 14,000 m<sup>3</sup> or 28,000 t. The results of the soil remediation activities will be observed and documented in an excess soil management plan.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Urban Hamilton Official Plan**

The subject lands are municipally known as 212 King William Street, Hamilton are designated as “Mid-rise” on Schedule E – Urban Structure Land Use Designation. This designation permits a full range of retail, service commercial, entertainment, accommodation and residential accommodation at a moderate scale, to which the proposed use complies. The site and designation are within an area currently under appeal to the Local Planning Appeal Tribunal (LPAT).

### **Hamilton Zoning By-law No. 05-200**

The subject property is zoned “D3”. The D3 – Downtown Mixed Use - zoning permits a variety of permitted uses such as dwelling units, commercial entertainment, conference or convention centre, educational establishments, medical clinics, office, studio, places of worship, and retail. It also permits a variety of personal services, catering services and a wide range of commercial uses (parking facility, recreation, school and garden).

### **Site Plan Control Application**

The subject lands were granted Conditional Site Plan Control (SPA-18-136) on September 18, 2018.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 212 King William Street, ERG-17-04  
(PED19094) (Ward 2) - Page 6 of 8**



*212 King William Street, Hamilton – Conditional Site Plan Approval Rendering, September 2018*

## RELEVANT CONSULTATION

- Corporate Services, Financial Services Division, Tax Administration/Banking Section; and,
- Corporate Services, Legal Services Division, Legal Services Section.

## ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The 2019 assessed value is \$1,068,957 and the property is classed as Commercial (CT). The ERASE RGP will be calculated as follows:

Grant Level:		80%
Total Eligible Costs (Maximum):	\$	4,803,684
Pre-project CVA: (CT - Commercial)	\$	1,068,957 Year: 2019

OUR Vision: To be the best place to raise a child and age successfully.  
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.  
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 212 King William Street, ERG-17-04  
(PED19094) (Ward 2) - Page 7 of 8**

Municipal Levy:	\$	23,111.71
Education Levy:	\$	<u>11,727.42</u>
Pre-project Property Taxes	\$	34,839.13
* <b>Estimated</b> Post-project CVA: (RT – Residential, XT – Commercial, New Construction)	\$	97,000,000
Total Estimated Ten-Year Grant (Maximum):	\$	4,803,684
** <b>Estimated</b> Municipal Levy:	\$	1,080,603.42
** <b>Estimated</b> Education Levy:	\$	<u>183,300</u>
** <b>Estimated</b> Post-project Property Taxes:	\$	1,263,903.42

\*The actual roll number(s), assessed values, tax classification(s) and value partitioning (where applicable) to be determined by the Municipal Property Assessment Corporation

\*\*2018 tax rates used for calculation of estimated post-development property taxes.

Municipal Tax Increment = Post-project Municipal Taxes (actual) minus Pre-project Municipal Taxes

“Grant Payment in Year One” (first full calendar year after re-valuation of the completed and occupied project by the Municipal Property Assessment Corporation) or the “Initial Grant Payment” = Municipal Tax Increment times 80%.

## **ALTERNATIVES FOR CONSIDERATION**

The grant application meets the eligibility criteria and requirements of the program. In the event the project is not considered for the program, the application should be referred back to staff for further information on possible financial or legal implications.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Environmental Remediation and Site Enhancement (ERASE)  
Redevelopment Grant Application, 212 King William Street, ERG-17-04  
(PED19094) (Ward 2) - Page 8 of 8**

---

**APPENDICES AND SCHEDULES ATTACHED**

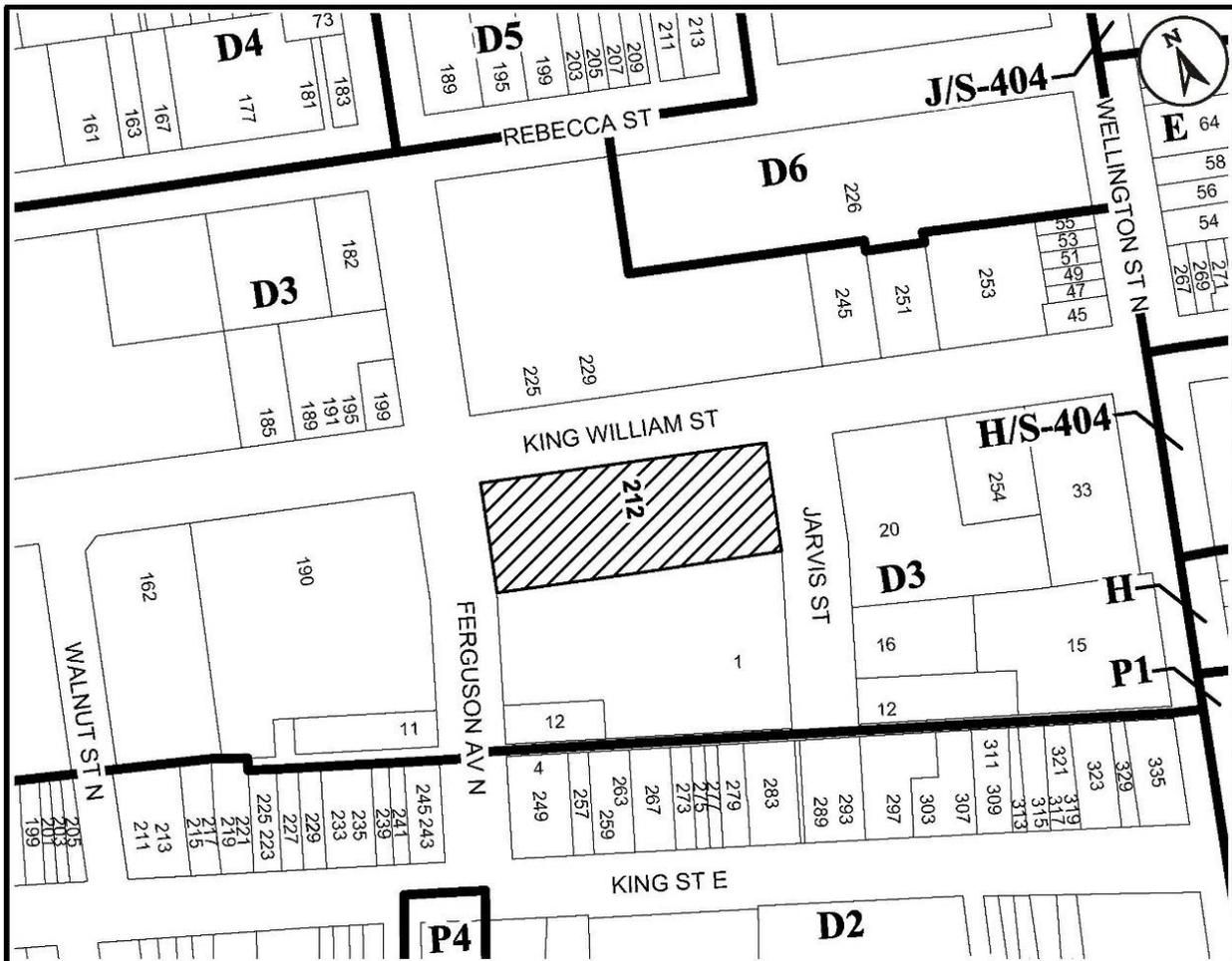
Appendix "A"-Location Map

KM/sd

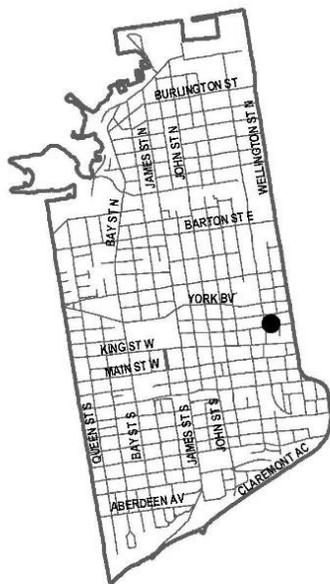
---

OUR Vision: To be the best place to raise a child and age successfully.  
OUR Mission: To provide high quality cost conscious public services that contribute to a healthy,  
safe and prosperous community, in a sustainable manner.  
OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service,  
Engaged Empowered Employees.

Appendix "A" to Report PED19094



● Site Location



Key Map - Ward 2

N.T.S.



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
212 King William St

Date:  
March 28, 2019

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
KM/AL

### Subject Property

212 King William Street



Hamilton

**MAYOR'S BLUE RIBBON TASK FORCE ON WORKFORCE  
DEVELOPMENT  
REPORT 19-001**

**Tuesday, March 26, 2019**

**2:30 p.m.**

**Room i131, Mohawk College**

**Present:** Ron McKerlie, President, Mohawk College, Chair  
 Mayor F. Eisenberger  
 Monique Biancucci, ArcellorMittal  
 Cesare DiDonato, Industry Education Council Hamilton  
 Terry Kotwa, Tiercon  
 Keanin Loomis, Hamilton Chamber of Commerce  
 Judy Travis, Workforce Planning Hamilton

**Absent  
with Regrets:** Councillor T. Whitehead – City Business  
 Maria Clark, Maple Leaf Foods  
 David Farrar, Provost, McMaster University  
 Darren Green, USWA 5328, Hamilton Area Steelworkers Council  
 Zoltan Tanacs, National Steel Car  
 Richard Sexton, Copley Ltd. (Retired)

**THE MAYOR'S BLUE RIBBON TASK FORCE ON WORKFORCE DEVELOPMENT  
PRESENTS REPORT 19-001 AND RESPECTFULLY RECOMMENDS:**

- 1. Appointment of Chair and Vice Chair (Item 1)**
  - (a) That Ron McKerlie be appointed as Chair of the Mayor's Blue Ribbon Task Force on Workforce Development for this last meeting; and,
  - (b) That Keanin Loomis be appointed as Vice-Chair of the Mayor's Blue Ribbon Task Force on Workforce Development for this last meeting.
  
- 2. Mayor's Blue Ribbon Task Force Next Steps (Item 7.1)**
  - (a) That the Mayor's Blue Ribbon Task Force on Workforce Development be disbanded; and,

- (b) That annual reports on workforce development be included within the Business Development Annual Report.

**FOR INFORMATION:****(a) WELCOME AND INTRODUCTIONS (Item 2)****(i) Opening remarks from Ron McKerlie, President of Mohawk College**

Ron McKerlie welcomed the Committee.

**(b) CHANGES TO THE AGENDA (Item 3)**

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

The agenda for the March 26, 2019 meeting of the Mayor's Blue Ribbon Task Force on Workforce Development, was approved as presented.

**(c) DECLARATIONS OF INTEREST (Item 4)**

There were no declarations of interest.

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 5)****(i) April 19, 2018 (Item 3.1)**

Monica Biancucci advised that her name was missing from the list of attendees in the Minutes of the meeting of April 19, 2018.

The Minutes of the April 19, 2018 Mayor's Blue Ribbon Task Force on Workforce Development meeting were approved, as amended.

**(e) PRESENTATIONS (Item 6)****(i) Mayor's Blue Ribbon Task Force on Workforce Development Progress Report (Item 6.1)**

Norman Schleeahn, Manager, Business Development, City of Hamilton, addressed the Committee respecting the Mayor's Blue Ribbon Task Force on Workforce Development Progress Report, with the aid of a PowerPoint presentation.

The Presentation from Norman Schleeahn, Manager, Business Development, City of Hamilton, respecting the Mayor's Blue Ribbon Task Force on Workforce Development Progress Report, was received.

A copy of the presentation is available on the City of Hamilton Website at [www.hamilton.ca](http://www.hamilton.ca), or through the Office of the City Clerk.

**(ii) Update on MAGNET Initiative**

Keanin Loomis and Cassandra D'Ambrosio, Hamilton Chamber of Commerce, addressed the Committee respecting an update on the MAGNET initiative.

The Presentation from Keanin Loomis and Cassandra D'Ambrosio, Hamilton Chamber of Commerce respecting an update on the MAGNET initiative, was received.

**(f) GENERAL INFORMATION/OTHER BUSINESS (Item 10)**

**(i) New Career Resources for Youth Initiative (Item 10.1)**

Cesare DiDonato, Industry Education Council Hamilton, addressed the Committee respecting a new initiative in partnership with Edge Factor on developing career resources for youth.

**(g) ADJOURNMENT (Item 12)**

There being no further business, the Mayor's Blue Ribbon Task Force on Workforce Development, was adjourned at 3:35 p.m.

Respectfully submitted,

Ron McKerlie, Chair  
Mayor's Blue Ribbon Task Force on  
Workforce Development

Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Financial Planning, Administration and Policy Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2019
<b>SUBJECT/REPORT NO:</b>	Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	John Savoia (905) 546-2424 Ext. 7298
<b>SUBMITTED BY:</b>	Brian McMullen Acting General Manager, Financial Planning and Policy Corporate Services Department
<b>SIGNATURE:</b>	

## RECOMMENDATIONS

- (a) That the financing strategy for Disaster Mitigation and Adaptation Fund projects with a gross project cost of \$31.85 M and the City's municipal share:
- (i) of \$18.48 M for Shoreline Protection Measures Project, as detailed in Appendix "A" to Report FCS19038, be approved;
  - (ii) of \$0.63 M for Combined Sewer Overflow Backflow Prevention Project of equal contributions from the Wastewater Reserve (108005) and Storm Reserve (108010) be approved;
- (b) That staff be authorized and directed to forward to the Government of Canada correspondence setting out the City of Hamilton's share of the Disaster Mitigation and Adaptation Fund in the total amount of \$19.11 M approved through the funding sources identified in recommendation (a) to Report FCS19038, as evidence that all project funding, other than the federal contribution under Disaster Mitigation and Adaptation Fund, has been secured;
- (c) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of funding from the Government of Canada's Disaster Mitigation and Adaptation Fund for the Shoreline Protection Measures Project and the Combined Sewer Overflow Backflow Prevention Project.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038)  
(City Wide) – Page 2 of 7**

---

**EXECUTIVE SUMMARY**

In May 2018, the Government of Canada announced the launch of the Disaster Mitigation and Adaptation Fund (DMAF), a 10-year, \$2 B national program to assist communities to better withstand current and future risks of climate change. For municipal projects, DMAF will fund 40% of the eligible costs for approved projects, with the remaining costs to be funded by the municipality.

In December 2018, Council endorsed the submission of two project applications seeking a combined \$62.9 M in grant funding from the DMAF for projects with a gross cost of \$157.38 M (refer to Report PW18097). As a financing strategy to fund the City's share was not identified, staff was directed to report back to the General Issues Committee to seek approval of a financing strategy for the City's portion should the City be approved for funding under the DMAF program.

On April 4, 2019, Infrastructure Canada announced the approval of the City's Shoreline Protection Resilience project submission with a total project cost of \$31.85 M, with 40% federal funding of \$12.74 M from the DMAF and the City to fund \$19.11 M (refer to Appendix "C" to Report FCS19038).

The \$31.85 M Shoreline Protection Resilience Project consists of two components:

- a) \$30.8 M Shoreline Protection Measures Project: implement protection measures to increase City-wide shoreline resiliency across 33 locations with construction to occur from 2020 to 2027.
- b) \$1.05 M Combined Sewer Overflow Backflow Prevention Project: to install back-flow devices at four Combined Sewer Overflow (CSO) outlets to be completed between 2020 to 2025.

The DMAF federal funding was not incorporated into the City's 2019 Capital Budget Financing Plan and as such, Report FCS19038 seeks Council's approval for the recommended financing plan to fund the City's share of the Shoreline Protection Resilience Project that will receive funding from the DMAF.

The letter from the Minister of Infrastructure and Communities of Canada, dated April 2, 2019, requires that the City provide the Government of Canada with evidence that all project funding, other than the federal contribution under DMAF, has been secured (refer to Appendix "B" to Report FCS19038).

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038)  
(City Wide) – Page 3 of 7**

---

The municipal share of DMAF Shoreline Protection Measures Project of \$18.48 M is recommended to be funded from contributions from the operating budget through a revised financing plan for select 2019 capital projects. The primary funding source of select projects in the 2019 approved capital budget was contribution from the operating budget. This funding source will be replaced with incremental financing from the Federal Gas Tax Fund (GTF) as announced in March 2019. Appendix “A” to Report FCS19038 identifies several 2019 approved projects, initially financed from contributions from the tax operating budget, that will be financed from incremental Federal GTF.

As announced in March 2019, the doubling of the Federal GTF provides the City with \$32.6 M for infrastructure projects. While the Federal GTF cannot be used to fund more than 40% of DMAF projects under the terms of DMAF, these federal funds can be used for other projects and the financing sources of these projects (i.e. contributions from the operating budget can be appropriated to the DMAF projects).

The municipal share for DMAF Combined Sewer Overflow Backflow Prevention Project of \$0.63 M is recommended to be funded equally from the Wastewater Reserve (108005) and Storm Reserve (108010).

**Alternatives for Consideration – See Page 5**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** As detailed in Appendix “A” to Report FCS19038, allocating incremental Federal Gas Tax funding to projects that had been previously approved with contributions from the tax operating budget would allow this tax funding to be transferred to fund the City’s municipal share of the Shoreline Protection Measures Project of \$18.48 M that will receive funding from the DMAF.

The municipal share for DMAF Combined Sewer Overflow Backflow Prevention Project of \$0.63 M is recommended to be funded equally from the Wastewater Reserve (108005) and Storm Reserve (108010).

**Staffing:** N/A

**Legal:** The City will be required to enter into a contribution agreement with the Federal Government to receive the DMAF grant. The contribution agreement will encompass the terms and conditions of the DMAF program.

It is anticipated that the contribution agreement will require the City to pass a dedicated by-law that confirms authority to execute all documents / agreements relating to DMAF and to evidence the source of the City’s funding contribution to the project. For that reason, authority is sought for the City Solicitor to prepare, for consideration of Council, the necessary by-laws.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038)  
(City Wide) – Page 4 of 7**

---

**HISTORICAL BACKGROUND**

In April 2018, Council directed staff to undertake a comprehensive study of the Lake Ontario and Hamilton Harbour shorelines, from the lift bridge to the eastern boundary of Confederation Park and the shoreline from Bayfront Park to Cootes, to determine options and costs to protect City lands and residents from extreme storm events and identify possible external funding sources.

In May 2018, the Government of Canada announced the launch of the Disaster Mitigation and Adaptation Fund (DMAF), a 10-year, \$2 B national program to assist communities to better withstand current and future risks of climate change. DMAF will support large-scale infrastructure projects with a minimum cost of \$20 M.

Eligible recipients for DMAF funding include Canadian provinces or territories, municipal / regional governments, authorized Canadian post-secondary institutions, not-for-profit organizations and eligible Indigenous groups. For municipal projects, DMAF will fund 40% of the eligible costs for approved projects, with the remaining costs to be funded by the municipality.

In December 2018, Council endorsed the submission of two project applications seeking a combined \$62.9 M in grant funding from the DMAF. As a financing strategy to fund the City's share was not identified, staff was directed to report back to the General Issues Committee to seek approval of a financing strategy for the City's portion should the City be approved for funding under the DMAF program.

On April 4, 2019, Infrastructure Canada announced the approval of the City's Shoreline Protection Resilience Project submission with a total project cost of \$31.85 M, with 40% federal funding of \$12.74 M from the DMAF and the City to fund \$19.11 M.

The \$31.85 M Shoreline Protection Resilience Project consists of two components:

- a) \$30.8 M Shoreline Protection Measures Project: implement protection measures to increase City-wide shoreline resiliency across 33 locations with construction to occur from 2020 to 2027. Emergency repairs were completed in 2018 following significant impacts resulting from extreme storm weather conditions experienced in 2017 and 2018.
- b) \$1.05 M Combined Sewer Overflow Backflow Prevention Project: to install back-flow devices at four Combined Sewer Overflow (CSO) outlets to prevent inflow infiltration from high lake levels as the result of extreme storm events, with the following implementation timeline:

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038)  
(City Wide) – Page 5 of 7**

---

- Bayfront CSO outlet – 2020
- Wellington CSO outlet – 2021
- Eastwood CSO outlet – 2023
- Catherine CSO outlet – 2025

The installation of back-flow devices along the City's sewer system outlets will reduce the risk of shoreline and basement flooding, as well as, decrease storm impacts on the City's wastewater infrastructure.

A contribution agreement will be provided to the City once it has provided the Government of Canada with evidence that the City's share of \$19.11 M has been secured. The DMAF federal funding was not incorporated into the 2019 Capital Budget Financing Plan and as such, Report FCS19038 seeks Council's approval for the recommended financing plan to fund the City's share of the Shoreline Protection Resilience Project that will receive funding from the DMAF.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

None identified.

**RELEVANT CONSULTATION**

Public Works has been consulted and supports the recommendations in Report FCS19038.

Corporate Services Department – Legal Services Division has been consulted in the preparation of Report FCS19038.

**ANALYSIS AND RATIONALE FOR RECOMMENDATIONS**

The projects submitted as part of the DMAF federal funding were not incorporated into the 2019 Capital Budget Financing Plan and as such, a financing strategy had not been developed to fund the required City's share for the projects that have received approval under the aforesaid grant program. The Shoreline Protection Resilience Project has a total project cost of \$31.85 M, with 40% federal funding of \$12.74 M from the DMAF and the City to fund \$19.11 M. Of the \$19.11 M, \$0.63 M will be funded by the Rate Supported Budget and the remainder from the Tax Supported Budget. Under the terms of DMAF, federal funding from all sources cannot exceed 40% of the project's total eligible costs.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038)  
(City Wide) – Page 6 of 7**

---

On March 19, 2019, the Federal budget was tabled which included a commitment of an additional \$2.2 B to be provided to municipalities via the Federal Gas Tax Fund (GTF). This one-time top-up will provide additional support for municipalities that face infrastructure deficits to support improved productivity, economic growth and a clean environment. For 2019, Hamilton is to receive \$32.6 M from the Federal GTF and doubling it would result in an additional \$32.6 M for the City. The gas tax top-up funding is expected to be transferred following royal assent of the Federal Budget 2019.

The federal GTF allows capital investments in a broad range of eligible categories including local roads and bridges (including active transportation), public transit, short-sea shipping, short-line rail, regional and local airports, broadband connectivity, drinking water, wastewater, solid waste, community energy systems, brownfield redevelopment, sport (amateur), recreation, culture, tourism, disaster mitigation and capacity building.

Considering the federal funding limit of 40% for approved DMAF projects, direct funding from the GTF to fund the City's share of the Shoreline Protection Resilience Project would not be permitted. As detailed in Appendix "A" to Report FCS19038, several projects that were approved in the 2019 Tax Capital Budget with contribution from operating budget funding have been identified to be alternatively financed with GTF with the \$18.48 M of levy funding available to fund the City's share for the Shoreline Protection Measures Project (4401956930).

The \$0.63 M required for the municipal share of the Combined Sewer Overflow Backflow Prevention project (5181967500) can be funded equally by the Wastewater Reserve (108005) and the Storm Reserve (108010).

## **ALTERNATIVES FOR CONSIDERATION**

To leverage available senior governmental grant funding, the City has in the past utilized debt financing to fund the municipal share of the funding arrangement. If the \$18.48 M required for the City's contribution to the Shoreline Protection Resilience Project is to be debt-funded, it would result in an annual debt charge of \$1.78 M (assuming an interest rate of 5% for a term of 15 years) that translates to a 0.21% levy impact. This alternative financing is not recommended due to the tax levy impact which is avoided by utilizing a portion of the one-time 2019 Federal GTF double transfer payment.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Disaster Mitigation and Adaptation Fund Financing Strategy (FCS19038)  
(City Wide) – Page 7 of 7**

---

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” - Disaster Mitigation and Adaptation Fund Financing Strategy

Appendix “B” – Letter dated April 2, 2019 from Minister of Infrastructure and Communities

Appendix “C” – News Release of April 4, 2019

JS/dt

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**Disaster Mitigation and Adaptation Fund Project Financing Strategy (\$000s)**

Project Number	Project Description	Gross Costs	Dev Charges (Inc Debt)	Reserves	WIP Other / Other Internal	Net Cost	2019 Budget Financing			2019 Revised Financing Plan			
							Cont'bn From Operating	Debt	Federal Gas Tax	Cont'bn From Operating	Debt	Federal Gas Tax	Disaster Mitigation Fund
<b>Projects Identified for Alternative Financing</b>													
4411606105	Pier 8 Shorewall	3,400	-	-	-	3,400	3,400	-	-	-	-	3,400	
7101558501	Parkdale Outdoor Pool Redevelopment & Expansion	2,000	150	-	-	1,850	1,850	-	-	200	-	1,650	
7101954908	Freon Upgrade at Parkdale Arena	1,600	-	-	-	1,600	1,600	-	-	130	-	1,470	
7201841803	St. Mark's Interior Restoration	1,000	-	-	-	1,000	1,000	-	-	-	-	1,000	
5121990200	Diversion Container Replacement Program	880	39	-	-	841	841	-	-	-	-	841	
4411506107	Pier 5-7 Marina Shoreline Rehab	810	-	-	-	810	810	-	-	-	-	810	
3541941412	Program - Roof Management	800	-	-	-	800	800	-	-	-	-	800	
4031911224	Sidewalk Rehabilitation Program	750	-	-	-	750	750	-	-	-	-	750	
3541741603	Central Library Window Replacement	1,200	-	-	500	700	700	-	-	200	-	500	
4031580594	First Road West - Green Mountain to Mud	4,160	3,536	-	-	624	624	-	-	-	-	624	
3541941901	Capital Lifecycle Renewal - Hamilton Farmer's Market	550	-	-	-	550	550	-	-	110	-	440	
4031710715	Railway Crossings - Review and Upgrades	500	-	-	-	500	500	-	-	-	-	500	
4041910017	Street Lighting Capital Program	500	-	-	-	500	500	-	-	-	-	500	
4411506106	Marina Services & Gas Dock	500	-	-	-	500	500	-	-	-	-	500	
5121949003	CCF Lifecycle Replacement	500	-	-	-	500	500	-	-	-	-	500	
7201941902	Battlefield Park Bridge Replacement	500	-	-	-	500	500	-	-	100	-	400	
4661920945	Fibre Optics Communication Cable	450	-	-	-	450	450	-	-	-	-	450	
7501741601	Valley Park Library Expansion	1,100	440	220	-	440	440	-	-	-	-	440	
4411606102	Pier 5-7 Boardwalk	2,190	-	-	-	2,190	418	1,772	-	-	1,772	418	
4401956922	Alexander Park Skate Park	532	-	-	118	414	414	-	-	53	-	361	
4401556503	Heritage Green Community Sports Park Implementation	500	-	-	133	367	367	-	-	110	-	257	
4401956910	Ancaster Soccer Improvements	350	-	-	-	350	350	-	-	30	-	320	
4661916102	Traffic Calming	350	-	-	-	350	350	-	-	267	-	83	
4401056060	Open Space Replacement Strategy-East Mtn Trail Loop	300	14	-	-	286	286	-	-	30	-	256	
7101754706	Valley Park Community Centre Fit-up	1,500	1,215	-	-	285	285	-	-	150	-	135	
7501741610	New Library - Greensville	625	250	95	-	280	280	-	-	-	-	280	
3541849003	Backflow Prevention for Various Facilities	250	-	-	-	250	250	-	-	-	-	250	
4031980951	Springbrook Ave (Phase 2) - Regan to Garner	1,500	1,275	-	-	225	225	-	-	-	-	225	
4401949101	Park Pathway Resurfacing Program	215	-	-	-	215	215	-	-	-	-	215	
4401756703	Mountain Brow Path	80	-	-	-	80	80	-	-	-	-	80	
4031918048	Bridge 048 - Jones St, 110m w/o King St E	30	-	-	-	30	30	-	-	5	-	25	
	<b>Sub-totals</b>	<b>29,622</b>	<b>6,919</b>	<b>315</b>	<b>751</b>	<b>21,637</b>	<b>19,865</b>	<b>1,772</b>	<b>-</b>	<b>1,385</b>	<b>1,772</b>	<b>18,480</b>	
<b>DMAF Project Financing</b>													
4401956930	Shoreline Protection Measures	<b>30,800</b>				<b>30,800</b>				<b>18,480</b>			<b>12,320</b>

Minister of Infrastructure  
and Communities



Ministre de l'Infrastructure  
et des Collectivités

Ottawa, Canada K1P 0B6

APR 02 2019

His Worship Fred Eisenberger  
Mayor  
City of Hamilton  
2nd floor - 71 Main Street West  
Hamilton, Ontario L8P 4Y5

Dear Mr. Mayor:

I am pleased to inform you of the approval in principle of the City of Hamilton Project Bundle - Extreme Storms - Shoreline Protection Resilience Project (the Project). This approval is given following the successful review of your Project under the terms and conditions of the Disaster Mitigation and Adaptation Fund (DMAF).

Federal funding of the Project from the DMAF will be up to 40 percent of the total eligible project costs, to a maximum federal contribution of \$12,740,000 under this program. Federal funding from all sources cannot exceed 40 percent of the Project's total eligible costs.

With this approval in principle, eligible costs as determined under the terms and conditions of the DMAF and incurred as of the date of this letter will be eligible for federal reimbursement subject to the timely execution of a contribution agreement. If a contribution agreement is not signed, the Government of Canada will not reimburse any costs incurred. Once signed, the contribution agreement represents the final federal approval of the Project.

As we move to the contribution agreement stage, the following conditions will also apply:

- Expenditures incurred prior to the date of this letter, as well as any and all expenditures related to contracts signed prior to the date of this letter, are ineligible for reimbursement with the exception of costs incurred to complete the greenhouse gas assessment which are eligible for a period up to twelve months prior to the project approval in principle date;
- The City of Hamilton will satisfy the Government of Canada with respect to the competitive and transparent tendering process to be established;

...2

- 2 -

- Regardless of the outcome of any of the project tendering processes, all ineligible costs, cost increases or overruns, and any costs related to the ongoing operation and maintenance of the Project, will be the City of Hamilton;
- The City of Hamilton agrees to work with Infrastructure Canada (INFC) to jointly communicate Canada's funding commitment as soon as possible and to invite Canada to participate in future media announcements or events related to the project's progress and, where appropriate, to produce and erect temporary signage at each of the project sites acknowledging the federal government's contribution to the Project in accordance with the signage guidelines to be provided by the Government of Canada;
- Prior to signing a contribution agreement, the City of Hamilton will provide the Government of Canada with evidence that all project funding, other than the federal contribution under DMAF, has been secured;
- The City of Hamilton and the Government of Canada will work to complete the negotiation of a contribution agreement in a timely manner and to this end the City of Hamilton will provide cash flows by fiscal year for all project components, a clear indication of how the Project will contribute to one or more of the program outcomes and benefits as well as the indicators that will be used to report on the outcomes and benefits at the Project's substantial completion;
- Canada has determined that there are no requirements under the *Canadian Environmental Assessment Act, 2012* for this Project;
- Canada has determined that there is a legal obligation to consult with Aboriginal groups under section 35 of the *Constitution Act, 1982* for this Project. No site preparation, vegetation removal or construction can occur and Canada will not pay eligible capital costs until Aboriginal consultation and accommodation requirements are met and continue to be met, when applicable as determined by Canada. A letter specifying requirements will follow;
- A greenhouse gas emissions assessment must be completed to Canada's satisfaction in accordance with the *Climate Lens General Guidance* and submitted to Canada, prior to Canada paying any claims for the project;
- The City of Hamilton will report on community employment benefits provided to at least three of the federal target groups (apprentices, Indigenous peoples, women, persons with disabilities, veterans, youth, new Canadians, or small- medium-sized enterprises and social enterprises);

- 3 -

- The City of Hamilton is also encouraged to consider the economic development and employment opportunities of the local and affected first nations in the construction of the project.

Due to the competitive nature of DMAF, changes to the scope of the Project require careful review and approval by Canada. In addition, I note that the project application you have submitted specifies that project construction is planned to get underway in July 2019 and be completed in December 2027. As your Project is being approved in principle on the basis of this information, please notify my officials, in writing, should you expect delays of more than six months in either the start or completion date. The Project must be completed prior to the end of the program (March 31, 2028), including submission of claims for eligible expenditures.

My officials, will contact you shortly to move forward with the negotiation of the Contribution Agreement.

Thank you for your collaboration to date and I look forward to continuing to work together to conclude a contribution agreement for this project in a timely fashion.

Yours sincerely,



The Honourable François-Philippe Champagne, P.C., M.P.  
Minister of Infrastructure and Communities

## News release

For immediate release

### Canada helps protect shoreline and sewer systems in Hamilton from extreme storms

**Hamilton, Ontario, April 4, 2019**—Now more than ever, communities need help adapting to the frequent and intensifying weather events caused by climate change. Reducing the impact of natural disasters such as flooding and wildfires is critical to keeping Canadian families safe, protecting local businesses and supporting a strong economy and the middle class.

The Honourable François -Philippe Champagne, Minister of Infrastructure and Communities, today announced funding for shoreline protection and landscape resilience projects to defend against extreme storm events in Hamilton.

The project will see rehabilitation to shorelines damaged by storms in 2017 and 2018. The shoreline will also be reinforced by raising it above the current water level and adding stones along the foundation. This reinforced barrier will keep water from Hamilton Harbour and along Lake Ontario from flooding into the City and improve resilience for future extreme storm events.

The project also includes installation of new backflow devices along the Hamilton sewer system. These devices will prevent lake and harbour water from entering the City's sewer system during severe storms. By protecting the sewer system from overflows, the project will improve resilience, minimize risk of flood and reduce basement flooding for residents.

The Government of Canada is contributing over \$12.7 million to this project through the Disaster Mitigation and Adaptation Fund. The City of Hamilton will provide the remainder of the project funding.

### Quotes

"Taking initiative to adapt to the impacts of climate change is essential to ensuring safe and prosperous communities. This project will protect the City of Hamilton from severe storms and the damages they cause. By investing in infrastructure that protects communities now, we are helping build for the future."

*The Honourable François -Philippe Champagne, Minister of Infrastructure and Communities*

"Extreme weather is becoming more severe, more frequent, more damaging and more expensive because of climate change. By investing in the infrastructure that protects our neighbourhoods, businesses, and families, we are building communities that can withstand future natural disasters and thrive for generations to come."

*The Honourable Ralph Goodale, Minister of Public Safety*

"In the past few years, too many of us have been impacted by damage caused by climate change and extreme weather. Those situations are dangerous in the moment, and the recovery is stressful and costly. Building infrastructure like this is a reassuring step for Hamiltonians who have seen the damages up close."

*The Honourable Filomena Tassi, Minister of Seniors*

"Now more than ever, Canadian communities need to take action and adapt to climate change. I am proud to say that this important work will help safeguard the City of Hamilton's water supply and protect the community and residents from flooding for decades to come."

*Bob Bratina, Member of Parliament for Hamilton East – Stoney Creek*

“The City of Hamilton is committed to taking action on climate change which includes protecting our shorelines and municipal water supply. This investment will help build the infrastructure needed to withstand the effects of extreme weather and demonstrates our strong partnership with the federal government and our joint commitment to taking climate action.”

*His Worship Fred Eisenberger, Mayor of Hamilton*

### Quick facts

- The Disaster Mitigation and Adaptation Fund (DMAF) is a \$2-billion, 10-year program to help communities build the infrastructure they need to better withstand natural hazards such as floods, wildfires, earthquakes and droughts.
- DMAF is part of the federal government’s *Investing in Canada* infrastructure plan, which is providing more than \$180 billion over 12 years for public transit projects, green infrastructure, social infrastructure, trade and transportation routes, and rural and northern communities.
- Investing in green infrastructure that helps communities cope with the intensifying effects of climate change is an integral part of Canada’s transition to a more resilient, low-carbon economy, which is among the commitments made under the Pan-Canadian Framework on Clean Growth and Climate Change.
- Budget 2019, *Investing in the Middle Class*, is the government’s plan to create more good well-paying jobs, put homeownership within reach of more Canadians, help working people get the training they need to succeed, support seniors, and lay the foundation for national pharmacare.
- Announcements in Budget 2019 build on the Government’s Investing in Canada Plan, under which the Government is investing more than \$180 billion over 12 years to build infrastructure in communities across the country.
- With many municipalities across Canada facing serious infrastructure deficits, Budget 2019 proposes a one-time transfer of \$2.2 billion through the federal Gas Tax Fund to address short-term priorities in municipalities and First Nations communities.

### Associated links

Disaster Mitigation and Adaptation Fund: <http://www.infrastructure.gc.ca/dmaf-faac/index-eng.html>

*Investing in Canada*: Canada’s Long-Term Infrastructure Plan:  
<http://www.infrastructure.gc.ca/plan/icp-publication-pic-eng.html>

Federal infrastructure investments in Ontario: <https://www.infrastructure.gc.ca/investments-2002-investissements/on-eng.html>

*Investing in Canada* plan project map: <http://www.infrastructure.gc.ca/gmap-gcarte/index-eng.html>

Budget 2019: <https://www.budget.gc.ca/2019/home-accueil-en.html>

## **Contacts**

### **Ann-Clara Vaillancourt**

Press Secretary

Office of the Minister of Infrastructure and Communities

613-697-3778

[ann-clara.vaillancourt@canada.ca](mailto:ann-clara.vaillancourt@canada.ca)

### **Jasmine Graham**

Communications Officer

City Manager’s Office, City of Hamilton

Desk: 905-546-2424 ext.1430

Cell: 905 973-2829

[jasmine.graham@hamilton.ca](mailto:jasmine.graham@hamilton.ca)

### **Media Relations**

Infrastructure Canada

613-960-9251

Toll free: 1-877-250-7154

Email: [infc.media.infc@canada.ca](mailto:infc.media.infc@canada.ca)

Follow us on [Twitter](#), [Facebook](#) and [Instagram](#)

Web: [Infrastructure Canada](#)



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Legal and Risk Management Services Division**

<b>TO:</b>	Mayor and Members of General Issues Committee
<b>COMMITTEE DATE:</b>	May 1, 2019
<b>SUBJECT/REPORT NO:</b>	Conservation Authorities Act Review (LS15027(d)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Eleonora Filippone (905) 546-2424 Ext. 4707
<b>SUBMITTED BY:</b>	Nicole Auty, City Solicitor Legal and Risk Management Services Corporate Services
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

That the Office of the Mayor forward a submission to the Ministry of the Environment, Conservation and Parks, consistent with the contents of Appendix "A" attached to Report LS15027(d) and in a form acceptable to the City Solicitor, regarding the proposed amendments to the Conservation Authorities Act and ERO (Environmental Registry of Ontario) notice number 013-5018.

### EXECUTIVE SUMMARY

Starting in 2015, the Province of Ontario undertook a review of the Conservation Authorities Act. Over the ensuing two years, a Discussion Paper was released and feedback sought from municipalities and other stakeholders in the areas of governance, funding mechanisms, and roles and responsibilities of conservation authorities in Ontario. The City made submissions throughout the review and consultation process.

In December 2017, Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017 was passed by the provincial legislature and received royal assent. Schedule 4 of the Bill made amendments to the Conservation Authorities Act. Many of the amendments which received royal assent were not proclaimed into force.

On April 5, 2019, the Ontario Ministry of the Environment, Conservation and Parks (MECP) posted ERO (Environmental Registry of Ontario) notice number 013-5018 (the "ERO Notice"). MECP is proposing to introduce amendments to the Conservation

---

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Conservation Authorities Act Review (LS15027(d)) (City Wide) - Page 2 of 5**

---

Authorities Act, which if passed, “would help conservation authorities focus and deliver on their core mandate, and to improve governance.”

MECP is proposing to proclaim un-proclaimed provisions of the Conservation Authorities Act related to:

- fees for programs and services
- transparency and accountability
- approval of projects with provincial grants
- recovery of capital costs and operating expenses from municipalities (municipal levies)
- regulation of areas over which conservation authorities have jurisdiction (e.g. development permitting)
- enforcement and offences
- additional regulations.

Submissions on the ERO Notice are due to MECP by May 20, 2019. City staff proposes the submission contained in Appendix “A” to this report, the content of which is consistent with the City’s previous submissions in the Conservation Authorities Act review.

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Un-proclaimed provisions of the Conservation Authorities Act enable the Lieutenant Governor in Council to prescribe how a conservation authority may apportion capital costs and operating expenses among its member municipalities. The regulation prescribing such apportionment was not released with the ERO Notice. It is unknown whether or when the Province will release a new regulation prescribing capital costs and operating expenses. Appendix “A” provides submissions on apportionment of such costs and expenses.

**Staffing:** None.

**Legal:** Un-proclaimed provisions of the Conservation Authorities Act propose to change the roles, responsibilities, funding and governance of conservation authorities. Details with respect to many amendments will be prescribed by regulation, which were not released with the ERO Notice. Appendix “A” provides submissions on those various matters.

**SUBJECT: Conservation Authorities Act Review (LS15027(d)) (City Wide) - Page  
3 of 5**

---

**HISTORICAL BACKGROUND**

The Province launched a review of the Conservation Authorities Act in July 2015 with the release of a Discussion Paper. During Phase 1 of the review process, the City made a submission by letters dated September 23, 2015 and October 16, 2015.

Phase 2 of the review process was launched in May 2016, at which time the Province identified five priorities for updating the Act:

1. Strengthening oversight and accountability in decision-making.
2. Increasing clarity and consistency in roles and responsibilities, processes and requirements.
3. Improving collaboration and engagement among all parties involved in resource management.
4. Modernizing funding mechanisms to support conservation authority operations.
5. Enhancing flexibility for the province to update the Act framework in the future.

During Phase 2, the City made a submission to the Province by letter dated September 1, 2016.

Following such review process, the Province proposed amendments to the Act as set out in Schedule 4 of Bill 139, the Building Better Communities and Conserving Watersheds Act, 2017. The City made a submission to the Province by letter on July 31, 2017.

Bill 139 was passed by the provincial legislature and received royal assent in December 2017, though many provisions were not proclaimed into force.

On April 5, 2019, MECP posted the ERO Notice, which proposes to introduce amendments to the Act and proclaim un-proclaimed provisions of the Act. MECP is accepting submissions from stakeholders until May 20, 2019.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The legislative changes proposed by the Province to the Conservation Authorities Act are set out in this report under the Executive Summary and Analysis and Rationale for Recommendation. The full extent of their implications on City policies will not be known until new regulations under the Act are released.

**SUBJECT: Conservation Authorities Act Review (LS15027(d)) (City Wide) - Page 4 of 5**

---

**RELEVANT CONSULTATION**

During the earlier consultation periods, all City Departments were asked to provide feedback on improvements to the Conservation Authorities Act. Responses were received from Corporate Services, Public Health Services, Public Works, and Planning and Economic Development and were incorporated in the previous submissions made to the Province. Those same Departments were consulted again for feedback on the ERO Notice, and they have updated their comments or confirmed their previous comments, which are incorporated into the submission in Appendix “A” to this report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

According to the ERO Notice, the proposed amendments to the Conservation Authorities Act would, if passed:

- clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, and drinking water source protection (as prescribed under the Clean Water Act)
- increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services
- update the Conservation Authorities Act to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (eg. 4 to 8 years)
- establish a transition period (eg. 18 to 24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards
- enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority
- clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.

The Province is also proposing to proclaim un-proclaimed provisions of the Conservation Authorities Act related to:

- fees for programs and services
- transparency and accountability
- approval of projects with provincial grants

**SUBJECT: Conservation Authorities Act Review (LS15027(d)) (City Wide) - Page 5 of 5**

---

- recovery of capital costs and operating expenses from municipalities (municipal levies)
- regulation of areas over which conservation authorities have jurisdiction (eg. development permitting)
- enforcement and offences
- additional regulations.

The ERO Notice states that in the spring 2019, the Province will also develop and consult on a suite of regulatory and policy proposals to support the proposed amendments to and proclamation of un-proclaimed provisions of the Conservation Authorities Act. It is unknown what that consultation process will look like.

The full implications of the proposed amendments to the Conservation Authorities Act are not yet known, as un-proclaimed provisions of the Act allow the Minister and Lieutenant Governor in Council to prescribe regulations on the programs, services, funding, powers and governance of conservation authorities. Staff proposes making a submission to MECP, consistent with the previous submissions made by the City, on the proposed amendments and the details which are yet to be released and may have significant consequences to the City.

#### **ALTERNATIVES FOR CONSIDERATION**

None.

#### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

##### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

##### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

##### **Clean and Green**

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

#### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report LS15027(d) – Draft submission to the Ministry of the Environment, Conservation and Parks

**[LETTERHEAD OF THE OFFICE OF THE MAYOR]****[Date]**

Ministry of the Environment, Conservation and Parks  
Great Lakes Office  
40 St. Clair Avenue West  
Floor 10  
Toronto, ON M4V 1M2

Attention: Carolyn O'Neill

**Via e-mail: [glo@ontario.ca](mailto:glo@ontario.ca)**

Dear Ms. O'Neill,

**Re: Proposed amendments to the *Conservation Authorities Act***

**ERO Notice Number 013-5018 – Modernizing conservation authority operations – Conservation Authorities Act**

On behalf of the City of Hamilton ("Hamilton"), I am pleased to forward the within submission on the proposed amendments to the *Conservation Authorities Act* (the "Act"), and ERO Notice Number 013-5018.

The Act, including un-proclaimed provisions of the Act which the Province is proposing to proclaim into force, contemplates that significant and substantive matters will be addressed by regulation, including but not limited to matters involving apportionment of capital costs and operating expenses; requirements regarding the appointment and qualifications of members of conservation authority boards; standards and requirements for conservation authority programs and services; and consultation that conservation authorities must carry out with respect to their programs and services.

Accordingly, I anticipate that further comprehensive amendments to the framework will come at a later date, in the form of regulatory change, and changes to policies, procedures and programs. Hamilton hopes there will be a further consultation period when specific amendments are introduced and will welcome the opportunity to provide additional input when such changes are proposed.

The references to section numbers below are to section numbers in the Act, including those section numbers which are currently un-proclaimed.

## **Representation on the Board**

Pursuant to subsections 14(1), 14(5) and 2(2) of the Act, the number of representatives that each municipality can appoint to a conservation authority board is based on the population of that municipality within the watershed. However, section 4 of the Act suggests that a two-tier municipality is entitled to even more seats, by permitting each lower tier municipality to appoint a representative, regardless of its population. This has the effect of giving a two-tier municipality representation which is far greater and disproportionate to its aggregate population.

A municipality like Hamilton, which is single tier, is in effect penalized in comparison to its neighbouring two-tier municipalities. To avoid such disparity and inequity, where there is a two-tier municipality, the population of the upper tier municipality should determine the total number of representatives to which it and its lower tier municipalities are entitled, and section 4 should be amended accordingly.

## **Collaboration**

The Act provides a requirement for a conservation authority to establish advisory boards as may be required by regulation (section 18 – Advisory boards). It also sets out a requirement for a conservation authority to carry out such consultations with respect to the programs and services it provides as may be required by regulation (section 21.1 – Consultation).

The independent and watershed based governance model of conservation authorities is generally supported. With respect to source water protection activities, such model is considered essential. However, municipalities should be entitled to more decision-making powers (as they relate to scope of projects, risk management, priorities and funding) when conservation authorities undertake projects within a municipality's boundaries. The role of municipalities should be specified in the Act and/or regulations.

As well, Hamilton requests legislative or regulatory direction to require collaboration among all relevant stakeholders in relation to the following goals/concerns, with the aim of finding environmentally and economically responsible policy solutions:

- (i) maximization of efforts by conservation authorities to protect and increase the biodiversity of regionally rare native Ontario plants;
- (ii) creation of science-based policy to address the problem of artificial in-breeding within plant populations on conservation authority lands, due to such barriers as de facto bans on the planting of regionally rare native stock not derived from plants found on the authority's watershed, though within that authority's seed zone (Ontario Seed Zone Directive, 2010; based on Ontario Climate Model of climatic gradients within the province);

- (iii) clarification and implementation, province-wide, of best ecological practices related to the assisted migration of regionally rare native plants on conservation land and within the appropriate seed zone (or adjacent seed zone), but across conservation authority watershed boundaries;
- (iv) promotion of the planting of regionally rare native Ontario species in any appropriate habitat, including novel urban habitats, within a species' seed zone, particularly including conservation authority land where that species has a good chance of thriving, by specifically removing regulatory barriers that discourage opportunities for restoration;
- (v) regular conversation among conservation authority officials, Royal Botanical Gardens officials, provincial officials, First Nations, scientists, citizens, and private sector stakeholders on biodiversity and sustainable development concerns related to the conservation authorities and to biodiversity generally;
- (vi) sharing of information related to best practices with regard to the above goals, among all relevant stakeholders; and
- (vii) formalization of rules and/or expectations with regard to best practices with regard to the above goals, among all relevant stakeholders.

### **Oversight by the Province**

In earlier submissions, Hamilton requested greater consistency in governance, strategic direction and service delivery, which could be achieved through greater oversight by the Province. Hamilton is pleased that the 2017 amendments to the Act bestow a greater role upon the Province, including a right of the Minister to direct a conservation authority to make or amend a by-law (section 19.1 – By-laws) and to demand information from a conservation authority about its operations, including the programs and services it provides (section 23.1 – Information required by Minister).

Hamilton submits that the Minister should proactively use those powers to review, revise and synchronize the operational and administrative procedures, rules and guidelines for conservation authority boards.

Those powers should also be used to influence conservation authority activities on a day-to-day basis. Providing conservation authorities with sufficient autonomy and flexibility to address local needs is a positive thing; however, too much autonomy and flexibility has resulted in inconsistency in projects and practices. The Minister should play a role in providing a clear direction for conservation authorities across the province.

### **Membership and Qualifications**

The Act sets out that the appointment of members to a conservation authority shall be in accordance with such additional requirements regarding the composition of the authority

and the qualification of members as may be prescribed by regulation (section 14 – Requirements regarding composition of authority).

Municipalities may have technical expertise which conservation authorities lack for certain projects. As a result, there should be some formal ability for municipalities to provide technical, administrative and leadership assistance to conservation authority initiatives. To this end, representatives appointed to the conservation authority board could include senior administrators from the participating municipalities. The role of municipalities should be specified in the Act and/or regulations.

### **Increasing Clarity and Consistency in Programs and Services**

In the Act, the objects of a conservation authority are broad, presumably so that each conservation authority can tailor programs according to its unique needs (section 20 – Objects). However, this can be challenging to a municipality such as Hamilton, whose territory is shared by four conservation authorities, which in turn can lead to inconsistency in strategic direction and service delivery.

It is acknowledged that greater consistency may be achieved through increased oversight powers of the Province. However, Hamilton submits that other measures ought to be incorporated in the Act and/or regulations, such as:

- (i) ensuring work as between conservation authorities, municipalities, the Province and other parties is performed by the party with the most technical knowledge, and ensuring funds are allocated accordingly;
- (ii) standardizing certain work, such as collecting and preparing technical data (e.g. collection of rainfall, stream flow, lake levels, snow courses) which all support a multitude of programs, and ensuring funds are consistently committed to support such work;
- (iii) updating certain documents such as:
  - MNRF's natural hazard guideline from 2002, upon which conservation authorities provide review comments related to natural hazards, and
  - the Generic Regulations from 2006, established for regulating any development or activities in hazard lands.

### **Capital Costs and Operating Expenses**

Un-proclaimed provisions of the Act provide for the recovery and apportionment of capital costs and operating expenses by conservation authorities (sections 25 to and including 27.1). It appears that new regulations governing how capital costs and operating expenses are apportioned by a conservation authority among its participating municipalities will be proposed by the Province at a later date.

The Act applies to all of Ontario with a variety of complex situations, and thus it would be difficult to provide a definitive approach to levy distribution (and other issues) that would be fair to all conservation authorities and all municipalities in all situations. However, the Act should include broad guiding principles and clarify the intent of the law so that such principles may guide the application of the regulations. Such principles would also protect against unintended consequences of the mechanical application of the regulations.

In developing such guidelines in the Act, and in later developing the regulations, the Province should place great emphasis on equity, fairness and accountability.

For example, if the regulation contains alternate options for levy distribution, then the sequence and circumstances in which such options are to be considered should be defined. There should also be some clause in such regulations that would ensure that unreasonable conduct by any one party is not protected or rewarded; that is, all parties should have an incentive to be reasonable.

As well, a participating municipality paying the levy should have the right to request, at its discretion, information concerning administration expenditures and proposed expenditures on the watershed lands covered within its jurisdiction as well as the expected benefits of such expenditures. In reviewing the levy for a new budget year, the municipality may require the conservation authority to confirm the actual results in comparison to the expenditures and outcomes related to the previous year.

Hamilton submits that the calculation of a municipality's levy apportionment for operating expenses ought to be based on the rateable property in that part of the municipality which falls within the conservation authority's jurisdiction. This principle ought to be clearly set out in the Act.

Hamilton is unfortunately embroiled in a legal dispute with the Niagara Peninsula Conservation Authority (NPCA), where the NPCA is arguing that all of Hamilton's lands should be used to calculate the modified current value assessment, thereby vastly increasing Hamilton's levy apportionment. Hamilton falls within the jurisdiction of four conservation authorities, and using the NPCA's interpretation of the formula would result in a distorted increase to all of Hamilton's levy apportionments. This erroneous statutory interpretation causes a disproportionate and unfair financial burden to Hamilton. It is imperative that the Act and regulations be clear to state that only the rateable property within a conservation authority's jurisdiction may be used when calculating the levy apportionment.

To assist conservation authorities in accurately assessing the value of lands within their watershed, MPAC should code properties based on watershed. Failing this, conservation authorities should undertake a "Geo-referencing" study at regular intervals to determine the assessment apportionments in their watershed.

Currently, Ontario Regulation 670/00 allows a conservation authority and its participating municipalities to agree on a levy apportionment which differs from the formula set out in said regulation. The requirement of an agreement can be logistically impossible, where a conservation authority has 15 or more participating municipalities. Further, there may be no incentive for a participating municipality to consent to an agreement, where it derives an unjust enrichment from the formula. For example, where the application of the formula causes a municipality to receive a benefit which disproportionately exceeds the amount it must pay, then it may well choose to decline an agreement. If the Act and/or its regulations will continue to permit "agreements", the solution may be for the conservation authority board to have the authority to determine an apportionment which is fair and appropriate, having regard to specific factors like benefit derived; or alternatively, the Minister could have the authority to impose an apportionment on the parties which is fair and appropriate.

In the alternative, or additionally, the Province should consider general equity, and the unique geographic position of Hamilton specifically (situated between the Greater Toronto Area and rural Southwestern Ontario, and the Niagara Peninsula) in revising the relevant funding rules.

Un-proclaimed provisions of the Act, once proclaimed, will replace the terms "administration costs" and "maintenance costs" with "operating expenses" (section 27). Items such as employee salaries and office costs are no longer identified as administration costs but are rather included in operating expenses. In order to ensure such costs are properly controlled, the Act or regulations could specify a maximum percentage of all the maintenance and capital costs up to which administration costs may be allowed.

Currently, the Act states that conservation authorities must apportion capital project costs and maintenance costs to participating municipalities based on the "benefit derived" by each such municipality. Un-proclaimed provisions of the Act, once proclaimed, will remove the term and concept of "benefit derived". To ensure that apportionment among municipalities remains fair and proportionate, the concept of "benefit derived" ought to remain in the Act as a guiding principle. Further, it would be helpful if the Act and/or regulations set out factors for determining the "benefit derived" by each municipality, how it should affect the levy apportionment, and how such benefit can be verified, whether in the form of financial, environmental assessment or other reports. Such reporting would also improve the transparency in the work done by conservation authorities and how money is spent.

Similarly, capital costs ought to be apportioned in a manner which is commensurate with the benefit derived by the participating municipality.

In a document issued June 2017 entitled "Conserving Our Future: A Modernized *Conservation Authorities Act*", the Province stated that it will be "[w]orking with municipalities and conservation authorities to update the way in which costs are apportioned to participating municipalities – including determining the appropriate body

for hearing appeals of apportionment decisions". Hamilton hopes that the Province will provide for such consultation. Hamilton will be pleased to work with the parties in this regard and will be making further submissions at that time.

## **Planning**

Hamilton is concerned that with the Act and proposed amendments, the Province is placing the emphasis on "protecting people and property" and by default eliminating or deemphasizing the role of conservation authorities in protecting the natural environment. This will effectively result in a transfer of functions from conservation authorities to municipalities. This will have resource implications and result in more uncertainty in the planning process, as it appears the Province is proposing similar changes to the Provincial Policy Statement and Growth Plan under the banner of empowering local municipalities to have more flexibility. The unintended consequence will be more disagreements as to what is an acceptable buffer or protection zone.

## **Provincial Funding**

Provincial funding is not addressed in the Act. Rather, the Province previously indicated that it will be exploring options for updating provincial funding levels through future program changes.

As Hamilton previously submitted, the role of conservation authorities has expanded in recent years, and it is envisaged that their work will further increase due to, for example, the effects of climate change, rapid growth, and aging infrastructure. In contrast, funding from the Province has decreased and become more intermittent over the years, with a trend towards one-time, non-recurring, special projects funding.

We hope to see greater and long-term commitment of annual base funding from the Province. Further, we would like clarification and direction on how provincial funding is to be equitably shared among the conservation authority and its participating municipalities. To this end, there ought to be clarification on:

- (i) how Provincial grant funding is to be applied towards offsetting the levy for each supporting municipality;
- (ii) how special purpose funding by the Province is to be factored into the levy calculations;
- (iii) how the conservation authority may prioritize the request for special funding such that where the available funds are limited, that all supporting municipalities are treated fairly in terms of allocation of such funds to individual initiatives; and
- (iv) where the funds expended on a municipality's projects during the year are less than the funds levied, the balance would go into a reserve; the Act could specify

that such reserves be maintained as segregated reserves to be used only for the purposes of that municipality; and the Act could clarify if the contributing municipality has a voice in how such accumulated reserves should be applied in future years, specifically, to offset any levy for the subsequent years.

### Source Protection Planning

An example of Hamilton's concerns about Provincial funding and allocation of responsibilities involves source protection planning. The Province is proposing to clearly define the core mandatory work of conservation authorities and include source protection planning as a core mandatory program. Further, it appears that the Province is downloading the responsibility for funding of the source protection program to municipalities: "increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services" (ERO Notice Number 013-5018).

Conservation authorities have been funded by the Province for the source protection program, as they play an important role in protecting municipal drinking water by working in collaboration with multiple stakeholders. Each of the conservation authorities in the Hamilton area have at least two full-time staff dedicated exclusively to this program. Their legislated responsibilities include:

- establish and administer Source Protection Committees (SPCs) for local decision making (the lead SPAs carry out this role)
- assist the SPCs in their powers and duties to be carried out under the *Clean Water Act*
- provide scientific, technical and administrative support and resources to the SPCs
- comply with an obligation to implement a significant threat policy or designated Great Lakes policy
- prepare annual progress reports for each source protection plan, submit to the SPC first and then to the Director, MECP
- propose and prepare updates to source protection plans and undertake necessary consultations leading to a submission to the MECP
- issue a notice to municipal residential drinking water system owners, upon receipt and review of necessary technical work, to support source protection planning for new or changing systems
- implement the work plan as per the Minister's order for review and updating of the source protection plan, assessment reports and explanatory document. Some of this work is legislated and some is not. The legislated work consists of updates

that are due to a change in the technical rules, regulation, tables of circumstances, etc. All other work required by the local stakeholders is considered non-legislated.

Some of the other non-legislated activities include:

- provide advice and program support to municipal staff to resolve issues with policy implementation
- keep municipal councils and councillors informed and aware of program progress and their obligations.
- maintain local source protection program, including issues management and participation in local, regional and provincial meetings to advance local programs
- support source protection committees in the preparation of updates to an assessment report and source protection plan under section 36 of the *Clean Water Act*
- monitor the provincial groundwater and surface water networks.

Municipalities will have the option to opt-out of the non-legislated activities; however, that will compromise the overall efficiency of the program. Further, at this time, municipalities do not necessarily have the staff and resources to assume those activities.

If you have any questions or wish to discuss this submission, please contact me by telephone or by e-mail.

Sincerely,