



General Issues Committee

MINUTES

9:30 a.m.

Monday, November 14, 2011

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor B. Morelli – City Business

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate
Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning & Economic
Development
J. A. Priel, General Manager, Community Services
H. Hale Tomasik, Executive Director, Human Resources
N. Everson, Director, Economic Development & Real Estate
P. Barkwell, City Solicitor
C. Biggs, Co-ordinator, Committee Services/Council/Budgets

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Licence Renewal Agreement with Rogers Wireless Inc. (Licensee) – Suter Crescent, Dundas – Dundas Water Tower (PED11204) (Ward 13) (Item 5.3)**

(Clark/Ferguson)

- (a)** That the renewal of an existing licence agreement with Rogers Wireless Inc. (Fido Solutions Inc.) over the land described as Part of Lot 46, Concession 1, Ancaster Township, known as PIN 17448-0002, and Block 47, Plan 62M-440, Town of Dundas, known as PIN 17448-0020, (Dundas Water Tower) as shown on Appendix “A” attached to Report PED11204, for a term of five (5) years be approved with the following conditions:

- (i) **Rental Rate:** From the date of commencement, being January 1, 2012, Rogers Wireless Inc. shall pay rent based on \$25,000 per year net, plus H.S.T. in the first year of the term. The initial annual rent of \$25,000.00 will increase by 2.5% each subsequent year throughout the term, plus H.S.T.
- (ii) **Operating Costs:** The tenant will be responsible for paying all operating costs and property taxes, in addition to the rent.
- (iii) **Options:** The licensee will have the right to three (3), five (5) year renewal options.

Both Rogers Wireless Inc. and the City have the right to terminate the agreement upon 365 days written notice.

- (b) That all rent proceeds from the licence described in Recommendation (a) be credited to the former Dundas Capital Reserve Account 108031.
- (c) That the Mayor, General Manager of Finance and Corporate Services, and City Clerk be authorized and directed to execute the licence renewal agreement in a form satisfactory to the City Solicitor. **CARRIED**

2. **Licence Agreement with Bell Mobility Inc. (Licensee) – Dundas Water Tower, Suter Crescent, Dundas (PED11203) (Ward 13) (Item 5.4)**

(Ferguson/Farr)

- (a) That a new licence agreement with Bell Mobility Inc. over the land described as Part of Lot 46, Concession 1, Ancaster Township, known as PIN 17448-0002, and Block 47, Plan 62M-440, Town of Dundas, known as PIN 17448-0020, (Dundas Water Tower) as shown on Appendix "A" attached to Report PED11203, for a term of five (5) years be approved with the following conditions:
 - (i) **Rental Rate:** From the date of commencement, being January 1, 2012, Bell Mobility Inc. shall pay rent based on \$25,000 per year net, plus H.S.T. in the first year of the term. The initial annual rent of \$25,000 will increase by 2.5% each subsequent year throughout the term, plus H.S.T.
 - (ii) **Operating Costs:** The tenant will be responsible for paying all operating costs and property taxes, in addition to the rent.
 - (iii) **Options:** The licensee will have the right to three (3), five (5) year renewal options.

Both Bell Mobility Inc. and the City have the right to terminate the agreement upon 365 days written notice.

- (b) That all rent proceeds from the licence described in Recommendation (a) be credited to the former Dundas Capital Reserve Account 108031.
- (c) That the Mayor, General Manager of Finance and Corporate Services, and City Clerk be authorized and directed to execute the licence agreement in a form satisfactory to the City Solicitor. **CARRIED**

3. Acquisition of 1603-1645 Rymal Road East and Part of 655 Pritchard Road from 1631 Rymal Road East Inc./1314244 Ontario Inc. (Nick Carnicelli) for Trinity Church Road Extension (PED11197) (Ward 6) (Item 5.5)

(Jackson/Clark)

- (a) That an Option to Purchase Agreement between 1631 Rymal Road East Inc., and the City of Hamilton, for the purchase of 2.91 ha (7.19 ac) in Lot 34, Concession 8, designated as Parts 1, 2, and 3 on Plan 62R-18085, forming all of PIN's 16932-0013(LT), 16932-0014 (LT) and 16932-0015(LT), shown as Parcel "A" on Appendix "A" attached to Report PED11197, be approved and completed;
- (b) That an Option to Purchase Agreement between 1314244 Ontario Inc., and the City of Hamilton, for the purchase of 0.563 ha (1.39 ac) in Lot 34, Concession 8, forming part of 655 Pritchard Road, and being all of PIN 16932-0012(LT), shown as Parcel "B" on Appendix "A" attached to Report PED11197, be approved and completed;
- (c) That the purchase price of \$4,950,000 for Parcels "A" and "B" be funded 50% from residential roads Development Charges and 50% from the North Glanbrook Industrial Park Reserve (108042);
- (d) That a deposit in the amount of \$2 be paid to the owner and deducted from the purchase price, upon formal acceptance by the City of the Option to Purchase;
- (e) That the balance of the purchase price, subject to adjustments, be paid on the date of closing;
- (f) That the Option to Purchase described in Recommendation (b) shall close contemporaneously with the Offer to Purchase described in Recommendation (a), failing which the transfers will become null and void;
- (g) That upon approval of the purchase of 1631 Rymal Road East, the Director of Fleet and Facilities be authorized and directed to take all necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 4030980986;

- (h) That upon completion of construction of the Trinity Church Road Extension, the residual lands be offered to sale on the open market;
- (i) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor; and,
- (j) That the administration costs incurred for the provision of Real Estate's services in the amount of \$76,750 be credited to Account 45408-3560150200 (Property Purchases and Sales) and debited from Account No. 59259-4030980986. **CARRIED**

4. Waterdown Business Improvement Area (B.I.A.) Revised Board of Management (PED11013(c)) (Ward 15) (Item 5.6)

(Whitehead/Partridge)

That the following individual be appointed to the Waterdown B.I.A.'s Board of Management:

Janice Alexopoulos

CARRIED

5. Amended Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-11-02) - Union Gas Limited, 420 Glover Road and 918 South Service Road, Stoney Creek (PED11099(a)) (Ward 11) (Item 5.7)

(Johnson/Clark)

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-11-02), as amended, submitted by Union Gas Limited, owner of the property at 420 Glover Road and 918 South Service Road, Stoney Creek for an ERASE Redevelopment Grant not to exceed \$1,280,129.11, payable to Union Gas Limited over a maximum of ten (10) 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, on behalf of the City, the associated amended ERASE Redevelopment Grant Agreement with Union Gas Limited, referred to in subsection (a) with respect to the redevelopment of 420 Glover Road and 918 South Service Road, Stoney Creek and all necessary associated documents, all in a form satisfactory to the City Solicitor. **CARRIED**

6. **2010 City of Hamilton Municipal Performance Measurement Program (Outstanding Business Item of the General Issues Committee) (FCS11091) (City Wide) (Item 5.8)**

(Powers/Ferguson)

That report (FCS11091) 2010 City of Hamilton Municipal Performance Measurement be received. **CARRIED**

7. **Motorola FSA4000 Fire Station Alerting Implementation (HES11017) (City Wide) (Item 5.9)**

(Jackson/Farr)

That the Fire Chief or his designate be authorized to expand the scope of the previously approved (Report HES08004 (a)) multi-year, single source contract for the upgrade of the Corporate Trunked Radio System with the incumbent vendor, Motorola Solutions Canada Inc., to include the Motorola FSA4000 Fire Station Alerting System which is an add-on to the current project's radio infrastructure at a one time cost of \$580K that would be funded from previously approved capital projects (7800951900 - Corporate Trunk Radio Upgrade Project and 7400651603 - Station Alerting Replacement). **CARRIED**

8. **Jason Hammond, Janet MacLeod, Sharyl Spring, Hamilton CarShare, respecting Staff Report PW11081 – Hamilton CarShare Revolving Line of Credit and Corporate Membership (Item 7.1) (Item 6.1)**

(Clark/Johnson)

That the presentation by Jason Hammond, Janet MacLeod, Sharyl Spring, Hamilton CarShare, respecting Staff Report PW11081 – Hamilton CarShare Revolving Line of Credit and Corporate Membership, be received. **CARRIED**

9. **Richard den Otter, Hamilton CarShare (item 4.2)**

(Clark/Partridge)

That the presentation by Richard den Otter respecting Hamilton CarShare, be received. **CARRIED**

10. **Simon Geoghegan, Epiphany Coaches Inc., respecting Hamilton CarShare (Item 4.8)**

(Johnson/Partridge)

That the presentation by Simon Geoghegan, Epiphany Coaches Inc., respecting Hamilton CarShare, be received. **CARRIED**

11. **Sanjay Chopra, 2202879, 2202919, 2202917 and 2201896 Ontario Inc., respecting 958, 962, 966 and 970 Beach Boulevard, Hamilton, regarding a Request for an Extension to the Covenants of Agreement of Purchase of Lots that require Commencement of Construction by November 9, 2011 (Cross Reference to Item 8.1) (Item 4.1)**

(Partridge/Collins)

That the presentation from Mr. Sanjay Chopra respecting 2202879, 2202919, 2202917 and 2201896 Ontario Inc., respecting 958, 962, 966 and 970 Beach Boulevard, Hamilton, regarding a Request for an Extension to the Covenants of Agreement of Purchase of Lots that require Commencement of Construction by November 9, 2011, be received. **CARRIED**

12. **Hamilton Waterfront Trust Financial Statements (Item 6.2)**

(McHattie/Powers)

- (a) That the presentation provided by the Hamilton Waterfront Trust, be received;
- (b) That the 2010 Audited Financial Statements of the Hamilton Waterfront Trust, be received;
- (c) That Council continue to provide its confidence in the Hamilton Waterfront Trust. **CARRIED**

13. **The Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Item 7.3)**

(Clark/Partridge)

- (a) That the Terms of Reference for the Hamilton Association of Business Improvement Areas, as amended, and attached as Appendix "A" to Report PED11193, be approved;
- (b) That the Hamilton Association of Business Improvement Areas Strategic Plan: 2011-2014, attached as Appendix "B" to Report PED11193, be received for information;
- (c) That staff be directed to explore the feasibility of developing a relationship and/or pursue synergies between the Chambers of Commerce and the Hamilton Association of Business Improvement Areas and report back to the General Issues Committee. **CARRIED as amended**

**14. 2010-2012 Business Plan Projects Update (PED11206) (City Wide)
(Item 7.4)**

(Farr/Clark)

That Report PED11206 respecting 2010-2012 Business Plan Projects Update, be received. **CARRIED**

15. Halton-Hamilton Source Water Protection Plan Policies - Comments from the City of Hamilton (PW11067/PED11183) (City Wide) (Item 7.5)

(Clark/McHattie)

- (a) That the City Council inform the Halton-Hamilton Source Water Protection Authority that it supports the draft Source Water Protection Plan policies, dated September 2011, attached as Appendix "A" to Report PW11067/PED11183 and recommend the following:
- (i) No wording changes to Policies G-1 to G-2, O-2 to O-4, O-7, T-2, T-11, T-13 to T-15, T-18, T-20, T-25, T-34, T-35, T-40, T-44, T-45 and T-47;
 - (ii) Minor wording changes, to Policies O-1, T-3, T-9, T-10, T-17, T-19, T-27, T-29, T-31, T-32, T-37, T-39, T-41, T-43 and T-49, as identified in Appendix "B" to Report PW11067/PED11183, to provide clearer direction to the municipality, to extend the time period for compliance and to provide more flexible programming;
- (b) That the City Clerk be requested to forward the recommendations and the report on the draft Halton-Hamilton Source Protection Plan to the Halton-Hamilton Source Protection Authority;
- (c) That staff initiate the procedure for the internal appointment(s) of a qualified Risk Management Official and Risk Management Inspector(s) as necessary to satisfy the City's obligation under the Clean Water Act and report back to Council as and when appropriate. **CARRIED as amended**

16. U. S. Steel – Sewer Use By-law 04-150 – Parameters and Compliance Agreement (PW11034(b)) (City Wide) (Item 8.2)

(Clark/Jackson)

That the City of Hamilton enter into a Compliance Agreement with U.S. Steel Canada Inc., to take all necessary steps to bring their effluent from the Hamilton Works Operations into compliance with the City of Hamilton's current Sewer Use By-law by May 31st, 2012, be approved. **CARRIED**

17. Confederation Park Master Plan and Agreement (PW11005(a)/CS11004(a)) (Wards 5 and 14 with City Wide Implications) (Item 8.3)

(Clark/Collins)

That Report PW11005(a)/CS11004(a) respecting Confederation Park Master Plan and Agreement, be received. **CARRIED**

18. Waterfront Outdoor Rink Management Agreement (FCS11106) (City Wide) (Item 8.4)

(Jackson/Farr)

(a) That the Waterfront Outdoor Rink Management Agreement as per Appendix "A" of FCS11106 between Hamilton Waterfront Trust ("HWT") and the City of Hamilton ("Hamilton") for the operation, maintenance and management of the Waterfront Outdoor Rink for the period November 1, 2010 to April 30, 2011, be approved;

(b) That the General Manager of Finance and Corporate Services be authorized and directed to negotiate all necessary agreements in a form satisfactory to the City Solicitor, including a management agreement of the Waterfront Outdoor Rink for the exclusive authority for the HWT to operate, maintain and manage the premises forming part of the Waterfront Outdoor Rink for a five year term;

(c) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documentation to implement recommendation (b) of report FCS11106, all with content acceptable to the General Manager of Finance and Corporate Services, and in a form satisfactory to the City Solicitor. **CARRIED**

19. Councillors' Remuneration - Continuation of One-Third Tax Allowance (FCS11054) (City Wide) (Item 8.5)

(Clark/Whitehead)

That the one-third tax free portion of the remuneration for Members of Council be maintained for the current Council term. **CARRIED**

20. 2012 Tax Supported User Fees (FCS11096) (City Wide) (Item 8.6)

(Partridge/Duvall)

(a) That the 2012 User Fees, as amended, and attached as Appendix "A" to Report FCS11096, be approved and implemented;

(b) That the City Solicitor and Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the user fees contained within this report, as amended;

- (c) That the section of the 2012 Tax-Supported User Fees related to "Planning & Development – Parking and By-law Services: Animal Control" be referred to the Planning Committee for further discussion.

CARRIED as amended

21. Financing of the 2011 HECFI Budgetary Variance (Item 8.7)

(Partridge/Farr)

- (a) That the Work-in-Progress Account 3720841802 for "Copp's Coliseum Permanent Seating Refurbishment" be closed and the unspent balance of \$1,000,000 be transferred to the HECFI Reserve for Capital Projects;
- (b) That any 2011 HECFI Budgetary Variance, including unbudgeted one time restructuring costs, be funded from the HECFI Reserve for Capital Projects to a maximum of \$1,000,000;
- (c) That if the 2011 HECFI Budgetary Variance, including unbudgeted one time restructuring costs, exceed \$1,000,000, that City Council be requested to fund any excess.

CARRIED

22. Report 11-005 of the Advisory Committee for Persons with Disabilities – October 11, 2011 (Item 8.8)

Resignation of Debbie Sanche (Item 6.1)

(Jackson/Merulla)

- (a) That the Resignation of Debbie Sanche from the Advisory Committee for Persons with Disabilities be received.
- (b) That the Advisory Committee for Persons with Disabilities request the Selection Committee appoint a member to fill the vacancy left by the resignation.

CARRIED

23. Report 11-002 of the Task Force on Cleanliness and Security in the Downtown Core – October 20, 2011 (Item 8.9)

List of Walkabout Items - Problem Pigeon Populations (Item 7.2)

(Jackson/Collins)

That staff be directed to investigate the health effects of pigeon feces and examine animal control options for dealing with problem pigeon populations and report back to the Task Force on Cleanliness and Security in the Downtown Core.

CARRIED

24. Report 11-002 of the Accountability and Transparency Sub-Committee – October 31, 2011 (Item 8.10)

Lobbyist Registry

(PartridgeWhitehead)

That the Chair or Vice-Chair, L. Ryan and D. Arbuckle meet with the City of Hamilton's legal staff and arrange meetings with the appropriate staff at the City of Toronto as well as the Integrity Commissioner of Ontario, with the intent to gather information and feedback on the workings of the Lobbyist Register.

CARRIED

25. Report 11-003 of the Non-Union Compensation Sub-Committee (Item 8.11)

(a) Job Evaluation Update (HUR11016) (City Wide)

(Whitehead/CollinsS)

That Report HUR11016 Respecting Job Evaluation Update, be received.

CARRIED

(b) Referral of Item 25 (3) General Issues Committee Report 11-025, respecting Non-Union Compensation Update

(i) That Sub-section (a) of Item 53 of Committee of the Whole Report 09-011, approved by Council on April 1, 2009, be amended by deleting '1.5%' in 2011 and replacing it with "0%" in lieu thereof, to read as follows:

(aa) That due to the tough economic times, the cost of living increase for the non-union Management and Professional Exempt employees be 0% in 2009, 1.5% in 2010 and 0% in 2011, which is also intended to set the tone for upcoming labour negotiations;

(ii) That the budgeted amount of \$1.2M for non-union compensation be implemented effective January 1, 2012 as the second installment to move the Non-Union Management and Professional Exempt group of employees' salaries towards the 50th percentile;

(iii) That the contents of report HUR11006(a) respecting the Non-Union Management and Professional Exempt Employee Group Compensation remain confidential as it contains information related to labour relations and employee negotiations.

- (iv) That staff be directed to report back to the Non-Union Compensation Sub-committee in early 2012 respecting options for applying the budget dollar equivalent of the 1.9% yearly increase for 2012, 2013 and 2014 as provided under the CUPE 5167 negotiated settlement, to the Non-union Management and Professional Exempt employee group. **CARRIED**

26. Lake Ontario Offshore Network Windstream Energy Inc. (Item 10.5)

(Whitehead/Partridge)

That the following recommendation respecting Lake Ontario Offshore Network Windstream Energy Inc. be referred to Council for consideration:

That the Mayor Clerk and City Clerk be authorized and directed to sign an addendum to the Memorandum of Understanding (attached hereto as Appendix "C"), or such other ancillary documentation as may be required from time to time, on behalf of the City of Hamilton to participate in an association with the City of Kingston and certain private sector energy companies to facilitate and assist with policy development around the fabrication, assembly, staging, and installation of 100 off-shore wind turbines in the Wolfe Island Shoals, such addenda and documentation to be in a form satisfactory to the City Solicitor.

CARRIED

27. Sewer Use By-law No. 04-150 – Parameters and Compliance Agreements (LS11005a/PW11034(a)) (City Wide) (Item 12.1)

(Farr/Duvall)

- (a) That Report LS11005(a)/PW11034(a) be received for information;
- (b) That the contents of Report LS11005(a)/PW11034(a) remain confidential.

CARRIED

28. Employer Paid Parking (FCS11040/LS11012) (City Wide) (Item 12.2)

(Partridge/Johnson)

- (a) That Report FCS11040/LS11012, respecting *Employer Paid Parking*, be received;
- (b) That Alternative (1) – that parking for employees be continued, but be included as a taxable benefit in each employees income, be adopted;
- (c) That the contents of Report FCS11040/LS11012 remain confidential.

CARRIED

29. Hamilton Waterfront Trust – Liability Claim Litigation Update and Insurance Information (FCS11093) (City Wide) (Item 12.3)

(Jackson/Whitehead)

- (a) That Report FCS11093 respecting Hamilton Waterfront Trust – Liability Claim Litigation Update and Insurance Information, be received;
- (b) That the contents of Report FCS11093 remain confidential. **CARRIED**

30. Parkland Acquisition, 32-36 John Street North (PW11082) (Ward 2) (Item 12.4)

(Farr/Jackson)

- (a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to enter into negotiations with 1687444 ONTARIO LIMITED for their land being comprised of Survey N, Hughson PT Lot 1, PT Lot 8, being all of PIN 171670017 City of Hamilton, comprising an area of approximately 0.09 ha (0.22 acres), municipally known as 32-36 John Street North, City of Hamilton as shown on Appendix A to Report PW11082;
- (b) That the acquisition and remediation costs be funded from the Parkland Dedication Reserve (104090);
- (c) That the financial details of the acquisition respecting 1687444 Ontario Limited and associated parking lot at 32-36 John Street North, remain confidential until the completion of the transaction and that the balance of Report PW11082 not be released as a public document, following approval by City Council;
- (d) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

CARRIED

31. Airport Land Acquisitions and Ontario Municipal Board Appeals (Ward 11) (PED11208) (Item 12.5)

(Johnson/Jackson)

- (a) That in regard to the land holdings of Solomon and Marvin Wasserman located at 2876 Upper James Street (Glanbrook), as shown on Appendix "A" to Report PED11208, staff be directed to:
 - (i) not pursue the acquisition of the lands;

- (ii) remove the deferral of the designation and defend the designation of Airport Reserve and related Zoning of Airport Reserve (M9) Zone at the Ontario Municipal Board (OMB);
- (b) That in regard to the land holdings of Emil Black (Freeland Developments Limited) located at the north-east corner of Glancaster Road and Airport Road (Glanbrook), as shown on Appendix "B" to Report PED11208, staff be directed to:
 - (i) not pursue the acquisition of the lands;
 - (ii) remove the deferral of the designation and defend the designation of Airport Reserve and related Zoning of Airport Reserve (M9) Zone at the Ontario Municipal Board (OMB);
- (c) That the contents of Report PED11208 remain confidential. **CARRIED**

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

PREVIOUS MINUTES

- (i) General Issues Committee – October 13, 2011 (Special) (Added as Item 3.2)

DELEGATIONS

- (ii) The following delegation request has been **withdrawn**:

Delegation Request from Justine Schultes and Katelyn Campbell, People for Animal Welfare Society at McMaster University, respecting a ban on the sale of cats and dogs in Hamilton pet stores (Item 4.3)

Presentation to be provided at the special Planning Committee meeting on Tuesday, November 15, 2011

For Today's Meeting

- (iii) Delegation Request from Marvin Wasserman, owner of property on the west side of Upper James Street and on the east side of John C. Munro/Hamilton International Airport, respecting negotiations for sale of land (Added as Item 4.4) (Cross Reference Item 12.5) – **WITHDRAWN**

- (iv) Delegation Request from Simon Geoghegan, Epiphany Coaches Inc., respecting Hamilton CarShare request (Added as Item 4.8)

For Future Meeting

- (v) Delegation Request from Dr. Geoff Orton and Mr. Emil Gadjanski, on behalf of Students Bridging Borders – Shark Finning Group, respecting shark-finning (Added as Item 4.5)
- (vi) Delegation Request from Deirdre Pike, Living Wage Working Group, to present an overview of the work of the Living Wage Working Group (Added as Item 4.6)
- (vii) Delegation Request from Sara Mayo, Social Planning and Research Council, to present the results of the calculation of Hamilton's living wage (Added as Item 4.7)

DISCUSSION AGENDA

- (viii) Report 11-003 of the Non-Union Compensation Sub-Committee – November 11, 2011 (Added as Item 8.11)

NOTICES OF MOTION

- (ix) The following Notices of Motion have been **withdrawn**:
 - (a) Prohibition on the Feeding of Wildlife (Item 10.2)

Notice of Motion to be introduced at the special Planning Committee meeting on Tuesday, November 15, 2011
 - (b) Pan Am Games – Hamilton Velodrome (Item 10.3)
- (x) Revised Notice of Motion respecting Ban on the Sale and Use of Shark Fins (Item 10.4)
- (xi) Added Notice of Motion respecting Lake Ontario Offshore Network Wind-stream Energy Inc. (Added as Item 10.5)

Councillor McHattie advised of the following changes with respect to items on the agenda:

- (xii) Item 9.1 – Motion respecting Canada-European Community Free Trade Agreement – Impact on the City of Hamilton – **DEFER TO DECEMBER 14 GIC MEETING**
- (xiii) Item 10.1 – Notice of Motion respecting Request to the Alcohol and Gaming Commissioner of Ontario (AGCO) to Transfer Liquor License Process – **WITHDRAWN**

(Pasuta/Ferguson)

That the agenda be approved, as amended.

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

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)**(Duvall/Johnson)**

That the Minutes of the October 11, 2011 regular meeting and October 13, 2011 special meeting of the General Issues Committee be approved as presented.

CARRIED**(d) DELEGATION REQUESTS****(Jackson/McHattie)**

That the following delegation requests be approved to appear at a future General issues Committee Meeting:

- (i) Delegation Request from Dr. Geoff Orton and Mr. Emil Gadjanski, on behalf of Students Bridging Borders – Shark Finning Group, respecting shark-finning (Added as Item 4.5)
- (ii) Delegation Request from Deirdre Pike, Living Wage Working Group, to present an overview of the work of the Living Wage Working Group (Added as Item 4.6)
- (iii) Delegation Request from Sara Mayo, Social Planning and Research Council, to present the results of the calculation of Hamilton's living wage (Added as Item 4.7)

CARRIED**(Clark/Johnson)**

That the following delegation request be approved and the rules of order be waived to allow this delegation to address the Committee at today's meeting:

- (ii) Delegation Request from Simon Geoghegan, Epiphany Coaches Inc., respecting Hamilton CarShare request (Added as Item 4.8)

CARRIED**(e) CONSENT AGENDA**

- (i) **Minutes of the Advisory Committee for Persons with Disabilities Meeting – September 13, 2011 (Item 5.1)**

(Ferguson/Johnson)

That the September 13, 2011 Minutes of the Advisory Committee for Persons with Disabilities, be received.

CARRIED

- (ii) **Hamilton Police Services Board Monthly Reports PSB 11-080 and PSB 11-087 (Item 5.2)**

(McHattie/Collins)

That Monthly Reports PSB11-080 and PSB 11-087 of the Hamilton Police Services, be received. **CARRIED**

- (iii) **Licence Renewal Agreement with Rogers Wireless Inc. (Licensee) – Suter Crescent, Dundas – Dundas Water Tower (PED11204) (Ward 13) (Item 5.3)**

The Motion **CARRIED** on the following vote:

Yeas: Bratina, McHattie, Farr, Merulla, Collins, Jackson, Pasuta, Ferguson, Johnson, Pearson, Clark
Total Yeas: 11
Nays: Duvall, Whitehead (opposed to sub-section (b) only)
Total Nays: 2
Absent: Morelli, Partridge, Powers
Total Absent: 3

(Whitehead/Duvall)

That staff be directed to report back showing what the revenue policy is in relation to cell towers.

- (iv) **Licence Agreement with Bell Mobility Inc. (Licensee) – Dundas Water Tower, Suter Crescent, Dundas (PED11203) (Ward 13)**

The Motion **CARRIED** on the following vote:

Yeas: Bratina, McHattie, Farr, Merulla, Collins, Jackson, Pasuta, Ferguson, Johnson, Pearson, Clark
Total Yeas: 11
Nays: Duvall, Whitehead (opposed to sub-section (b) only)
Total Nays: 2
Absent: Morelli, Partridge, Powers
Total Absent: 3

(f) **DELEGATIONS**

- (i) **Jason Hammond, Janet MacLeod and Sharyl Spring, Hamilton CarShare, respecting Hamilton CarShare Revolving Line of Credit and Corporate Membership (Item 6.1)**

Janet MacLeod, Operations Co-ordinator, Sharyl Spring, Hamilton Services Co-ordinator, and Jason Hammond, President, of Hamilton CarShare appeared before the committee.

Hamilton CarShare is a non-profit co-operative and the delegation provided background history of Hamilton CarShare. They also expressed their support for the staff recommendations and acknowledged the work that City staff has put in to compiling the report.

(ii) Richard den Otter, respecting Hamilton CarShare

Richard den Otter appeared before the Committee to comment on the line of credit and provide support in principle for Hamilton CarShare as an alternative mode of transportation, and stated that the co-operative is in a good position to sustain the line of credit.

Mr. den Otter also thanked the City and staff for their support.

(iii) Simon Geoghegan, Epiphany Coaches Inc., respecting Hamilton CarShare

Mr. Simon Geoghegan of Epiphany Coaches Inc. appeared before the Committee to speak to the Hamilton CarShare report. Mr. Geoghegan is the owner of a small consulting/coaching business in the City. The purpose of his address to the Committee is to share the impact of CarShare on his family and business.

CarShare is very affordable and has reduced transportation costs to his family. From a corporate perspective, CarShare adds a lot of flexibility, reduces cost and is a great budgeting tool relative to predicting transportation costs.

Mr. Geoghegan is in full support of CarShare, which is innovative, a great tool for citizen engagement and hugely positive that the City is looking at this program.

(iv) Staff Presentation – Hamilton CarShare Revolving Line of Credit and Corporate Membership (PW11081) (City Wide)

Peter Topalovic provided a power point presentation to the Committee which outlined the following:

- History and background
- What is Carsharing
- Carsharing in Hamilton: current context
- Planned expansion
- Funding the expansion plans
- Corporate carsharing
- Examining the business cases
- Next steps

A copy of the power point presentation has been retained for the public record and is available for viewing on the City of Hamilton website.

(Johnson/Ferguson)

That the staff presentation respecting Report PW11081 – Hamilton CarShare Revolving Line of Credit and Corporate Membership, be received.

(Clark/Partridge)

That Report PW11081 respecting Hamilton CarShare Revolving Line of Credit and Corporate Membership be deferred pending receipt of financial statements from Hamilton CarShare, and that staff report back to the December 12, 2011 meeting of the General Issues Committee.

- (v) **Sanjay Chopra, 2202879, 2202919, 2202917 and 2201896 Ontario Inc., respecting 958, 962, 966 and 970 Beach Boulevard, Hamilton, regarding a Request for an Extension to the Covenants of Agreement of Purchase of Lots that require Commencement of Construction by November 9, 2011 (Cross Reference to Item 8.1) (Item 4.1)**

Mr. Sanjay Chopra appeared before the Committee with respect to five lots that he has purchased on Beach Blvd. to construct residential units and to request that he be able to continue this project as he is unable to complete construction within the time permitted.

(Collins/Clark)

That Report PED11021 respecting City Re-purchase of 958, 962, 966, and 970 Beach Blvd. from 2202918 Ontario Inc. (Neeru Chopra) and Extension of Building Covenants – 974 Beach Blvd. Hamilton, be tabled to allow staff to come back with additional conditions, if additional time is to be extended to Mr. Chopra.

CARRIED

- (vi) **Hamilton Waterfront Trust Financial Statements**

Bob Charters, Chair of the Hamilton Waterfront Trust Board, appeared before the Committee and provided a power point presentation which included the following:

- Who we are
- Settlement Agreement of October 25, 2000 between the Hamilton Harbour Commissioners, the City of Hamilton and the Federal Government; Deed of Trust of November 2000; composition of the Board: 5 board members, 2 City Councillors, 2 appointees by the City and 1 appointee by the Hamilton Port Authority
- Goals
- Projects, including Hamilton Beach Trail, Waterfront Trail Extension, Lakeland Center, Windermere Basin, Waterfront Ice Rink

- Other Capital Projects, including Hamilton Waterfront attractions at Pier 8: Hamiltonian, Williams Fresh Café, Hamilton Harbour Queen, Dining Cruises, Waterfront Trolley, SCOOPS Ice Cream Parlour, Waterfront Grill
- Community Outreach Initiatives, including Hamilton Harbour Fishing Derby, Wingfest, Festival of Lights, Music on the Waterfront, Hamilton Waterfront Learn-to-Skate
- Future Projects, including Pier 8 development
- 2010 Financial Audited Statements: need to explain significant one-time components contributing to the expenses

Mr. Charters concluded his presentation commenting that the Hamilton Waterfront Trust wants to continue to work together with the City as they share a common vision with the City; make it an identity of place for Hamilton, and create a positive and memorable place; want all to have access to the assets of the waterfront.

A copy of the power point presentation has been submitted for the public record and is available for viewing on the City of Hamilton website.

The Committee requested the following additional information:

- Surplus position to date in 2011
- Status of the Trust for the first three quarters of this year
- Rules for charitable status, GST information

(Powers/Ferguson)

That the question be put.

CARRIED

See Item 12 for the disposition of this item.

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	Bratina, Pearson, McHattie, Farr, Merulla, Collins, Jackson, Duvall, Whitehead, Partridge, Pasuta, Powers, Ferguson, Pearson, Clark
Total Yeas:	15
Nays:	
Total Nays:	0
Absent:	Morelli
Total Absent:	1

(Collins/Jackson)

That staff be directed to meet with representatives of the Hamilton Waterfront Trust to discuss 2012 capital priorities and that both parties report back to the General Issues Committee with that information for consideration and/or comment.

CARRIED

The Committee requested that the Council representatives on the Hamilton Waterfront Trust provide updates to the General Issues Committee on a periodic basis.

(g) PRESENTATIONS

(i) Five-Year Review – Hamilton Realty Capital Corporation (PED11198) (Wards 1, 2 and 3) (Item 7.2)

Neil Everson, Director of Economic Development and Real Estate, recognized the attendance of Richard Abboud, President, and Ramsey Ali, Vice President and Chief Counsel, of FH Investment.

Mr. Everson provided a power point presentation with respect to the five-year review – Hamilton Realty Capital Corporation, which included the following:

- History of the HRCC
- Five-Year Review
- Where can HRCC invest
- First Venture of the HRCC resulting in purchase of property
- City monies spent to date
- Capital Contribution
- Proposal to increase the City's commitment to the HRCC
- Summary of recommendations.

A copy of the power point presentation has been retained for the public record and can be viewed on the City of Hamilton website.

Committee members requested further financial details on what the HRCC has spent to date.

(Clark/Johnson)

- (a) That the staff presentation respecting Five-year Review – Hamilton Realty Capital Corporation, be received;
- (b) That Report PED11198 respecting Five-year Review – Hamilton Realty Capital Corporation be deferred until a copy of the Unanimous Stakeholders' Agreement (USA) has been provided to the General Issues Committee for review;
- (c) That staff be directed to report back on conflict of interest policies and provide the financial information for the Corporation.

CARRIED

(ii) **The Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13 and 15) (Item 7.3)**

Glen Norton, Manager of Urban Renewal, introduced Liz Nield and Mark Van Der Woerd from LURA Consulting, who provided a power point presentation with respect to the Hamilton Association of Business Improvement Areas – Terms of Reference and Strategic Plan which outlined the following:

- H.A.B.I.A. Strategic Review
- Terms of Reference, including vision, goals, values, priorities, membership, roles and responsibilities, absenteeism, meetings, Conflict of Interest, Amendments to the Terms of Reference
- Reporting and monitoring.

A copy of the power point presentation has been retained for the public record and can be viewed on the City of Hamilton website.

Eileen Maloney, Co-ordinator, Business Improvement Areas, was also in attendance to respond to questions of the Committee.

Ms. Maloney noted that Ward 11 was inserted in the subject line in error and should be removed.

(Johnson/Partridge)

That the presentation respecting Hamilton Association of Business Improvement Areas – Terms of Reference and Strategic Plan, be received. **CARRIED**

(Merulla/Collins)

That the following be added as sub-section (c):

- (c) That staff be directed to explore the feasibility of developing a relationship and/or pursue synergies between the Chambers of Commerce and the Hamilton Association of Business Improvement Areas and report back to the General Issues Committee. **Amendment CARRIED**

(Clark/Partridge)

That the Terms of Reference attached to Report PED11193 be amended as follows:

- (a) In Section 8 – Voting Procedures/Decision Making. Sub-section (i), the word “preferred” be deleted;
- (b) Delete Sub-section (ii) – “Voting Procedures/Decision Making” and Sub-section (iii) – “Overturning a Decision”.

- (c) That Section 10 – Amendments to the Terms of Reference, be amended to include that any amendments to the Terms of Reference be presented to the General Issues Committee for approval.

**Amendment CARRIED
Motion as amended CARRIED**

(iii) 2010-2012 Business Plan Projects Update (PED11206) (City Wide) (Item 7.4)

Tim McCabe, General Manager, Planning and Economic Development, and Bill Janssen, Director, Strategic Services – Special Projects, provided information on the 2010-2012 Business Plan, which is the third strategic plan. This Work Plan has been integrated with the Corporate Strategic Plan and the SMT Work Plan. It has been the subject of extensive discussion at SMT meetings in terms of other Departments utilizing a similar template and Planning staff has agreed to assist in this endeavour.

Mr. Janssen outlined how to interpret the update and highlighted new initiatives and results/performance.

(iv) Halton-Hamilton Source Water Protection Plan Policies - Comments from the City of Hamilton (PW11067/PED11183) (City Wide) (Item 7.5)

(Clark/Whitehead)

That the staff presentation respecting Halton-Hamilton Source Water Protection Plan Policies - Comments from the City of Hamilton, be waived.

CARRIED

(Clark/McHattie)

That sub-sections (a)(iii) and (a)(iv) of Report PW11067/PED11183 be deleted.

**Amendment CARRIED
Motion as amended CARRIED**

Joanne Hickey-Evans, Manager, Policy Planning, and Chris Shrive, Senior Project Manager, Source Water, were in attendance to respond to questions of the Committee.

(h) DISCUSSION AGENDA

(i) Councillors' Remuneration - Continuation of One-Third Tax Allowance (FCS11054) (City Wide) (Item 8.5)

Councillor Whitehead requested information with respect to what percentile Council is at relative to other jurisdictions. The Committee requested that any information posted on the website be provided with more clarity.

The Motion **CARRIED** on the following vote:

Yeas: Farr, Merulla, Collins, Duvall, Whitehead, Pearson,
Partridge, Pasuta, Johnson, Clark
Total Yeas: 10
Nays: Jackson
Total Nays: 1
Absent: McHattie, Morelli, Bratina, Powers, Ferguson
Total Absent: 5

(ii) 2012 Tax Supported User Fees (FCS11096) (City Wide) (Item 8.6)

(Duvall/Whitehead)

That the section of the 2012 Tax-Supported User Fees related to "Planning & Development – Parking and By-law Services: Animal Control" be referred to the Planning Committee for further discussion. **CARRIED**

(iii) Report 11-003 of the Non-Union Compensation Sub-Committee (Item 8.11)

Item (b) respecting the Referral of Item 25 (3) General Issues Committee Report 11-025, respecting Non-Union Compensation Update **CARRIED** on the following vote:

Yeas: Farr, Merulla, Collins, Jackson, Whitehead, Pearson,
Partridge, Pasuta, Johnson, Clark
Total Yeas: 10
Nays: Duvall (opposed to (b)(i) and (ii))
Total Nays: 1
Absent: McHattie, Morelli, Bratina, Powers, Ferguson
Total Nays: 5

(i) NOTICES OF MOTION

Councillor J. Partridge introduced the following Notice of Motion:

Lake Ontario Offshore Network Windstream Energy Inc. (Item 10.5)

Whereas, the Clean Technology sector has been identified as one of Hamilton's key industry clusters in the June 18, 2010 Council approved Economic Development Strategy; and

Whereas, a senior staff member of the Planning & Economic Development Department's Economic Development Division has been dedicated to this sector for the last three years and that the City is a member of both the Ontario Clean Technology Alliance (OCTA) and the Golden Horseshoe Strategic Energy Alliance; and

Whereas, the City of Hamilton has been requested to participate in a joint partnership with the City of Kingston and Windstream Energy Inc. to enter into an association to establish a consortium that will be responsible for the fabrication, assembly, staging, and installation of 100 off-shore wind turbines in the Wolfe Island Shoals wind project which is located approximately 5 kilometres off Wolfe Island in eastern Lake Ontario; and

Whereas, the direct benefit to Hamilton's economy will be related to the local Clean Technology supply chain including the Port of Hamilton and several major industrial/marine related companies located at the Bayfront Industrial area; and

Whereas, there will be no wind turbines associated with this partnership located within Hamilton's municipal boundaries; and

Whereas, the Mayor of Hamilton, designated City Councillors and Senior City staff will work cooperatively with Kingston counterparts to support, facilitate and expedite this development at the Provincial level.

Therefore Be It Resolved:

That the Mayor Clerk and City Clerk be authorized and directed to sign an addendum to the Memorandum of Understanding, or such other ancillary documentation as may be required from time to time, on behalf of the City of Hamilton to participate in an association with the City of Kingston and certain private sector energy companies to facilitate and assist with policy development around the fabrication, assembly, staging, and installation of 100 off-shore wind turbines in the Wolfe Island Shoals, such addenda and documentation to be in a form satisfactory to the City Solicitor.

(Merulla/Partridge)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Lake Ontario Offshore Network Windstream Energy Inc. **CARRIED**

See Item 26 for the disposition of this item.

Staff was directed to provide the following information to Committee members prior to Council:

- Information on why the moratorium was established
- Include in the motion that the City of Hamilton will not incur any costs within the consortium
- Copy of the Memorandum of Understanding
- Information from the Provincial Government with respect to the moratorium

(j) OTHER BUSINESS/GENERAL INFORMATION (Item 11)**11.1 Outstanding Business List****(a) Outstanding Business List****(Whitehead/Jackson)**

That the revised due dates for the following items be approved:

- (I) Buy Local: Recommendation (b) of FCS09020
(Item 6 of Audit & Administration Committee Report 09-004,
approved by Council on February 26, 2009)
Due Date: Q2, 2011
Revised Due Date: Q1,2012
- (ii) Neighbourhood Development Strategy
Due Date: September 12, 2011
Revised Due Date: January 9, 2012
- (iii) Illegal Dumping, Litter and Escaped Waste
Due Date: September 12, 2011
Revised Due Date: December 12, 2011
- (iv) Sports Field Management Strategy
Due Date: November 14, 2011
Revised Due Date: December 14, 2011 **CARRIED**

(b) Privacy of Closed Session Meetings – Verbal Update

The Committee Clerk reported that the City Clerk made the necessary adjustments to the audio system in the Council Chamber to ensure that white noise/music in the foyer outside the Council Chamber is activated while in camera discussions are taking place.

(Partridge/Pasuta)

That the verbal update provided with respect to Privacy of Closed Session Meetings, be received and removed from the Outstanding Business List. **CARRIED**

(k) PRIVATE & CONFIDENTIAL**(Johnson/Partridge)**

That the Committee move into Closed Session at 6:25 p.m. pursuant to sub-sections 8.1(c), (e) and (f) of the City's Procedural By-law and Section 239.2(c), (e) and (f) of the Municipal Act as the subject matters pertain to:

- (c) a proposed or pending acquisition or disposition of land for City purposes
- (e) litigation or potential litigation, including matters before administrative tribunals affecting the City
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

respecting:

- 12.2 Employer Paid Parking (FCS11040/LS11012) (City Wide)
- 12.3 Hamilton Waterfront Trust – Liability Claim Litigation Update and Insurance Information (FCS11093) (City Wide)
- 12.4 Parkland Acquisition, 32-36 John Street North (PW11082) (Ward 2)
- 12.5 Airport Land Acquisitions and Ontario Municipal Board Appeals (Ward 11) (PED11208)

(Collins/Jackson)

That the Committee reconvene in Open Session at 6:40 p.m.

CARRIED

- 12.2 Employer Paid Parking (FCS11040/LS11012) (City Wide)

See Item 28 for the disposition of this item.

- 12.3 Hamilton Waterfront Trust – Liability Claim Litigation Update and Insurance Information (FCS11093) (City Wide)

See Item 29 for the disposition of this item.

- 12.4 Parkland Acquisition, 32-36 John Street North (PW11082) (Ward 2)

See Item 30 for the disposition of this item.

- 12.5 Airport Land Acquisitions and Ontario Municipal Board Appeals (Ward 11) (PED11208)

See Item 31 for the disposition of this item.

There being no further business, the Committee adjourned at 6:45 p.m.

Respectfully submitted

Councillor M. Pearson
Deputy Mayor

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
November 14, 2011