



## **General Issues Committee**

### **REPORT 11-036**

**9:30 a.m.**

**Monday, December 12, 2011**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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- Present:** Deputy Mayor R. Pasuta (Chair)  
Mayor B. Bratina  
Councillors B. Clark, C. Collins, S. Duvall, J. Farr,  
L. Ferguson, B. McHattie, S. Merulla, B. Morelli, T. Jackson,  
B. Johnson, J. Partridge, M. Pearson
- Absent with Regrets:** Councillor R. Powers – Personal  
Councillor T. Whitehead – Illness
- 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  
P. Barkwell, City Solicitor  
N. Everson, Director, Economic Development  
C. Biggs, Co-ordinator, Committee Services/Council/Budgets

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 11-036 AND RESPECTFULLY RECOMMENDS:**

1. **Career Development Centre (CDC) Lease (CS11096/PED11213) (Ward 2)  
(Item 5.1)**
  - (a) That City Council approve a new lease with CityHousing Hamilton Corporation (CHHC) subject to the following terms and conditions:
    - (i) **Term:** Three (3) years commencing January 1, 2011 and terminating on December 31 2013;

- (ii) **Property:** Career Development Centre, 181 Main St West, 3<sup>rd</sup> floor Hamilton, comprising a gross rentable area of 22,706 square feet of first floor, second floor and third floor space;
  - (iii) **Rental Rate:** From the date of commencement, being January 1 2011, the City shall pay fixed rent of \$11.451 per square foot including HST for year 1, \$11.680 for year 2, and \$ 11.913 for year 3;
  - (iv) **Parking:** Lease provides 5 underground parking spaces at no cost; and,
  - (v) **Operating Costs:** Operating costs are included in the gross rent save and except cleaning, garbage, waste collection and disposal, security system, and interior décor and finishing.
- (b) That all rent and operating costs be funded from Account No. 672825-55358 and 672815-55358;
  - (c) That Legal Services be authorized to prepare a by-law under Section 110 of the Municipal Act to propose the leased space to become a City Capital Facility, whereby the City would be exempt from paying Realty Taxes at this location; and,
  - (d) That the Mayor, General Manager of Finance, and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor.

**2. Senior Management Team (SMT) 2011 Work Plan (CM11017) (City Wide) (Item 5.2)**

That Report CM11017 respecting Senior Management Team (SMT) 2011 Work Plan, be received.

**3. Licence Agreement with Public Mobile Retail Inc. (Licensee) – Dundas Water Tower, Suter Crescent, Dundas (PED11212) (Ward 13) (Item 5.3)**

- (a) That a Licence Agreement for a term of five (5) years with Public Mobile Retail Inc. on property described as Part of Lot 46, Concession 1, Ancaster Township, also identified as PIN 17448-0002, and Block 47, Plan 62M-440, Town of Dundas (Dundas Water Tower), as shown on Appendix “A” attached to Report PED11212, be approved with the following conditions:

- (i) **Rental Rate:** From the date of commencement, being January 1, 2012, Public Mobile Retail Inc. shall pay rent based on \$25,000 per year net, plus H.S.T. in the first year of the term. Rent will increase by 2.5% in 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 Licence Agreement provides for three (3) five (5) year renewal options. Both Public Mobile Retail Inc. and the City have the right to terminate this 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.

**4. Locke Street Business Improvement Area (B.I.A.) Revised Board of Management (PED11034(a)) (Ward 1) (Item 5.4)**

That the following individuals be appointed to the Locke Street B.I.A.'s Board of Management:

Marilyn Shaw  
Bettina Schorman  
Jaime Krakowski

**5. Ancaster Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11214) (Ward 12) (Item 5.5)**

- (a) That the 2012 Operating Budget for the Ancaster B.I.A. (attached as Appendix "A" to Report PED11214) be approved in the amount of \$93,300.
- (b) That the levy portion of the Operating Budget for the Ancaster B.I.A. in the amount of \$93,300.00 be approved.
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b) above.

- (d) That the following schedule of payments for 2012 be approved:

January	\$23,325.00
April	\$23,325.00
July	\$23,325.00
October	\$23,325.00

Note: Assessment appeals may be deducted from the levy payments.

**6. Barton Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11215) (Wards 2 and 3) (Item 5.6)**

- (a) That the 2012 Operating Budget for the Barton Village B.I.A. (attached as Appendix “A” to Report PED11215) be approved in the amount of \$46,630.00.
- (b) That the levy portion of the Operating Budget for the Barton Village B.I.A. in the amount of \$46,630.00 be approved.
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b) above.
- (d) That the following schedule of payments for 2012 be approved:

January	\$11,657.50
April	\$11,657.50
July	\$11,657.50
October	\$11,657.50

Note: Assessment appeals may be deducted from the levy payments.

**7. Concession Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11216) (Wards 6 and 7) (Item 5.7)**

- (a) That the 2012 Operating Budget for the Concession Street B.I.A. (attached as Appendix ‘A’ to Report PED11216) be approved in the amount of \$78,750.00.
- (b) That the levy portion of the Operating Budget for the Concession Street B.I.A. in the amount of \$78,750.00, be approved.

- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b), above.
- (d) That the following schedule of payments for 2012 be approved:

January	\$19,687.50
April	\$19,687.50
July	\$19,687.50
October	\$19,687.50

Note: Assessment appeals may be deducted from the levy payments.

**8. Downtown Hamilton Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11217) (Ward 2) (Item 5.8)**

- (a) That the 2012 Operating Budget for the Downtown Hamilton B.I.A. (attached as Appendix “A” to Report PED11217) be approved in the amount of \$323,000.
- (b) That the levy portion of the Operating Budget for the Downtown Hamilton B.I.A. in the amount of \$250,000 be approved.
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b), above.
- (d) That the following schedule of payments for 2012 be approved:

January	\$62,500.00
April	\$62,500.00
July	\$62,500.00
October	\$62,500.00

Note: Assessment appeals may be deducted from the levy payments.

**9. International Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11218) (Wards 2 and 3) (Item 5.9)**

**(Collins/McHattie)**

- (a) That the 2012 Operating Budget for the International Village B.I.A. (attached as Appendix ‘A’ to Report PED11218) be approved in the amount of \$140,000.00.

- (b) That the levy portion of the Operating Budget for the International Village B.I.A. in the amount of \$140,000.00 be approved.
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b) above.
- (d) That the following schedule of payments for 2012 be approved:

January	\$70,000.00
June	\$70,000.00

Note: Assessment appeals may be deducted from the levy payments.

**10. Locke Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11219) (Ward 1) (Item 5.10)**

- (a) That the 2012 operating budget for the Locke Street B.I.A. (attached as Appendix “A” to Report PED11219) be approved in the amount of \$10,250.00.
- (b) That the levy portion of the Operating Budget for the Locke Street B.I.A. in the amount of \$10,250.00 be approved.
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 budget as referenced in sub-section (a) above.
- (d) That the following schedule of payments for 2012 be approved:

February	\$2,562.50
April	\$2,562.50
July	\$2,562.50
October	\$2,562.50

Assessment appeals may be deducted from the levy payments.

**11. Ottawa Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11220) (Wards 3 and 4) (Item 5.11)**

- (a) That the 2012 Operating Budget for the Ottawa Street B.I.A. (attached as Appendix “A” to Report PED11220) be approved in the amount of \$132,250.00.

- (b) That the levy portion of the Operating Budget for the Ottawa Street B.I.A. in the amount of \$132,250.00 be approved.
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b) above.
- (d) That the following schedule of payments for 2012 be approved:

January	\$66,125.00
June	\$66,125.00

Note: Assessment appeals may be deducted from the levy payments.

**12. Westdale Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2012 (PED11221) (Ward 1) (Item 5.12)**

- (a) That the 2012 Operating Budget for the Westdale Village B.I.A. (attached as Appendix “A” to Report PED11221) be approved in the amount of \$122,500.00.
- (b) That the levy portion of the Operating Budget for the Westdale Village B.I.A. in the amount of \$122,500.00 be approved.
- (c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2012 Budget as referenced in sub-section (b) above.
- (d) That the following schedule of payments for 2012 be approved:

January	\$61,250.00
July	\$61,250.00

Note: Assessment appeals may be deducted from the levy payments.

**13. McMaster Students’ Union – “Your City” Survey (Item 6.1)**

- (a) That the presentation from Alicia Ali, President of the McMaster Students’ Union, respecting the “Your City” Survey, be received.
- (b) That a copy of the results of the “Your City” Survey be forwarded to the Economic Development Department.

**14. Presentation from Deirdre Pike, Living Wage Group, respecting the Living Wage Report (Item 6.2)**

That the presentation from Deirdre Pike, Living Wage Group, respecting the Living Wage Report, be received.

**15. Presentation from Sara Mayo, Social Planning and Research Council, respecting Results of the Calculation of Hamilton's Living Wage (Item 6.3)**

That the presentation from Sara Mayo, Social Planning and Research Council, and Dr. Hugh MacKenzie, respecting Results of the Calculation of Hamilton's Living Wage, be received.

**16. Presentation from Tom Cooper and Judy Travis, Hamilton Roundtable for Poverty Reduction, respecting HRPR's Community Campaign to make Hamilton a Living Wage Community (Added Item 4.3)**

That the presentation from Tom Cooper and Judy Travis, Hamilton Roundtable for Poverty Reduction, respecting HRPR's Community Campaign to make Hamilton a Living Wage Community, be received.

**17. Presentation from Don Wells, Living Wage Community Partners, respecting the Economic Impact of a Living Wage Policy in Hamilton (Added Item 4.4)**

That the presentation from Don Wells, Living Wage Community Partners, respecting the Economic Impact of a Living Wage Policy in Hamilton, be received.

**18. Presentation from Corinna Stroop, Living Wage Hamilton Coalition, respecting the Living Wage Policy (Added Item 4.8)**

That the presentation from Corinna Stroop, Living Wage Hamilton Coalition, respecting the Living Wage Policy, be received.

**19. Living Wage (CS10092(a)) (City Wide) (Item 8.1)**

That Report CS10092(a) respecting Living Wage, be received.



**20. Dr. Geoff Orton and Mr. Emil Gadjanski, Students Bridging Borders – Shark Finning Group, respecting Shark Finning (Item 6.4)**

That the presentation from Emily Shilton, Saige Patti and Nadia Igdoura of Students Bridging Borders – Shark Finning Group (Westdale Secondary School), respecting Shark Finning, be received.

**21. Phil Gillies, Wild Aid Canada, respecting Motion on Ban on the Sale of Shark Fins (Item 4.1)**

That the presentation from Phil Gillies, Wild Aid Canada, respecting Motion on Ban on the Sale of Shark Fins, be received.

**22. Presentation from Jennifer Zabawa, United Conservationists, respecting the issue of Shark Fins (Item 4.2)**

That the presentation from Jennifer Zabawa, United Conservationists, respecting the issue of Shark Fins, be received.

**23. Presentation from Leigh Johnston respecting Request for a Federal Ban on Shark Finning (Added Item 4.15)**

That the presentation from Leigh Johnston respecting Request for a Federal Ban on Shark Finning, be received.

**24. Maja Zonjic, Independent Conservation Researcher and Documentary Maker, respecting Shark Finning**

That the presentation from Maja Zonic, respecting Shark Finning, be received.

**25. Ban on the Sale and Use of Shark Fins (Item 10.1)**

- (a) That the City of Hamilton request that Health Canada and the Canadian Food Inspection Agency, along with Environment Canada and the Department of Fisheries and Oceans (in reference to CITES legislation) take carriage of the shark fin issue and proceed to enact a ban on the use and sale of shark fins and shark fin products in Canada;
- (b) That, in anticipation of a Canada-wide ban enacted by the federal government, the City of Hamilton request that the sale and use of shark fin products in Hamilton cease immediately;

- (c) That Council request citizens to boycott any establishments in Hamilton that sell shark fins;
- (d) That a copy of this motion be provided to all users of shark fin products in Hamilton (possibly through business license renewal communications), AMO, FCM, area M.P.s, and Mr. Finn Donnelly, M.P. New Westminster, British Columbia.

**26. Presentation from Sarah Wakefield, Community Food and Safety Stakeholder Committee, respecting the Community Garden Co-ordinator Position (Added Item 4.5)**

That the presentation from Sarah Wakefield, Community Food and Safety Stakeholder Committee, respecting the Community Garden Co-ordinator Position, be received.

**27. Presentation from Edda Jaenish, Bartonville Neighbourhood Community Garden, respecting the Community Garden Co-ordinator Position (Added Item 4.12)**

That the presentation from Edda Jaenish, Bartonville Neighbourhood Community Garden, respecting the Community Garden Co-ordinator Position, be received.

**28. Community Garden Co-ordinator Position (BOH11001(a)) (City Wide) (Item 8.3)**

- (a) That Report BOH11001(a) respecting the Community Garden Co-ordinator Position, be received;
- (b) That \$7,500.00 be transferred from Public Works, General Horticultural Maintenance Account No. 446020 to Public Health Services to provide half of the required funding to bridge the gap for the Community Garden Co-ordinator position;
- (c) That Public Health Service provide one-time funding in the amount of \$15,000 from Account No. 675300 to bridge the funding gap for the Community Garden Co-ordinator position from February 1, 2012 to July 1, 2012;
- (d) That staff report back to the Board of Health respecting the results of the funding proposal submission made to the Trillium foundation for the Community Garden Co-ordinator position.

29. **Sanjay Chopra, 2202879, 2202919, 2202917 and 2201896 Ontario Inc., regarding 958, 962, 966 and 972 Beach Blvd. (Item 4.7)**

That the presentation from Sanjay Chopra requesting an extension to Covenant 7.3 of the Agreement of Sale be received.

30. **Presentation from Darcy Baker, Niagara Peninsula Conservation Authority, respecting PFO Contamination in the Welland River Watershed (Item 4.6)**

That the presentation from Darcy Baker, Niagara Peninsula Conservation Authority, respecting PFO Contamination in the Welland River Watershed and steps being taken at Binbrook Conservation Area to ensure the public are aware, be received.

31. **Presentation from Joe Minor respecting Content of Staff Report PED11223 – Perfluorooctane Sulphate Acid – Hamilton International Airport (Added Item 4.13)**

That the presentation from Joe Minor respecting Content of Staff Report PED11223 – Perfluorooctane Sulphate Acid – Hamilton International Airport, be received.

32. **Red Hill Valley Expressway Litigation (Added Item 12.6)**

That the verbal update from David Estrin, Outside Legal Counsel, respecting the Red Hill Valley Expressway Litigation, be received.

33. **Presentation from Jason Hammond and Richard Den Otter, respecting Revolving Line of Credit and Corporate Membership (Added Item 4.14)**

That the presentation from Jason Hammond and Richard Den Otter, respecting Revolving Line of Credit and Corporate Membership, be received.

34. **Hamilton Car Share Revolving Line of Credit and Corporate Membership (PW11081(a)) (City Wide) (Item 8.4(a))**

That Report PW11081(a) respecting Hamilton Car Share Revolving Line of Credit and Corporate Membership, be received.

**35. Hamilton Car Share Revolving Line of Credit and Corporate Membership (PW11081) (City Wide) (Item 8.4(b))**

- (a) That a loan in the form of a revolving line of credit with a maximum upset limit of \$150,000 at an interest rate of 4.0% in accordance with the City's External Loan Guideline for a term of ten (10) years be approved for Hamilton CarShare;
- (b) That a corporate carsharing membership program be implemented as a 2-year pilot project for use by designated City staff members from Public Works, Planning and Economic Development and Public Health Services. Staff will report back to the General Issues Committee at the end of the pilot;
- (c) That the Mayor and Clerk be authorized and directed to execute a Loan Agreement, security documentation, carsharing membership agreement and any ancillary documents required to give effect to recommendations (a) and (b), all in forms satisfactory to the City Solicitor.

**36. Outdoor Recreation Facilities and Sports Field Provision Plan (CS11064(a)) (City Wide) (Item 7.1)**

- (a) That the Outdoor Recreation Facilities & Sports Field Provision Plan prepared by Monteith Brown Planning Consultants (Appendix A to Report CS11064(a)) be received;
- (b) That staff be directed to develop Division work plans, in consultation with Ward Councillors, to address the recommendations attached as Appendix B – Summary of Recommendations; and,
- (c) That the outstanding business item identified as “Sports Field Management Strategy” be removed from the outstanding business list.

**37. Biosolids Management Project – P3 Canada Funding Approval Workplan (PW11098/FCS11112) (City Wide) (Item 7.2)**

That the presentation from Rob Mackay, Director of Business Development, p3 Canada, and Remo Bucci, P.Eng., Vice President and Director, Deloitte, respecting Biosolids Management Plan Project – P3 Canada Funding Approval Workplan, be received.

**38. Biosolids Management Project – P3 Canada Funding Approval Workplan (PW11098/FCS11112) (City Wide) (Item 7.2)**

- (a) That the General Manager, Public Works be authorized and directed to proceed with Phase 1 of the P3 Canada Funding Approval Workplan for the City’s Biosolids Management Project as summarized in Appendix B, at a cost estimate of \$300,000 to be funded from Project 5160966910 WWTP - Biosolids MP Implementation;
- (b) That after completion of Phase 1 staff report back to Council prior to proceeding to Phase 2.

**39. Capital Projects Status and Closing Report as of September 30, 2011 (FCS11073(a)) (City Wide) (Item 8.6)**

- (a) That the September 30th, 2011, Capital Projects’ Status and Projects’ Closing Report and the attached Appendices A, B, C, D, and E to report FCS11073(a) for the tax levy and the rate supported capital projects be received for information;
- (b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to report FCS11073(a) in accordance with the Capital Closing Policy and that the net transfers be applied as listed below and as detailed by project in Appendix B to report FCS11073(a):

**Summary of Net Transfers**

<u>Dedicated Reserves/Projects</u>	\$ To\From)
Rate Reserves	(57,893)
	<hr style="width: 100%;"/>
	(57,893)
Unallocated Capital Levy Reserve	103,766
	<hr style="width: 100%;"/>
<b>Net Transfers</b>	<b>45,873</b>
	<hr style="width: 100%;"/>

- (c) That the Capital Projects Status and Closing Process be reviewed and that a process where Departments report to their respective Standing Committees on the status of the Capital Work-in-Progress projects be implemented in 2012.

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

- (a) That the Work-in-Progress Account 3720841802 for “Copps 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.

**41. 2010 Post Election Report (CL11005) (City Wide) (Item 8.8)**

That Report CL11005 respecting 2010 Post Election Report, be received.

**42. Report 11-006 of the Advisory Committee for Persons with Disabilities (Item 8.9)**

That Item 1 of Report 11-006 of the Advisory Committee for Persons with Disabilities respecting the 2011 Accessibility Plan be referred to the General Manager of Corporate Services for appropriate action.

**43. Report 11-002 of the Pan Am Stadium Precinct Sub-Committee (Item 8.1)****(i) Pan Am Stadium Update (PW11092)**

That Report PW11092 respecting Pan Am Stadium Update, be received.

**(ii) Pan Am Stadium Precinct Update (Added Item 6.3)**

- (a) That staff be directed to develop a comprehensive community plan for the Pan Am Stadium Precinct and that this plan include the following components:
  - (i) A description of the boundaries of the Pan Am Stadium Precinct;
  - (ii) A description of the desires and wishes of those that live, work play and learn in the Pan Am Stadium Precinct about what kind of place they want it to be and how they want to improve their quality of life;

- (iii) An analysis of opportunities for future development that meets the needs of the Precinct including but not limited to land use, housing, economic development, open space and recreation , services and facilities, transportation and circulation;
- (iv) A preliminary implementation plan that identifies and schedules the specific municipal actions, including the identification of the anticipated costs and revenues associated with each element of the plan;
- (b) That staff be directed to form a multi-sector Advisory Committee to the Pan Am Stadium Precinct Sub-committee that will provide guidance to the City of Hamilton in the development of the Pan Am Stadium Precinct Plan;
- (c) That staff report back by the end of the first quarter of 2012 on the progress of the Pan Am Stadium Precinct Plan;
- (d) That the Pan Am Stadium Precinct Plan be completed by the second quarter of 2012;
- (e) That staff be authorized to fund the Pan Am Stadium Precinct Plan from the Pan Am Games – Ivor Wynne Renovations Budget.

#### **44. Report 11-001 of the Open for Business Sub-Committee (Item 8.11)**

##### **(i) Election of Chair and Vice-Chair**

- (a) That Councillor Powers be appointed Chair of the Open for Business Sub-Committee;
- (b) That Councillor Whitehead be appointed Vice-Chair of the Open for Business Sub-Committee.

##### **(ii) Terms of Reference for the Open for Business Sub-Committee**

That the Terms of Reference for the Open for Business Sub-Committee, hereto attached as Appendix A be approved, as amended.

##### **(iii) Temporary Occupancy Policy (City Wide)**

That the following "Temporary Occupancy" Policy be approved to assist businesses in interim periods where final approval of the City's comprehensive Zoning By-Law Program or a submitted Zone Change Application is expected to permit the business use:

- (a) That staff be authorized to approve all applications for temporary occupancy for a business use, which is not, for an interim period, in full compliance with the Zoning By-law, to permit the issuance of business licensing and sign permits for such use, subject to all of the following conditions firstly being met:
- (i) Confirmation that a Zone Change Application has been filed with the Planning and Economic Development Department, which Application, if approved, will permit the proposed business use; or,
  - (ii) Confirmation from the Manager of Strategic Projects that the City's Comprehensive Zoning By-Law Program is expected, once approved, to permit the proposed business use; and,
  - (iii) Confirmation from the Director of Planning, or designate, that the proposed business use is a use permitted by the City's Official Plan, including the new Urban or Rural Official Plans presently before the Ontario Municipal Board; and,
  - (iv) Confirmation from the City's Chief Building Official, or designate, that occupancy for the proposed business use will not require the issuance of a Building Permit under the Ontario Building Code; and,
  - (v) That the owner of the business sign a "waiver" agreement with the City to include an acknowledgement that all risk and liability, financial and otherwise, associated with the premature occupancy of the business use not currently permitted by the Zoning By-law is assumed by such owner, and, the owner agrees to vacate the premises within three (3) months in the event the Zone Change Application or City's comprehensive Zoning By-law Program referenced in (a)(i) or (a)(ii) above is not finally approved in a form that permits the business use. **CARRIED**

**45. 2012 Advance Payments to External Boards and Agencies (FCS11110)  
(City Wide) (Item 8.13)**

- (a) That, effective January 1, 2012, an advancement of funds be provided to the external Boards and Agencies, in the specified amount and on the specific dates, as shown on the attached Appendix A to Report FCS11110; and,



- (b) That any outstanding arrears due to the City of Hamilton, by any external Boards or Agencies (as shown on the attached Appendix A to Report FCS11110), be first applied against the approved grant funding, including advances, until the debt is satisfied, prior to that Agency or Board receiving the balance of any approved payment.
- 46. 2012 Molson AHL Outdoor Classic and Related Events – January 16 to 28, 2012 at Ivor Wynne Stadium (CS11101) (City Wide) (Item 8.14)**
- (a) That the General Manager of Community Services be authorized and directed to negotiate and finalize the licence agreement with the Hamilton Bulldogs Hockey Club and any agreements with other parties for the use of Ivor Wynne Stadium for the 2012 Molson AHL Outdoor Classic and related events, scheduled from January 16-28<sup>th</sup>, 2012 in a form satisfactory to the City Solicitor; and,
- (b) That the Mayor and City Clerk be authorized and directed to sign the licence agreement and related agreements between the Hamilton Bulldogs Hockey Club and any other parties for the 2012 Molson AHL Outdoor Classic scheduled at Ivor Wynne Stadium.
- (c) That the net cost of the event of \$55,000 be funded by the 2011 Recreation Division surplus.
- (d) That staff be directed to provide HSR shuttle service similar to what is provided for Tiger-Cat games for the events scheduled on Friday, January 20, 2012 and Saturday, January 21, 2012.
- 47. Property Acquisition for Economic Development Purposes (PED11222) (City Wide) (Item 8.15)**
- (a) That Report PED11222 respecting Property Acquisition for Economic Development Purposes be received;
- (b) That staff be directed to institute a “Land Banking Program” in order to accommodate major business attraction and expansion opportunities in Hamilton;
- (c) That the initial funding for the Land Banking Program, in the amount of \$4,000,000 be drawn from the Industrial Park Reserve #110060 ;
- (d) That consideration for additional funding for the Land Banking Program in the range of \$6 - \$8 million be referred to future Capital Budgets;

- (e) That all revenues derived from the sale of the property acquired through the Land Banking Program be first credited to a new Industrial Land Banking Program so as to maintain a minimum \$4,000,000 balance;
- (f) That any sales revenues in excess of the \$4,000,000 Program balance be credited to the Industrial Park Reserve #110060 to reduce or eliminate any future Capital contributions;
- (g) That all Offers to Purchase on all selected parcels be subject to Council approval; and,
- (h) That staff be authorized and directed to execute the directions contained in Confidential Appendix "B" to Report PED11222; and,
- (i) That Appendices "A" and "B" to Report PED11222 be approved and remain in camera as they relate to potential land acquisitions.

**48. Report 11-002 of the Accountability and Transparency Sub-Committee (Item 8.16)**

**Extension of Contract – Integrity Commissioner**

That the contract for the City's Integrity Commissioner be extended by up to six months, set to expire on June 30, 2012, in order to allow the Accountability and Transparency Sub-Committee to review the contract in depth and ensure the Integrity Commissioner's website is published on the internet.

**49. Canada – European Community Free Trade Agreement – Impact on City of Hamilton (Item 9.1)**

- (a) That Council support the approaches being taken at the federal level by the Federation of Canadian Municipalities (and their guiding principles), and at the provincial level by the Association of Municipalities of Ontario;
- (b) That at the local government level, request that the Province of Ontario consider a clear, permanent exemption for the City of Hamilton from the Canada-EU CETA, and that it otherwise protect the powers of municipalities to use public procurement, services and investment as tools to create local jobs, protect the environment, and support local development;

- (c) That the Province of Ontario disclose its initial procurement, services and investment offers to the European Union (EU), explain the impacts the Canada-European Trade Agreement (CETA) would have on municipal governance, and give the Municipal, University, School and Hospital (MUSH) sector entities the freedom to decide whether or not they will be bound by the procurement, investment and regulatory rules in the agreement;
- (d) That this resolution be sent to the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, area M.P.s, and M.P.P.s. and all municipalities with populations over 250,000.

**50. Offer to the City of Hamilton to Acquire 61 King Street East (PED11225) (Ward 2) (Item 12.4)**

- (a) That staff take no action to acquire the property located at 61 King Street East, Hamilton;
- (b) That the contents of Information Report PED11225 respecting Offer to the City of Hamilton to Acquire 61 King Street East, Hamilton, remain confidential and not released as a public document as the matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

**FOR THE INFORMATION OF COUNCIL:**

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

The Clerk advised of the following changes:

**ADDED DELEGATIONS**

**For Today's Meeting**

- (i) Edda Jaenish, Bartonville Neighbourhood Community Garden, respecting the Community Garden Co-ordinator Position (Item 8.3) (Added as Item 4.12)
- (ii) Joe Minor respecting the content in staff report "Hamilton International Air-port – Perfluorooctane Sulphonate Acid Update" (PED11223) (Item 8.2) (Added as Item 4.13)

- (iii) Jason Hammond and Richard Den Otter, Hamilton CarShare, to provide new information respecting Revolving Line of Credit and Corporate Membership (Items 8.4(a) and (b) (Added as Item 4.14)
- (iv) Leigh Johnston respecting request for a federal ban on shark finning (Item 10.1) (Added as Item 4.15)

#### **ADDED DISCUSSION ITEMS**

- (v) 2012 Advance Payments to External Boards and Agencies (FCS11110) (City Wide) (Added as Item 8.13)
- (vi) 2012 Molson AHL Outdoor Classic and Related Events – January 16 to 28, 2012, at Ivor Wynne Stadium (CS11101) (City Wide) (Added as Item 8.14)
- (vii) Property Acquisition for Economic Development Purposes (PED11222) (City Wide) (Added as Item 8.15) (Formerly 12.3)
- (viii) Report 11-002 of the Accountability and Transparency Sub-Committee – December 7, 2011 (Added as Item 8.16)

#### **DELETED DISCUSSION ITEM**

- (ix) Lease Extension – 35 King Street East/1 Hughson Street North, Hamilton (PED11224) (Ward 2) (Item 8.12) – **REPORT WITHDRAWN**

#### **MOTION**

- (x) **REVISED** Motion respecting Canada-European Community Free Trade Agreement – Impact on the City of Hamilton (Item 9.1)

#### **DELETION OF PRIVATE AND CONFIDENTIAL**

- (xi) Property Acquisition for Economic Development Purposes (PED11222) (City Wide) – See Added Discussion Item 8.15
- (xii) Public Health Services Accommodation – McMaster Health Campus (CM11008(c)/PED11134(b)/FCS11063(b)/BOH11026(b)) (Ward 2) (Item 12.5) – **REPORT WITHDRAWN**

#### **ADDED PRIVATE AND CONFIDENTIAL**

- (xiii) Red Hill Valley Expressway Litigation – Verbal Update from Outside Legal Counsel (No Copy) (Added as Item 12.6)

Discussion agenda Items 8.9 to 8.13 renumbered 8.8 to 8.12.

The Motion to approve the agenda, as amended, **CARRIED** on the following vote:

Yeas: Bratina, McHattie, Farr, Morelli, Merulla, Collins, Jackson, Duvall, Partridge, Pasuta, Johnosn, Pearson, Clark  
Total Yeas: 13  
Nays: Ferguson  
Total Nays: 1  
Absent: Powers, Whitehead  
Total Absent: 2

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

None

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

On a motion, the November 14, 2011 minutes of the General Issues Committee were approved, as presented.

**(d) DELEGATION REQUESTS**

On a motion, the following delegation requests were approved and the rules of order were suspended in order to allow these delegations to present at today's meeting:

- (i) Phil Gillies, Wild Aid Canada, respecting Motion on ban on the sale of Shark Fins (Item 4.1)
- (ii) Jennifer Zabawa, United Conservationists, respecting the shark fin issue (Item 4.2)
- (iii) Tom Cooper and Judy Travis, Hamilton Roundtable for Poverty Reduction, respecting HRPR's community campaign to make Hamilton a Living Wage Community (Item 4.3)
- (iv) Don Wells, Living Wage Community Partners, respecting the economic impact of a Living Wage Policy in Hamilton (Item 4.4)
- (v) Sarah Wakefield, Community Food Security Stakeholder Committee, respecting Community Garden Co-ordinator Position (Item 4.5)
- (vi) Darcy Baker, Niagara Peninsula Conservation Authority, to outline the Conservation Authority's concerns related to PFOS contamination in the Welland River Watershed and steps being taken at Binbrook Conservation Area to ensure the public are aware (Item 4.6)

- (vii) Sanjay Chopra, 2202879, 2202919, 2202917 and 2201896 Ontario Inc., regarding 958, 962, 966 and 972 Beach Blvd. (Item 4.7)
- (viii) Corinna Stroop, Living Wage Hamilton Coalition, respecting the Living Wage Policy (Item 4.8)
- (ix) Edda Jaenish, Bartonville Neighbourhood Community Garden, respecting the Community Garden Co-ordinator Position (Item 8.3) (Added as Item 4.12)
- (x) Joe Minor respecting the content in staff report “Hamilton International Air-port – Perfluorooctane Sulphonate Acid Update” (PED11223) (Item 8.2) (Added as Item 4.13)
- (xi) Jason Hammond and Richard Den Otter, Hamilton CarShare, to provide new information respecting Revolving Line of Credit and Corporate Membership (Items 8.4(a) and (b) (Added as Item 4.14)
- (xii) Leigh Johnston respecting request for a federal ban on shark finning (Item 10.1) (Added as Item 4.15)

On a motion, the following delegations were approved to present to the General Issues Committee at a future meeting:

- (xiii) David Stephens respecting Relocation of Brian Timmis Stadium (Item 4.9)
- (xiv) Roger Cameron, Winston Morrison, Joe Rhodes and Amirah Hassan, Committee Against Racism, to present final report on the Anti-Racism Symposium, “Building Partnerships: Anti-Racism Strategies for Hamilton” (Item 4.10)
- (xv) Ron Neumann, Innovation Factory, respecting request for \$50,000 in operational funding (Item 4.11)

**(e) PUBLIC DELEGATIONS/PRESENTATIONS**

**(i) Alicia Ali, McMaster Students Union, respecting “Your City” Survey**

Alicia Ali, Vice President (Education) and Hazifa Saeed, External Affairs Commissioner, appeared before the Committee respecting the “Your City” Survey that was conducted by the McMaster Students Union in April, 2011.

The contents of the presentation included the following:

**Basic Information:**

- How often do you travel into Hamilton outside the McMaster Bubble
- How likely are you to recommend Hamilton as a city to your school networks

**Value vs Perception**

- On a scale of one to ten, how much do you “value” each of the following attributes in your ideal city
- On a scale of one to ten, how well does Hamilton provide these attributes
- How did you come to form your opinion and perception of Hamilton
- Would you consider living in Hamilton and commuting to study or work after graduation

**Outside of Classroom Learning**

- Upon graduation, would you consider applying for job opportunities in Hamilton
- Do you feel that McMaster does a good job at providing and advertising opportunities for students to get involved in the City of Hamilton
- Do you feel that the City of Hamilton does a good job at providing and advertising opportunities for students to get involved in the City of Hamilton

**Aesthetics and Culture**

- On a scale of one to ten, in your opinion and experience, how aesthetically pleasing is the City of Hamilton
- How important is it to you that the City is “green” and/or follows a sustainable philosophy
- On a scale of one to ten, how effective do you think Hamilton is in promoting the experiences mentioned below
- Before you graduate, which of the following would you like to experience in Hamilton
- What deters you from enhancing your cultural experience in the City

**Final Recommendations**

- Creation of new jobs by the City, possibly in collaboration with the provincial government
- Better promotion of the natural beauty and aesthetics
- Providing students with free, advertised shuttles to the large-scale events, like the Art Crawl
- Work with the university to promote employment opportunities and recreational/cultural aspects of the City
- Increased accessibility to job fairs.

A copy of the presentation has been retained in the Office of the City Clerk for the public record and can also be viewed on the City of Hamilton website.

**(ii) Deirdre Pike, Living Wage Group, respecting the work of the Living Wage Working Group**

Deidre Pike, Social Senior Planner, appeared before the Committee respecting the work of the Living Wage Group. Her comments included, but were not limited to the following:

- Why living wage is coming to Hamilton
- Working and still poor
- Persons working full-time yet still living in poverty
- Minimum wage is not a living wage
- Inadequacy of minimum wage
- What is a living wage
- Community Development Process
- Benefits of Living Wages to employees
- Strategies for making Hamilton a Living Wage City
- Support a Living Wage for Hamilton workers

**(iii) Presentation from Corinna Stroop, Living Wage Hamilton Coalition, respecting the Living Wage Policy (Added Item 4.8)**

Corinna Stroop, on behalf of the Living Wage Hamilton Coalition, appeared before the Committee to share her experiences and difficulties with respect to earning minimum wage and the effects that it has on day-to-day survival and the difficult decisions she is faced with regularly, and the impact on her family.

To paint a clear picture of life for herself and many in the City, minimum wage is not a living wage. Council's decision will determine the future of the City and living wage for Hamilton should not merely be a consideration.

**(iv) Tom Cooper and Judy Travis, Hamilton Roundtable for Poverty Reduction, respecting HRPR's Community Campaign to make Hamilton a Living Wage Community**

Tom Cooper and Judy Travis, Chair of the of Living Wage Working Group, addressed the Committee with respect to the Living Wage, Their comments included, but were not limited to, the following:

- Have been successful to move forward on what is viewed as a vital part of Hamilton's future prosperity
- See living wage as a key principle to moving the community forward



- Have identified over the last six months \$14.95 as Hamilton's living wage calculation – participation numbers
- Want to engage the community is a conversation as what Hamilton can do as a Living Wage community
- Also looking to engage key public institutions in this City
- Public school board is deeply engaged in this issue
- Also want to engage the private sector – businesses in the community are the key to this issue as they hold the purse strings as employers
- Broader impact is that this increases the amount of consumer spending in the community
- No strong-arm intent – truly volunteer
- Looking to recognize employers that do pay a living wage
- Proposed Living Wage Hamilton Employer Recognition Program
- On behalf of living wage working group, thanks to Council for tremendous support through community services in helping to identify this issue and work on calculation, specifically Mark Weingartner and Jane Soldera; could not have moved this forward without their assistance

**(v) Don Wells, Living Wage Community Partners, respecting Economic Benefits and Costs of Living Wage Policies for Municipalities**

- Two living wage policies in Canada
- Hamilton would be first large City in Canada to have living wage policy
- Costs of living wage policies has been relatively modest – cost in most cases was found to be less than 1/10<sup>th</sup> of 1% ) (.1%)
- Why are costs modest
- Living Wage benefits for employers
- Summary: Evidence respecting economic benefits and costs of living wage: cost usually modest; impact on number of jobs usually minimum either way; with competitive bidding, contractors tend to absorb part or all LW costs; bidding competitiveness usually remains same or improves' employer costs usually at least part offset by "efficiency gains"

**(vi) Sara Mayo, Social Planning and Research Council of Hamilton and Hugh MacKenzie, Research Assistant, Canadian Centre for Policy Alternatives (Item 6.3)**

Sara Mayo, Social Planning and Research Council of Hamilton and Hugh MacKenzie, Research Assistant, Canadian Centre for Policy Alternatives, jointly provided a power point presentation to the Committee to present the results of the calculation of Hamilton's living wage, including what criteria and data sources were used and what costs are not included in Hamilton's living wage. The presentation included, but was not limited to, the following:

- Developed a model that takes into account the whole forest of tax transfer systems income related benefits
- Taken into account child benefit, sales tax credit, etc.
- Presented monthly living wage budget allocation and result
- Eligibility for wage supplements to low income workers, funded or administered by the City of Hamilton
- Comparisons of annual incomes for a single person, City of Hamilton

A copy of the power point presentations with respect to the Living Wage Policy has been retained in the Office of the City Clerk for the public record and can also be viewed on the City of Hamilton website.

On a motion, staff was directed to review previous direction to staff to evaluate a Fair Wage Policy within the City's RFP process and report back to the Emergency and Community Services Committee with an update in terms of the dollar amount spent in 2010 and 2011 numbers to develop a policy around the use of temporary agencies.

**(vii) Dr. Geoff Orton and Mr. Emil Gadjanski respecting Ban on Shark Finning (Item 6.4)**

Emily Shilton, Saige Patti and Nadia Igdoura, on behalf of Westdale Secondary School's Students Bridging Borders, appeared before the Committee to speak to the issue of shark finning and to request at City Council help move toward a Canadian Shark Fin Ban. They hope to raise the profile of this issue through their delegation and through the video which was previously distributed to the Committee.

The delegation requested that copies of the video be returned to them for their future use.

Additional information was also distributed to the Committee with respect to the ban on shark fins.

A copy of their written comments and materials distributed were submitted for the public record and can be viewed on the City of Hamilton website.

**(viii) Phil Gillies, WildAid Canada, respecting Motion on Ban on the Sale of Shark Fins (Item 4.1)**

Phil Gillies, on behalf of WildAid Canada, appeared before the Committee to fully support the motion being put forward, and applauded the City for its actions.

In his presentation, Mr. Gillies referred to a legal opinion issued by Nick Wright and 11 other lawyers that supports the contention that the City does have the jurisdiction, under the Municipal Act, to regulate a foodstuff, just as municipalities have regulated smoking and pesticides.

A copy of Mr. Gillies' comments, and the legal opinion, were submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

**(ix) Jennifer Zabawa, United Conservationists, respecting the Shark Fin Issue (Item 4.2)**

Jennifer Zabawa, United Conservationists, appeared before the Committee to address the shark fin issue. Her comments included, but were not limited to, the following:

- Issue of shark conservation is important
- Thank you for opportunity to speak; working on shark conservation for three years
- Losing sharks will jeopardize the eco system; sharks are the top predators
- Market and industry has no change of hope or sustainability
- Applaud City for taking steps toward local conservation efforts
- Over 100 countries involved
- Would ask that with respect to jurisdictional issues, keep the issue open so that it can be revisited at a future time, if action can be taken at the municipal level

**(x) Leigh Johnston respecting Request for a Federal Ban on Shark Finning (Item 4.15)**

Leigh Johnston appeared before the Committee respecting the request for a Federal ban on shark finning. Her comments included, but were not limited to, the following:

- Resident of Hamilton and a scuba diver
- Stunned and horrified to see the effect of shark finning on the oceans
- Have been working with Hamiltonians to have a fin-free Hamilton
- Hope is that Council will keep an open mind; believe that each municipality that adds their voice will add pressure that is needed in Ottawa to act on this important environmental issue
- Encouraged Committee to take the opportunity to watch the shark finning documentary
- Thanked Councillor McHattie for his interest and support on this issue

**(xi) Maja Zonjic respecting the Shark Fin Issue (Item 10.1)**

On a motion, the Rules of Order were waived in order to allow Maja Zonjic to address the Committee with respect to the Shark Finning issue.

Maja Zonjic is an independent researcher and appeared before the Committee to express here concerns with respect to the shark finning issue.

Councillor B. McHattie introduced the following Notice of Motion:

**Ban on the Sale and Use of Shark Fins (Item 10.1)**

Whereas, a number of cities and the State of California have passed bylaws/ordinances banning the sale and use of shark fins in their areas, and;

Whereas, clearly the practice of removing fins from sharks, often while still alive, is a brutal practice, and;

Whereas, that notwithstanding bylaws passed in Brantford, Oakville, Mississauga and Toronto it appears that Ontario municipalities do not have the jurisdiction to make law on this issue, but rather the onus is on the federal government to act.

Therefore Be It Resolved:

- (a) That the City of Hamilton request that Health Canada and the Canadian Food Inspection Agency, along with Environment Canada and the Department of Fisheries and Oceans (in reference to CITES legislation) take carriage of the shark fin issue and proceed to enact a ban on the use and sale of shark fins and shark fin products in Canada;
- (b) That, in anticipation of a Canada-wide ban enacted by the federal government, the City of Hamilton request that the sale and use of shark fin products in Hamilton cease immediately;
- (c) That a copy of this motion be provided to all users of shark fin products in Hamilton (possibly through business license renewal communications), AMO, FCM, area M.P.s, and Mr. Finn Donnelly, M.P. New Westminister, British Columbia.

On a motion, the Rules of Order were waived to allow for the introduction of a Motion respecting a Ban on the Sale and Use of Shark Fins.

On a motion, the following was added as sub-section (c) and the balance of the sections renumbered accordingly:

- (c) That Council request citizens to boycott any establishments in Hamilton that sell shark fins.

The Amendment CARRIED and the Main Motion, as amended, CARRIED.

See Item 25 for the disposition of this item.

Councillor McHattie requested that the records indicate the Committee's unanimous approval of this motion by the Committee. (Mayor Bratina and Councillors Jackson, Whitehead and Powers absent.)

- (xii) Sanjay Chopra, 2202879, 2202919, 2202917 and 2201896 Ontario Inc., regarding 958, 962, 966 and 972 Beach Blvd.**

Mr. Chopra appeared before the Committee to respond to some of the concerns that were expressed at the November 14, 2011 General Issues Committee where he requested an extension to the Covenant 7.3 of the Agreement of Sale. Mr. Chopra advised the Committee that he is confident that he can finish the construction of the homes on the above-noted properties, if given a further extension.

Mr. Chopra provided documentation to the Committee to further attest to his financial position.

- (xiii) Sarah Wakefield, Community Food Security Stakeholder Committee, respecting the Community Garden Co-ordinator Position (Item 4.5)**

Sarah Wakefield of the Community Food Security Stakeholder Committee appeared before the Committee with respect to the Community Garden Co-ordinator Position. Using a power point presentation, the following information was presented:

- Growing Hamilton: The Important Role of the Community Garden Co-ordinator presentation
- Feel very confident in suggesting that community gardens are good for the City
- Increases community connection and integration as well as environmental benefits
- Community Garden locations in Central Hamilton between 2008 and 2011
- Community Gardens have the potential to reduce hunger, enhance nutrition and build communities
- To maximize their potential community gardens require support

- Concern of funding shortfall, which then may have position lost
- The support will move Hamilton one step closer to being a food secure community

A copy of the presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

Councillor McHattie recognized the attendance of Clare Wagner, the current Co-ordinator. He also recognized the work of Sarah Wakefield as Chair of the Community Food Security Stakeholder Committee.

**(xiv) Edda Jaenish, Bartonville Neighbourhood Community Garden, respecting the Community Garden Co-ordinator Position (Item 4.12)**

Edda Jaenish of the Bartonville Neighbourhood Community Garden appeared before the Committee respecting the Community Garden Co-ordinator Position. Using a power point presentation, the following information was presented:

- Ms. Jaenish is a Member of Faith Lutheran Church and a volunteer organizer of Bartonville Neighbourhood Community Garden
- Church gardener is responsible for 9 botanical gardens refurbished in 2010 and a young 3-plant apple orchard planted in 2011
- Helping to provide a food source for all, regardless of income seemed a logical choice
- Where would the money come from
- The planning steps
- Views of the garden; development of front and rear gardens
- Representation of a brief sample of the garden season
- Bartonville Neighbourhood Community Garden Contract
- Season 2011 was successful; example of teamwork in action
- Why continue to work together, thereby, whole community can continue to prosper

A copy of the presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

**(xv) Darcy Baker, Niagara Peninsula Conservation Authority (Item 4.6)**

Darcy Baker of the Niagara Peninsula Conservation Authority appeared before the Committee to outline the Conservation Authority's concerns related to PFOS contamination in the Welland River Watershed and the steps being taken at Binbrook Conservation Area to ensure that the public are aware. His comments included, but were not limited to, the following:

- Talk about Binbrook Conservation Authority; started developing in 1971
- Advantage of trails, hiking, picnicing and fishing
- Advised in late 2010 of PFOS issue; brought through studies that looked at snapping turtles and fish flesh harvested
- Took measures in 2011 for visitors to make their choices with respect to recreating on Conservation property
- Board has provided correspondence to the Minister of the Environment to assist in finding a long term solution.
- Binbrook Conservation Area was designed as a low flow augmentation facility, until we understand what we are dealing with, we cannot adjust the reservoir.
- Temporary actions have been taken to stop the source of contamination.
- As watershed managers, we are interested in repairing the entire stretch of watershed.
- Would be very pleased to be part of a productive group that shares information.
- First priority is to find the source and stop the continuation of the contamination. Priority is on the Airport property, find it, fix it and then do what is required to repair the watershed – we understand the process, it will take years.
- The conservation authority is very concerned about what is happening on their property; however, based upon occurrences on other sites with other situations, we understand that it is a lengthy process.
- If fishing, you would have been exposed to PFOS that was in there historically. The severity of exposure if swimming, you wouldn't have had any concern. Large molecule that is not absorbed by the skin; you have to ingest it.
- With respect to consuming the fish on a regular basis in that area, I would refer your question to the Ministry of the Environment.
- The new guidelines came into effect this Spring regarding fish consumption (from the Ministry of the Environment)
- There is not a lot of research or information in Ontario with respect to the affects of consuming PFOS in fish.
- Binbrook Conservation Authority has not done any samples throughout the reservoir; however, the Ministry of the Environment has done extension testing, but the Conservation Authority has not yet seen those results. Testing was done sometime in May 2011.

**(xvi) Joe Minor, respecting the Content in Staff Report PED11223**

Joe Minor appeared before the Committee to comment on the contents of Staff Report PED11223 respecting Hamilton International Airport – PFOS Update.

- PFOS from the Airport is detectable for about 50km downstream.

- Fairly solid estimate that Binbrook contributes about 700 grams of PFOs downstream.
- Frustrated that not all the information available has not been provided.
- If anyone has information that can improve his understanding, please send it to him.
- Even a low level of contamination would be apparent around the airport.
- Asking for accurate historical information regarding the fill that was removed and spread around the Airport.
- Urges the Ministry of the Environment to move quickly with the clean up.
- Samples were collected at the Airport inside the secure zone in April 2010.
- There should be no reason that the Ministry should edit the data so there is no reason that the data should not be released to the public.
- One of the potentially very scary issues is if PFOS stopped being applied at the airport in 1989, try to picture of basically 300 grams ran off the airport 20 some odd years after it stopped being applied, how much run off 5, 10 or 15 years ago; therefore one of the reasons why it would be helpful for all of the airport operators to actually make better efforts to describe how much PFOS was brought on to the site and where they think it went

**(xvii) Richard Den Otter and Jason Hammond, Hamilton CarShare**

Jason Hammond, President, and Richard Den Otter, Accountant, of Hamilton CarShare, appeared before the Committee to provide new information respecting Revolving Line of Credit and Corporate Membership. Comments included, but were not limited to, the following:

- All member loans are counted as long-term liabilities as opposed to equities
- Exaggerates long-term debt as well as equity statements
- Cash flow situation – fiscal year ending April 30, 2011; statements do show net loss, but entirely because of depreciation of fleet; do have positive cash flow
- Depreciating vehicles at 30% per year
- Paper net loss but cash flow positive
- Paid down line of credit to Waterloo last week to zero
- Stable growth rate; have over 500 members;
- Support a number of the City's strategic goals



**(f) DISCUSSION AGENDA****(i) Hamilton International Airport – Perfluorooctane Sulphonate Acid Update (PED11223) (City Wide) (Item 8.2)**

Geoffrey Knapper, District Manager, Hamilton District Office, West Central Region, Ministry of the Environment, Darko Strajin, P.Eng., Manager, Environmental Services, exp., and Frank Scremin, P.Eng., Director, Operations, John C. Munro/Hamilton International Airport, were in attendance to respond to questions of the Committee.

Mr. Knapper indicated that in terms of the concerns raised by the Niagara Conservation Authority, the MOE is in regular contact with Conservation Authority; efforts up to this time are to stop any additional contamination of PFOS at the airport.

Councillor Johnson suggested the establishment of a community/stakeholders group and asked if the MOE would have any concerns with this. Mr. Knapper indicated that the Ministry would be open to this type of committee being established as they believe in open dialogue.

In light of the concerns expressed by members of the Committee, the following friendly amendment was put forward to add the words, “and consider further analysis of downstream impacts of the PFOS issue” following “(a)” in sub-section (c).

On a motion, the Committee approved the following:

- (a) That the recommendations contained in Report PED11223 respecting John C. Munro/Hamilton International Airport – Perfluorooctane Sulphonate Acid Update, as amended, be deferred pending direction to the Director of Economic Development, with the assistance of Legal Counsel, to contact Transport Canada to obtain their official position on the issue of Perfluorooctane Sulphonate Acid on airport lands and report back to the General Issues Committee;
- (b) That a copy of the above-noted correspondence to Transport Canada be forwarded to all local Members of Parliament for their information and support;
- (c) That Legal staff be directed to review the original contract from Transport Canada to the Region of Hamilton-Wentworth and the contract with TradePort to determine what responsibilities are shared.

The Motion to Defer **CARRIED** on the following recorded vote:

Yeas: McHattie, Farr, Merulla, Collins, Duvall, Pasuta, Bratina,  
Partridge, Ferguson, Pearson, Clark  
Total Yeas: 11  
Nays: Johnson  
Total Nays: 1  
Absent: Morelli, Jackson, Powers, Whitehead  
Total Absent: 4

**(ii) Hamilton CarShare Revolving Line of Credit and Corporate Membership (PW11081) (City Wide) (Item 8.4(b))**

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

Yeas: McHattie, Farr, Merulla, Collins, Pasuta, Bratina, Partidge,  
Ferguson, Johnson, Pearson  
Total Yeas: 10  
Nays: Clark, Duvall  
Total Nays: 2  
Absent: Morelli, Jackson, Powers, Whitehead  
Total Absent: 4

**(iii) Illegal Dumping, Litter and Escaped Waste (PW11052(b)) and (PED11127(a)) (Items 8.5(a) and (b))**

On a motion, the above-noted reports were tabled to the January 9, 2012 meeting of the General Issues Committee for further discussion.

**(iv) 2012 Molson AHL Outdoor Classic and Related Events – January 16 to 28, 2012 at Ivor Wynne Stadium (CS11101) (City Wide) (Item 8.14)**

On a motion, the following was added as sub-section (d):

(d) That staff be directed to provide HSR shuttle service similar to what is provided for Tiger-Cat games for the events scheduled on Friday, January 20, 2012 and Saturday, January 21, 2012.

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

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

The Main Motion, as amended, **CARRIED** on the following vote:

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

**(g) PRESENTATIONS**

**(i) Outdoor Recreation Facilities and Sports Field Provision Plan (CS11064(a)) (City Wide) (Item 7.1)**

On a motion, the staff presentation respecting the Outdoor Recreation Facilities and Sports Field Provision Plan, was waived.

Steve Langlois, Principal Planner, Monteith Brown Planning Consultants, was in attendance to respond to questions of the Committee.

On a motion, sub-section (b) was amended by adding the words, “in consultation with Ward Councillors” following the word, “work plan”.

The Amendment CARRIED and the Main Motion, as amended, CARRIED.

**(ii) Biosolids Management Project – P3 Canada Funding Approval Work Plan (PW11098/FCS11112) (City Wide) (Item 7.2)**

Gerry Davis introduced Rob Mackay, Director of Business Development, p3 Canada, and Remo Bucci, P.Eng., Vice President and Director, Deloitte. Using a power point presentation, the Committee was provided with the following information:

- Overview of P3s: another way to competitively procure public-purpose infrastructure assets; bundles together project components that traditionally were not bundled; long-term arrangements of 25 to 30 years or more; ownership
- Overview of P3 Canada Fund – PPP Canada
- Benefits of P3s: bring construction forward; on-time and on-budget delivery; risk transfer; accountability; fiscal planning certainty
- Challenges of P3s: risk premium; complex procurement process; staff time investment; clear understanding and communication of “affordability”, political champion; application of P3 model
- City of Hamilton’s Business Case Work Plan Overview
- Business Case Work Plan Description by Step

A copy of the presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

(h) **MOTIONS**

(i) **Canada – European Community Free Trade Agreement – Impact on City of Hamilton (Item 9.1)**

The following is the preamble for the motion on the above-noted issue:

**WHEREAS** the Canadian government is close to concluding negotiations with the European Union (EU) on a Comprehensive Economic and Trade Agreement (CETA), with participation from provinces and territories; and

**WHEREAS** the City of Hamilton recognizes the importance of trade to local, provincial/territorial and national economies but also the impact that trade agreements can have on the powers of local governments; and

**WHEREAS** in the CETA, Canada has exchanged an initial procurement offer with the EU (listing sub-federal entities that will be bound by the rules of the procurement chapter) that may include Hamilton and that would explicitly tie Hamilton to the terms and conditions of an international trade agreement; and

**WHEREAS** the EU is insisting on full access to procurement by municipalities, school boards, universities, hospitals, utilities and other provincial agencies, which could significantly reduce the freedom of these bodies to hire or source locally on public contracts, or to use public spending as a tool for economic development, environmental protection and support for local farmers and small businesses; and

**WHEREAS** procurement rules in the CETA combined with investment protections related to transit, water, electricity and other public services delivered locally may lock in privatization and make it prohibitively expensive to apply new regulations, to re-municipalize services, or create new municipal programs; and

**WHEREAS** Hamilton already has an open and fair procurement policy, and that it is not the international norm for municipal governments to be covered by procurement agreements such as the one proposed in the CETA; and

**WHEREAS** disputes by private firms against local policy decisions could be taken before private trade tribunals that lack transparency and have the authority to impose fines;

The following friendly amendments were put forward:

- (aa) That sub-section (b) be amended by deleting the word, “issue” and replacing it with the word, “consider”;
- (bb) That sub-section (d) be amended by adding the words, “and all municipalities with populations over 250,000” following “M.P.P.’s”;

The Main Motion, as amended, CARRIED on the following vote:

Yeas:	McHattie, Farr, Merulla, Collins, Pasuta, Bratina, Partridge, Johnson
Total Yeas:	8
Nays:	Clark, Pearson
Total Nays:	2
Absent:	Morelli, Duvall, Jackson, Whitehead, Ferguson, Powers
Total Absent:	6

**(ii) Pan Am Games Velodrome (Item 9.2)**

Councillor B. Morelli withdrew his Motion on the Pan Am Games Velodrome.

**(i) OTHER BUSINESS (Item 11.1)**

**(a) Outstanding Business List**

- (i) On a motion, the revised due dates for the following items was approved:
  - (aa) St. Mark’s Church/Auchmar Estate Business Plan  
Due Date: December 12, 2011  
Revised Due Date: February 15, 2012
- (ii) On a motion, the following item was removed from the Outstanding Business List of the 2011 Budget Deliberations:
  - (aa) Operation and Maintenance of Waterfront Pier 8 Rink

**(j) PRIVATE & CONFIDENTIAL**

On a motion, the Committee moved In Camera at 2:20 p.m. pursuant to sub-sections 8.1(e) and (f) of the City’s Procedural By-law and Sections 239.2(e) and (f) of the Municipal Act 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, with respect to the Red Hill Valley Expressway litigation.

On a motion, the Committee reconvened in Open Session at 4:00 p.m.

**(i) Red Hill Valley Parkway Litigation Update**

Direction provided to staff in camera.

The Committee did not require to move In Camera on the items as listed on the agenda and outlined under "Changes to the Agenda".

**(ii) Closed Session Minutes – November 14 and 17, 2011 (Items 12. and 12.2)**

On a motion, the Closed Session Minutes of November 14 and 17, 2011 of the General Issues Committee, were approved as presented. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

**(iii) Property Acquisition for Economic Development Purposes – Appendices "A" and "B" of Report PED11222 (City Wide) (Item 8.15)**

On a motion, the following was added as sub-section (h) and the balance of the items renumbered accordingly:

(h) That staff be authorized and directed to execute the directions contained in Confidential Appendix "B" to Report PED11222.

The Amendment CARRIED and the Main Motion, as amended, CARRIED.

**(iv) Offer to the City of Hamilton to Acquire 61 King Street East (PED11225) (Ward 2) (Item 12.4)**

See Item 50 for the disposition of this item.

There being no further business, the Committee adjourned at 7:40 p.m.

Respectfully submitted

Councillor R. Pasuta  
Deputy Mayor

Carolyn Biggs, Co-ordinator  
Committee Services/Council/Budgets  
December 12, 2011



## OPEN FOR BUSINESS SUB-COMMITTEE

### TERMS OF REFERENCE

#### Mandate

To review the City of Hamilton's overall "Open for Business" effectiveness, with the goal of streamlining the processes within the Planning and Economic Development Department and other City Departments to create consistent, predictable, and customer-focused services that encourage investment of small and medium sized enterprises and entrepreneurs in the City of Hamilton.

#### Sub-Committee Objectives

1. To ensure that Hamilton has an effective "Open for Business" program, with specific focus on small and medium sized enterprises and entrepreneurs; minimizing and streamlining the City of Hamilton's approval, permits and licensing processes that are required by the various Departments and Divisions;
2. To ensure the City of Hamilton's "One-Stop" for Business Services is meeting the needs and concerns of small and medium sized enterprises and entrepreneurs;
3. To ensure that the City of Hamilton's approval, permits and licensing processes lead to an overall "Open for Business" environment in every geographic area of the City, with particular emphasis in our established and developed Business Improvement Areas.

#### General Scope of Committee Work and Deliverables

1. Review the current business services structure, staffing resources, core functions, and key services, as they relate to the small and medium sized enterprise sector, and identify specific issues that need enhancements or improvements that would lead to a more effective "Open for Business" and customer-focused experience.
2. Examine the integration between the various Divisions within the Planning and Economic Development Department, as well as the roles and integration between all other Departments of the City of Hamilton; identifying any potential gaps and issues, and recommend improvements, to ensure that the needs of the client are provided in a seamless and integrated fashion, and improving upon the "One-Stop-Shopping" principle for the Department and the City.
3. Review and analyze the current application processes, examining the current alignment and integration that exists between them, with the intent of identifying gaps that may exist and recommend any improvements. The review should be conducted with special attention paid to the specific ward issues that arise in frequency, with improvements being recommended to provide consistent, predictable, and creative solutions for all business clients.



The following detailed approval processes are to be reviewed, as well as the interface with by-law enforcement practices and issues related to these processes:

- Zoning Verification
  - Building Permit
  - Site Plan Approvals
  - Licences
  - Sign Permits
  - Variances
4. Ensure a quality, comprehensive system is in place that advises business and entrepreneurs of all City requirements, fees and timing, at the start of consultation.
  5. Review and analyze the current fee structures of all relevant applications, and licensing fees, identifying gaps and/or duplication that may exist, and recommend any improvements, including possible reductions, elimination of fees, or combining of fees.
  6. Review and analyze the City of Hamilton's website for the current information that is available to small and medium sized enterprises regarding the City's Business Services, identifying key gaps, and recommend any improvements.
  7. Review and analyze existing measurements and/or indicators being used to evaluate the success of Business Services, and recommend improvements and metrics. Special focus should also be placed on how the City communicates the services it offers and the successes that are reported.

### **Sub-Committee Staff Support**

With the objectives of the Committee being specific to the current processes, a close working relationship between staff and the Sub-Committee will be important. Therefore, the General Manager of Planning and Economic Development will assign a member of City staff to act as the lead resource to the Sub-Committee. As well, they will ensure that key staff members relevant to the objectives of the Sub-Committee are regularly made available to assist and support the Sub-Committee's work.

### **Consultation**

Direct consultation with the small and medium sized business and entrepreneur sectors will be vitally important to the Sub-Committee achieving its objectives.

It is expected that the Sub-Committee, supported by City staff, will identify a variety of small and medium sized enterprises, entrepreneurs, builders, real estate, industry representatives, and other professionals involved in approval processes that represent a broad cross-section of the private, public, and not-for-profit sector industries, for consultation.

Consultation will be completed by way of written submissions, delegations, interviews, surveys, and focus groups, as well as other methods that the Sub-Committee suggests.

As part of the preparation for consultation, City staff will prepare a list of such businesses that have had recent contact with both our “One-Stop” Business Services and our Small Business Enterprise Centre, as well as others that have had detailed dealings, with positive, neutral, and negative experiences, with City staff and processes.

As the business sector and business districts within the City of Hamilton are varied and spread throughout urban, and rural areas, consultation should ensure that all parts of the City’s small and medium sized enterprises and entrepreneurs are taken into consideration. Particular attention should be paid to the established and older Business Improvement Areas within the City. These areas tend to be where new businesses face the most complications and frustrations in the City’s approval process.

It is also expected that there will be consultation specific to local business, real estate, developer, and land/property owner stakeholders, including but not limited to the Business Improvement Areas (BIAs), the Hamilton, Stoney Creek, and Flamborough Chambers of Commerce, the Hamilton Burlington Real Estate Board, the Hamilton Construction Association, and the Hamilton-Halton Home Builders’ Association, as well as other broadly or industry focused business groups.

### **Membership and Reporting Structure**

Sub-Committee membership will consist of six (6) members of Council, with the Chair being appointed by the Sub-Committee at its first meeting. It is recommended that Council membership take into consideration the differing needs of the older developed business areas, the suburban business areas, and the rural area of the City.

The Sub-Committee shall report back to General Issues Committee (GIC) periodically at the discretion of the Committee.

### **Meetings**

As required at the call of the Chair.

### **Time Frame**

Sub-Committee will begin work in October 2011. It is expected to have a report of preliminary findings by Q2 of 2012, with a final report to the GIC by the end of September 2012.

**Appendix "B" to Item 45 of  
General Issues Committee Report 11-036**

**List of Boards and Agencies Requiring Advance Payments \***

<b>Department</b>	<b>Advance Payment Schedule ***</b>		<b># of Payments per Year</b>	<b>2011 Approved Annual Budget Gross</b>	<b>2012 Advance Payment Amount</b>
Hamilton Conservation Authority	29-Feb-12	30-Apr-12	4	3,569,320	1,784,660
Confederation Park	29-Feb-12	30-Apr-12	4	368,970	184,485
Westfield	29-Feb-12	30-Apr-12	4	546,560	273,280
Niagara Peninsula Conservation Authority	16-Mar-12		4	510,470	127,618
Grand River Conservation Authority	30-Apr-12		3	231,920	77,307
Halton Region Conservation Authority	30-Apr-12		3	170,680	56,893
Royal Botanical Gardens **	1st of each Month		12	599,210	199,737
Hamilton Beach Rescue Unit	2-Feb-12		3	126,810	10,000
Art Gallery of Hamilton	1st of each Month		12	1,000,000	333,333
HWCA - Festival of Friends	1st of each Month		12	85,270	28,423
Hamilton Philharmonic Orchestra	1st of each Month		12	113,700	37,900
Opera Hamilton ***	1st of each Month		12	126,930	42,310

\* Excludes Reserve funding and property tax as approved during the 2011 budget deliberations.

\*\* Based on approved funding formula with the Region of Halton.

\*\*\* \$31,730 to be forwarded to Opera Hamilton on January 3, 2012 with the balance of the advance (\$10,580) paid to HECFI in February 1, 2012

\*\*\*\* Assumed Council approval of budget by April 30, 2012