



General Issues Committee

REPORT 12-012

9:30 a.m.

Wednesday, May 2, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor L. Ferguson – Personal

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate
Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic
Development
D. Barr-Elliott, Director, Family Health, Public Health Services
R. Sabo, Acting City Solicitor
C. Biggs, Legislative Co-ordinator

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-012 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Police Services Board Monthly Report (PSB 12-032) (Item 5.1)

That Hamilton Police Services Board Monthly Report PSB 12-049 be received.

**2. Dundas Business Improvement Area (B.I.A.) – Revised Board of
Management (PED11032(a)) (Ward 13) (Item 5.3)**

That Lori Eisenberger be appointed to the Dundas B.I.A.'s Board of Management:

3. Ministry of Transportation (MTO) Surplus Land – Located at 724 York Road, described as Lot 1, Plan 1058, former Town of Dundas, now City of Hamilton (PED12070) (Ward 13) (Item 5.4)

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Ministry of Transportation that the City of Hamilton has no interest in acquiring their land located at 724 York Road, in the former Town of Dundas, now City of Hamilton, as shown on Appendix "A", attached to Report PED12070;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Ministry of Transportation of the City of Hamilton's requirements for development of the site as identified in Appendix "B", attached to Report PED12070.

4. Revival of the Main Street West Esplanade Business Improvement Area (PED12071) (Ward 1) (Item 5.5)

- (a) That the Main West Esplanade Business Improvement Area (BIA) be reinstated as an active Business Improvement Area (BIA) per the boundaries outlined in the location map, attached as Appendix "B" to Report PED12071.
- (b) That the following individuals be appointed to the Main West Esplanade BIA for the remainder of the 2010-2014 term of Council:

Councillor Jason Farr
Councillor Brian McHattie
Steve Pocrinic
Sam Samad
Alex Bovkis
Adam Law

- (c) That the 2012 Operating Budget for the Main West BIA (attached as Appendix "A" to Report PED12071) be approved in the amount of \$17,482.76;
- (d) That the levy portion of the Operating Budget for the Main West Esplanade BIA in the amount of \$7,800.00 be approved;
- (e) 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 (d) above;

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

May	2,600.00
July	2,600.00
October	2,600.00

- (g) That Finance Staff be directed to issue a cheque to the Main West Esplanade BIA for the funds that remain in the account that was created to hold the funds of the BIA when it was declared dormant.

5. Dundas Business Improvement Area Proposed Budget and Schedule of Payment for 2012 (PED12072) (Ward 13) (Item 5.6)

- (a) That the 2012 Operating Budget for the Dundas B.I.A. (attached as Appendix "A" to Report PED12072) be approved in the amount of \$150,600;
- (b) That the levy portion of the Operating Budget for the Dundas B.I.A. in the amount of \$110,000 be approved; and,
- (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:

May	\$55,000.00
July	\$27,500.00
October	\$27,500.00

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

6. Declaration of Surplus Property and Sale of Land – 36 Lakeside Drive, Hamilton (PED12074) (Ward 11) (Item 5.7)

- (a) That the property municipally known as 36 Lakeside Drive, legally described as Part of Lots 5 and 6, Plan 428, and designated as Parts 1,2,3 and 4 on Plan 62R-17506, comprising an area of 282 square metres (3,035 square feet) on the north limit of Lakeside Drive west of Jones Road, identified as PIN 17437-0160(LT) and Roll No. 251800303006200, shown in Appendix "A" attached to Report PED12074, be declared surplus to the requirements of the City of Hamilton;

- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands at fair market value, in accordance with the "Procedural By-law for the Sale of Land, being By-law 04-299.

7. Robert Tremblay, Insurance Bureau of Canada, respecting insurance coverage due to flooding (Item 6.1)

- (a) That the presentation by Robert Tremblay, Director of Research, Insurance Bureau of Canada, respecting insurance coverage due to flooding, be received;
- (b) That representatives from the Insurance Bureau of Canada be requested to provide annual presentations and updates to the General Issues Committee, including progress on the development of the Municipal Risk Assessment Tool;
- (c) That the IBC be requested to invite representatives from insurance companies that hold large numbers of homeowners' policies in the City to attend the annual update meetings.

8. Strategic Municipal Investment in the Arts (AAC12-002) (City Wide) (Item 7.2)

- (a) That Report AAC12-002 respecting Strategic Municipal Investment in the Arts, be received;
- (b) That the Arts Advisory Commission, through its Arts Funding Task Force, be directed to undertake the following steps as outlined in Report AAC12-001, leading to the development of recommendations for the establishment of a strategic arts investment model for the City of Hamilton:
 - (i) develop recommendations for the establishment of a strategic arts investment model that will be effective for Hamilton and informed by the research and analysis presented in Report AAC 12-001;
 - (ii) Conduct consultation with both internal and external stakeholders, including a public consultation session with the arts community, to seek feedback on the Task Force's analysis and recommendations.

9. Municipal Cultural Indicators and Performance Measures (PED12068) (City Wide) (Item 7.1)

- (a) That the “Municipal Cultural Planning Indicators and Performance Measures Guidebook”, attached as Appendix A to Report PED12068, be received;
- (b) That staff be directed to report back to the General Issues Committee on a “made in Hamilton” Cultural Report Card of performance measures and indicators, including multi-cultural and ethnic aspects of the community, as part of the Cultural Plan approval process in 2013.

10. 2012 Tax Policies and Area Rating (FCS12036) (City Wide) (2012 Budget Outstanding Business List Item) (Item 8.1)

- (a) That the following optional property classes be continued for the 2012 taxation year:

- New Multi-Residential
- Parking Lot and Vacant Land
- Large Industrial

- (b) That, based on the 2012 final approved tax operating budget, the following final tax ratios be established for the 2012 taxation year:

• Residential	1.0000
• Multi-Residential	2.7400
• New Multi-Residential	1.0000
• Commercial (residual)	1.9800
• Parking Lot & Vacant Land	1.9800
• Industrial (residual)	3.2465
• Large Industrial	3.8069
• Pipeline	1.7367
• Farm	0.1982
• Managed Forest	0.2500

- (c) That the following tax reductions be continued for the 2012 taxation year:

• Excess land subclass (residual commercial)	30%
• Excess land subclass (residual industrial)	30%
• Vacant land subclass (residual industrial)	30%
• Excess land subclass (large industrial)	30%
• Farmland awaiting development (1 st subclass)	25%
• Farmland awaiting development (2 nd subclass)	0%

- (d) That the existing property tax relief deferral program for low-income seniors and disabled persons be continued for the 2012 taxation year;
- (e) That the existing 40% tax rebate for eligible charities and similar organizations be continued for the 2012 taxation year;
- (f) That the existing 30% vacancy rebate for eligible commercial and industrial properties be continued for the 2012 taxation year;
- (g) That the existing 100% tax rebate for Veteran's Clubhouses and Legion Halls be continued for the 2012 taxation year;
- (h) That the existing Senior's (65+) Tax Rebate Program be continued, with the following criteria updated for the 2012 taxation year:
 - (i) **Income threshold (150% of GIS couple)** increased to \$32,472 (\$31,464 in 2011);
 - (ii) **Assessment cap (120% of city-wide average for single family homes)** increased to \$333,600 (\$316,600 in 2011);
 - (iii) **Rebate** increased by the CPI index to \$170 (\$165 in 2011);
- (i) That, for the 2012 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial, Industrial and Multi-Residential property classes be set at the maximum allowable of 10%;
- (j) That, for the 2012 taxation year, any capped property in the Commercial, Industrial and Multi-Residential property classes that is within \$250 of its Current Value Assessment (CVA) taxes in 2012, be moved directly to its' full Current Value Assessment (CVA) taxes;
- (k) That, for the 2012 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for the new construction/new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;
- (l) That, for the 2012 taxation year, any property in the Commercial, Industrial and Multi-Residential property class which paid full Current Value Assessment (CVA) taxes in 2011, no longer be eligible for capping protection in 2012 and future years;
- (m) That, for the 2012 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;

- (n) That, for the 2012 taxation year, the Area Rated Levies be approved as identified in Appendix A to report FCS12036 “2012 Tax Policies & Area Rating” attached hereto;
- (o) That the Acting City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2012 taxation year;
- (p) That staff be directed to have consultation with the Seniors Advisory Committee with respect to the Seniors’ Tax Rebate program to provide feedback for the 2013 budget deliberations.

11. Report 12-003 of the Advisory Committee for Persons with Disabilities – April 10, 2012 (Item 8.4)

That the following recommendations of the Advisory Committee for Persons with Disabilities be received:

(a) Built Environment Sub-committee Report March 19, 2012 – Enforcement of Accessible Parking violations on Private Property

- (i) That Planning, Zoning and Bylaw Enforcement staff be directed to work in co-ordination to design standardized accessible parking spots, for implementation into every parking lot within the City of Hamilton, whether private or public, to meet the Ministry of Transportation guidelines for accessible parking spaces and for enforcement.
- (ii) That staff be directed to review by-law 01-220 and update it to include the enforcement of violations of accessible parking spots by Bylaw Enforcement staff and the Hamilton Police Service, including accessible parking spots on private property, without the current requirements for permission from the owners.

(b) Lynwood Charlton Centre - Radial Separation By-law

That staff be directed to report to the Advisory Committee of Persons with Disabilities respecting the Lynwood Charlton Centre and the Human Rights implications of the radial separation by-law.

12. Settlement of Court Action No. 2306/03 – Personal Injury Claim – HECFI (LS12012) (City Wide) (Item 12.3)

- (a) That the City (HECFI) settle Court Action No. 2306/03 by payment of the amount of \$395,000 from the Claims Reserve Account for all claims, including damages, Family Law Act claims, interest and costs;
- (b) That Report LS12012 respecting Settlement of Court Action No. 2306/03 not be released as a public document as the information relates to pending litigation affecting the City.

13. Purchase of Part of 669 Nebo Road – Part of Lot 14, Concession 1, Township of Glanford, now City of Hamilton, from Coco Paving Inc. (Principal – Jenny Coco) (PED12075) (Ward 11) (Item 12.4)

That an exchange/purchase of lands between the City of Hamilton and Coco Paving Inc. be approved on the following basis:

- (a) That City lands municipally known as 5726 and 5738 Twenty Road identified as Parcel “A” in Appendix “A” to PED12075, forming part of Lot 14, Concession 1 in the former Township of Glanford, having a total area of 0.50 ha (1.26 ac) form part of this proposed transaction with Coco Paving Inc.;
- (b) That the Real Estate Section of the Economic Development Division be authorized and directed to offer Coco Paving Inc. the land described in Recommendation (a) as partial compensation for lands held by Coco Paving Inc. described as:

Part 1, Plan 62R-19284, being Part of Lot 14, Concession 1 in the former Township of Glanford (as shown on Appendix “B” to Report PED12075 attached) having an area of 2.225 ha (5.498 acres) and Part 10, Plan 62R-17987, being Part of Lot 14, Concession 1 in the former Township of Glanford (as shown on Appendix “B” to Report PED12075 attached) having an area of 684 square metres (0.169 ac), together comprising a total area of 2.29 ha (5.667 ac);
- (c) That the Real Estate Section of the Economic Development Division be authorized and directed to compensate Coco Paving at the negotiated value per Appendix C for 1.78 ha (4.407 ac) required by the City for stream realignment;
- (d) That the financial details of the acquisition, outlined in Appendix “C” attached to Report PED12075, remain confidential until final disposition by Council and the completion of the transaction;

- (e) That as consideration, the amount of \$2.00, payable to the owner pursuant to an agreement be deducted from the purchase price;
- (f) That should HST be applicable and collected by the City, the HST amount shall be credited to Account No. 22835-009000 (HST Payable);
- (g) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

FOR THE INFORMATION OF COUNCIL:**(a) CHANGES TO THE AGENDA (Item 1)**

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

ADDED PRESENTATION

- (i) Item 8.2 – Strategic Municipal Investment in the Arts (AAC 12-002) (City Wide) (Added Item 7.2)

On a motion, the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES

On a motion, the April 18, 2012 Minutes of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS

On a motion, the delegation request from Chris McGuckin, Aggregate Forum of Ontario, respecting continuous improvement of aggregate industry practices, was approved.

(e) CONSENT ITEMS

- (i) **Minutes of Various Sub-Committees (For Information Purposes Only) (Item 5.2)**

On a motion, the following Sub-Committee Minutes were received:

- (aa) Advisory Committee for Persons with Disabilities – March 13, 2012
- (bb) Open for Business Sub-Committee – March 28, 2012
- (cc) Joint City of Hamilton/Hamilton-Wentworth District School Board Task Force – April 5, 2012

(f) PUBLIC HEARING/DELEGATION

(i) Robert Tremblay, Insurance Bureau of Canada, respecting Insurance Coverage due to Flooding (Item 6.1)

Tony Tollis introduced Robert Tremblay, Director of Research, Insurance Bureau of Canada (IBC) who has been with the IBC for the past 14 years. As part of the adaptation to climate change file, Mr. Tremblay is leading IBC's development of the Municipal Risk Assessment Tool (MRAT). Once completed, this innovative software package will contain current geological and hydrological data to assist municipalities and decision-makers to identify areas that are at risk for severe water damage. Heather Mack, Director of Government Relations

Mr. Tremblay provided a power point presentation entitled, "Sewer Backflow Insurance Coverage: A Shared Concern", and spoke to the following issues:

The Issue

- Size of recent events
- National claims trends
- Why is this a problem
- Infrastructure
- Shared concerns

MRAT Concept

- How can we predict infrastructure risk?
- Municipal Risk Assessment Management Tool (MRAT)
- What is MRAT?

Project Status

- Initiated project in 2009
- Project was delayed

Benefits for Municipalities

- Availability of Insurance
- Additional decision-making tool
- Updated rainfall climatic information
- Help prioritize infrastructure investment
- Build a case for infrastructure programs

Public Policy Implications/Issues

- Need for additional funding
- IBC part of FCM Infrastructure Forum
- IBC ready to support municipal requests

The power point presentation is available for viewing on the City of Hamilton website.

Mr. Tremblay further commented:

- IBC would be happy to facilitate a meeting with the City's Public Works staff and insurance underwriters
- MRAT will be in place by 2013, which should increase availability for flood insurance

Ms. Heather Mack, Director of Government Relations at the IBC, and John McLennan, the City's Risk Management and Insurance Coordinator, were in attendance to respond to questions of the Committee.

Staff advised that they will send out an e-mail to the Committee members with the IBC's hotline number and the number for the Ombudsman, and will continue to work with the IBC in the development of the MRAT tool to get better pricing, coverage and knowledge of risks for current and future events.

Staff is currently conducting a water, sewer and storm rate review and will be bringing forward a report with options on what to do with pricing/ cost. \$450 million of flood-related types of work and SERGE projects are in the 10-year capital plan. Staff will continue to communicate the message that as much work as possible is being done with the funds that are available.

Councillor Clark requested that the IBC provide their Mission Statement.

On a motion, the following were added as sub-sections (b) and (c):

- (b) That representatives from the Insurance Bureau of Canada be requested to provide annual presentations and updates to the General Issues Committee, including progress on the development of the Municipal Risk Assessment Tool;
- (c) That the IBC be requested to invite representatives from insurance companies that hold large numbers of homeowners' policies in the City to attend the annual update meetings.

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

(g) STAFF PRESENTATIONS**(i) Municipal Cultural Indicators and Performance Measures (PED12068) (City Wide) (Item 7.1)**

Alice Sabourin, Senior Project Manager, provided a power point presentation respecting the cultural plan and cultural indicators.

The presentation addressed the following:

- Defining Culture – Cultural heritage, cultural workers, cultural industries, cultural organizations, natural heritage, festivals and events, stories and cultural spaces
- Transforming through Culture
- Measuring Culture’s Impact
- Benefits to City, Community, Cultural Sector
- Cultural Indicators
- Categories of Cultural Indicators
- Made in Hamilton Report Card

Anna Bradford, Acting Director of Tourism and Culture, and Patti Tombs, Manager of Cultural Initiatives, were in attendance to respond to questions of the Committee.

The presentation is available for viewing on the City of Hamilton website.

On a motion, the presentation respecting Municipal Cultural Indicators and Performance Measures, was received.

On a motion, sub-section (b) be amended by the inclusion of “multi-cultural and ethnic aspects of the community”, to read as follows:

“(b) That staff be directed to report back to the General Issues Committee on a “made in Hamilton” Cultural Report Card of performance measures and indicators, including multi-cultural and ethnic aspects of the community, as part of the Cultural Plan approval process in 2013.”

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

**(ii) Strategic Municipal Investment in the Arts (AAC12-002) (City Wide)
(Added Item 7.2 (formerly 8.2))**

Anna Bradford provided background information with respect to the Arts Advisory Committee, including its composition, and introduced the members from the Committee who would be providing the presentation, including Tricia LeClair, Co-Chair of the Arts Advisory Commission and Kristine Germann, Chair of the Arts Funding Task Force and Kelly Hill, Hill Strategies Research. Jennifer Kaye, Manager of Arts and Events, and Anna Bradford, Acting Director of Tourism and Culture, also attended to respond to questions of the Committee.

The presentation, entitled, “Strategic Municipal Investment in the Arts: A Report on Findings from the City of Hamilton Arts Advisory Commission’s Arts Funding Task Force” was distributed to the Committee and is available for viewing on the City’s website.

The presentation included:

- Why an Arts Funding Task Force?
- Work of the Arts Funding Task Force to date
- Funding Snapshot
- Gaps identified in City’s current approach to arts investment
- Strategic Funding Approach
- Benefits to the City and benefits to the community
- Summary of research into arts funding and non-financial supports

- City of Hamilton: Funding and non-financial supports
- Role and Structure of funding in select cities
- Comparison cities: per capita funding via arts and culture granting program(s)
- Situation of individual artists
- Survey findings: Individuals/organizations
- Request: (1) to develop a strategic arts investment model for Council’s consideration; and (2) to consult with the arts community to ensure that our proposed model meets community needs

Councillor Collins requested additional information with respect to the components that are included in the costs for the comparison cities for per capita funding via arts and culture granting program(s).

Councillor Collins requested staff to forward information on what is included in the costs for the comparison cities for per capita funding.

On a motion, the presentation respecting “Strategic Municipal Investment in the Arts”, was received.

(h) DISCUSSION ITEMS**(i) 2012 Tax Policies and Area Rating (FCS12036) (City Wide) (2012 Budget Outstanding Business List Item) (Item 8.1)**

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

“(p) That staff be directed to have consultation with the Seniors Advisory Committee with respect to the Seniors’ Tax Rebate Program to provide feedback for the 2013 budget deliberations.”

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

(ii) Report 12-002 of the Accountability and Transparency Sub-Committee – March 29, 2012 (Item 8.3)

On a motion, Report 12-002 of the Accountability and Transparency Sub-Committee was referred back to the Sub-Committee for legal consultation and further discussion.

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

Yeas: McHattie, Collins, Jackson, Duvall, Whitehead, Partridge,
Pasuta, Powers

Total Yeas: 8

Nays: Farr, Morelli, Merulla, Johnson, Clark

Total Nays: 5

Absent: Bratina, Ferguson, Pearson

Total Absent: 3

(i) MOTIONS

None.

(j) NOTICES OF MOTION

None.

(k) OTHER BUSINESS**(i) Corporate Services Outstanding Business List**

On a motion, the matter respecting Seniors’ Tax Rebate Program was identified as completed and removed from the 2012 Budget Outstanding Business List.

(I) PRIVATE & CONFIDENTIAL**12.1 Minutes of Closed Session Meetings – April 18, 2012**

On a motion, the Minutes of the Closed Session Meeting of the General Issues Committee held on April 18, 2012 were approved. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion, the Committee moved into closed session pursuant to subsections 8.1(b), (c), (e) and (f) of the City's Procedural By-law and Sections 239.2(b), (c), (e) and (f) of the Municipal Act as the subject matters pertain to:

- (b) personal matters about an identifiable individual, including municipal or local board employees,
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (e) litigation or potential litigation, including matters before an administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

respecting:

12.3 Settlement of Court Action No. 2306/03 – Personal Injury Claim – HECFI

12.4 Purchase of Part of 669 Nebo Road – Part of Lot 14, Concession 1, Township of Glanford, now City of Hamilton, from Coco Paving Inc. (Principal – Jenny Coco) (PED12075) (Ward 11)

The Committee reconvened in Open Session at 2:44 p.m.

12.3 Settlement of Court Action No. 2306/03 – Personal Injury Claim - HECFI

See Item 12 for the disposition of this item.

12.4 Purchase of Part of 669 Nebo Road – Part of Lot 14, Concession 1, Township of Glanford, now City of Hamilton, from Coco Paving Inc. (Principal – Jenny Coco) (PED12075) (Ward 11)

See Item 13 for the disposition of this item.

There being no further business, the Committee adjourned at 2:46 p.m.

Respectfully submitted

Councillor S. Duvall
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
May 2, 2012