



## **GENERAL ISSUES COMMITTEE**

### **REPORT 14-011**

**9:30 a.m.**

**Wednesday, May 21, 2014**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

**Present:**

Deputy Mayor M. Pearson (Chair)

Mayor R. Bratina

Councillors B. Clark, C. Collins, S. Duvall, J. Farr,

L. Ferguson, B. Johnson, B. McHattie, S. Merulla, R. Morrow,

J. Partridge, R. Pasuta, T. Whitehead

**Absent with Regrets:** Councillors T. Jackson, R. Powers – Vacation

**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-011 AND  
RESPECTFULLY RECOMMENDS:**

**1. Hamilton Police Service Monthly Report (PSB14-060) (Item 5.1)**

That Hamilton Police Service Monthly Report PSB 14-060 be received.

**2. Development of a Farmers' Market Policy (PED14084) (City Wide) (Item 5.4)**

That Report PED14084 respecting "Development of a Farmers' Market Policy" be received.

**3. Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP), 137-149 Main Street West, Change in Corporate Control of Jackson Hospitality Inc. (PED14102) (Ward 2) (Item 5.5)**

That Report PED14102 respecting "Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP), 137-149 Main Street West, Change in Corporate Control of Jackson Hospitality Inc." be received.

**4. Request for Support on the Morriston By-Pass (PED14080) (City Wide)  
(Item 5.6)**

That Report PED14080 respecting "Request for Support on the Morriston By-Pass" be received.

**5. Terms and Conditions for the Use of the Downtown Public Art Reserve  
(PED14096) (Wards 1, 2 and 3) (Item 5.7)**

- (a) That the Terms and Conditions for the Use of the Downtown Public Art Reserve Policy, attached hereto as Appendix "A", be approved;
- (b) That the Downtown Public Art Reserve Policy (RESCUL-005), attached hereto as Appendix "B", be approved.

**6. Annual Comprehensive Legal Services Report (LS14012) (City Wide)  
(Item 5.8)**

That Report LS14012 respecting "Annual Comprehensive Legal Services Report" be received.

**7. Employee Attendance Report 2013 (HUR14003) (Outstanding Business  
List) (Item 7.1)**

That Report HUR14003 respecting "Employee Attendance Report 2013" be received.

**8. Report 14-001 of the Task Force on Cleanliness and Security in the  
Downtown Core - March 27, 2014 (Item 8.1)**

**(a) Task Force Strategic Planning Exercise (Item 5.1)**

That the Committee Clerk be directed to invite representatives from Evergreen CityWorks to attend a future meeting of the Cleanliness and Security in the Downtown Task Force to discuss common issues and concerns and possible partnership opportunities.

**(b) Environmental Scan/Walking Tour of the Downtown Core (Item 5.3)**

- (i) That the Committee Clerk contact the following City departments to arrange for their participation in an Environmental Scan/Walking Tour of the Downtown Core:

- Municipal By-Law Enforcement/Property Standards
- Public Works
- Urban Renewal
- Hamilton Police Services
- Pan Am Games Staff
- Heritage
- Public Health

- (ii) That the Committee Clerk contact the James Street North Merchants Association and invite them to participate in the Environmental Scan/Walking Tour of the Downtown Core.

**9. Report 14-002 of the Advisory Committee for Persons with Disabilities - April 8, 2014 (Item 8.2)**

**Correspondence from the Accessibility Directorate of Ontario respecting Deadline Extension – Comment on Proposed Changes to the Customer Service Standard**

That an informal Working Group be established for the purpose of drafting a response for the consideration of Council to be sent to the Accessibility Directorate of Ontario respecting the Proposed Changes to the Customer Service Standard.

**10. St. Mark's Feasibility Study (PED12059(a)) (Ward 2) (Item 8.3)**

- (a) That the St. Mark's Cultural Programming Space Feasibility Study, attached as Appendix "A" to Report PED12059(a), be received.
- (b) That Tourism and Culture Division staff report back to the General Issues Committee with a financial and operating plan for the proposed St. Mark's cultural programming space, based on the operating model outlined in the St. Mark's Cultural Programming Space Feasibility Study;
- (c) That the Real Estate Section, in partnership with the City's Revenue Generation Office, issue and advertise an Expression of Interest (EOI)/non-binding Request for Proposal (RFP) for the St. Mark's Facility, and that the marketing and advertising of the EOI/ non-binding RFP run concurrent with the Feasibility Study, taking into consideration the need for green space and the heritage designation.

**11. Partial Relocation of the Ottawa Street Farmers' Market**

- (a) That the staff of the Planning and Economic Development Department be directed to report to the Planning Committee with respect to initiating a site-specific Zoning By-law Amendment to permit the partial relocation of the Ottawa Street Farmers' Market to Car Park #2B at 116 Campbell Avenue;
- (b) That the cost to undertake the City Initiated zoning change be charged to the tax stabilization reserve.

**12. Accounts Receivable Systems Review (Item 12.3)**

- (a) That the interim update with respect to the Accounts Receivable Systems Review be received;
- (b) That additional details with respect to this matter be made available at the appropriate time in the future.

**13. Funding for the Purchase of Memorial School, Ancaster (FCS14040) (Ward 12) (Item 12.2)**

- (a) That the funding sources to purchase Memorial School at 357 Wilson Street, Ancaster, as detailed in Report FCS14040, be approved;
- (b) That any net proceeds from the sale of Memorial School land (for development) be directed back to the Ancaster Capital Reserve (108030);
- (c) That the annual operating costs associated with maintaining the school property be funded from the Tax Stabilization Reserve (110046) for 2014 and be referred to the annual budget process thereafter;
- (d) That the financial details remain confidential pending completion of the real estate transaction, and that Report FCS14040 be released as a public document at that time.

**FOR THE INFORMATION OF COUNCIL:**

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

The Committee Clerk advised of the following changes:

**ADDED NOTICES OF MOTION**

10.1 Partial Re-Location of the Ottawa Street Farmers' Market

10.2 YWCA Request for Capital Investment and Increase to Annual Operating Grant

The agenda was approved as amended.

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

None

**(c) APPROVAL OF PREVIOUS MINUTES**

**(i) Minutes of the May 7, 2014 Meeting (Item 3.1)**

The Minutes of the May 7 2014 meeting of the General Issues Committee were approved, as presented.

**(d) DELEGATION REQUESTS**

**(i) Delegation Request from Lorna Zaremba, Theatre Aquarius, on behalf of the Hamilton Anchor Arts Organizations (Art Gallery of Hamilton, Brott Festival, Hamilton Philharmonic Orchestra and Theatre Aquarius) to speak at the June 18, 2014 meeting of the Committee in response to the staff presentation respecting the arts funding recommendations (Item 4.1)**

The delegation request from Lorna Zaremba, Theatre Aquarius, on behalf of the Hamilton Anchor Arts Organizations (Art Gallery of Hamilton, Brott Festival, Hamilton Philharmonic Orchestra and Theatre Aquarius) to speak at the June 18, 2014 meeting of the Committee in response to the staff presentation respecting the arts funding recommendations, was approved.

**(ii) Delegation Request from Janet Mowat, Art Gallery of Hamilton, on behalf of the Board of Directors of the Art Gallery of Hamilton, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations (Item 4.2)**

The delegation request from Janet Mowat, Art Gallery of Hamilton, on behalf of the Board of Directors of the Art Gallery of Hamilton, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations, was approved.

- (iii) **Delegation Request from the Hamilton Philharmonic Orchestra, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations (Item 4.3)**

The delegation request from the Hamilton Philharmonic Orchestra, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations, was approved.

- (iv) **Delegation Request from Boris Brott, of the Boris Brott Music Festival, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations (Item 4.4)**

That the delegation request from Boris Brott, of the Boris Brott Music Festival, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations, was approved.

**(e) CONSENT ITEMS**

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

That Minutes of the March 25, 2014 meeting of the Arts Advisory Commission were received.

- (ii) **Hamilton Municipal Parking System - Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton (PED14097) (Ward 2) (Item 5.3)**

Report PED14097 respecting "Hamilton Municipal Parking System - Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton" was tabled pending receipt of additional information with respect to the City's costs.

**(f) DELEGATIONS/PUBLIC HEARINGS**

- (i) **Grades 6, 7 and 8 Students from Westview Middle School Photovoice Project to present their findings with respect to Community Change following Completion of their Photovoice Project (Item 6.1)**

Laura Ryan from the Social Planning and Research Council appeared before the Committee with twelve Grades 6, 7 and 8 students from Westview Middle School to present PhotoVoice: Rolston Neighbourhood. Each student spoke to a component of the presentation which addressed:

- What is Photovoice
- What we did
- Westview Vision for Rolston Neighbourhood
- Priority 1: Clean up the graffiti
- Priority 2: More garbage cans in the community
- Priority 3: Fix cracks in the road
- Priority 4: Improve relationships
- Priority 5: Improve traffic around schools

The presentation from the students from Westview Middle School respecting the findings of their Photovoice Project was received.

The comments provided by the students was provided in writing to the Clerk for the public record.

A copy of the presentation was distributed to the Committee and can be viewed on the City of Hamilton website.

**(g) PRESENTATIONS**

**(i) Employee Attendance Report 2013 (HUR14003)**

Chris Murray, City Manager, provided introductory remarks in response to concerns expressed in the past with respect to absenteeism in the City's work force, and to explain what is behind the numbers in the report, what they mean, and what is going to be done i.e., Management Action Plan.

Helen Hale Tomasik, Executive Director of Human Resources, and Zac Nichol, HR Metrics Analyst, provided a PowerPoint presentation with respect to the 2013 Employee Attendance Report and spoke to the following:

- What we now know about short-term Disability (STD) Absences in 2013
- City's Categories of Absenteeism
- Short-Term Disability Benefit Plans
- Different Types of Short-Term Disability Absences

**Business Intelligence (BI) Solution**

- Legacy Reporting vs. Business Intelligence (BI) Solution
- New Reporting Capabilities with HR Business Intelligence Tool
- Technology Improvements for STD Management

### Short-Term Disability Analysis

- 2013 Short-Term Disability Pareto Chart
- Significant Sick Absences – IPP and Sick Bank
- IPP Incidental Sick Absences (less than 6 days)
- IPP Significant Sick Absences (6 to 130 days)
- IPP Maternity Related Sick Absences
- IPP Modified Sick Absence Trends
- Previous Questions from Council
- Management Action Plan Strategies that are working
- Management Action Plan – 2014 (Management and Human Resources)
- Summary

Staff was directed to report back to the General Issues Committee on implementing a policy corporate wide that does not conflict with Collective Bargaining Agreements, where employees have a mandatory obligation of providing a doctor's note justifying their absence after 3 days of illness.

The presentation respecting "Employee Attendance Report 2013" was received.

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

See Item 7 for additional disposition of this item.

### (h) DISCUSSION ITEMS

#### (i) St. Mark's Feasibility Study (PED12059(a)) (Ward 2)

The following was added as sub-section (c), to read as follows:

- "(c) That the Real Estate Section, in partnership with the City's Revenue Generation Office, issue and advertise an Expression of Interest (EOI)/non-binding Request for Proposal (RFP) for the St. Mark's Facility, and that the marketing and advertising of the EOI/non-binding RFP run concurrent with the Feasibility Study, taking into consideration the need for green space and the heritage designation."

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

See Item 10 for additional disposition of this item.



(i) **MOTIONS**

(i) **Review of Arts Funding (Item 9.1)**

The following Motion was deferred pending presentation of staff reports addressing funding/grants:

"That funding of the Arts by the City of Hamilton be reassessed with a view to increasing their level of funding, and that a report be brought back by the appropriate Standing Committee(s) and staff."

(ii) **YWCA Request for Capital Investment and Increase to Annual Operating Grant (Item 9.2)**

Staff was directed to review the request by the YWCA for an on-going capital investment of \$500,000 over the next three years and an increase to their annual operating grant and provide recommendations to the General Issues Committee.

(j) **NOTICES OF MOTION**

Councillor S. Merulla introduced the following Notice of Motion:

(i) **Partial Relocation of the Ottawa Street Farmers' Market (Item 10.1)**

Whereas in 2007 the City of Hamilton facilitated the relocation of the Centre Mall Farmers' Market from the Centre Mall to Municipal Car Parks #2C and #2D at 11 and 18 Britannia Avenue;

And Whereas the current location at Car Park #2D, 18 Britannia Avenue does not meet the needs of the Ottawa Street Farmers' Market and the Market is seeking to relocate a portion of the Market to Municipal Car Park #2B at 116 Campbell Avenue;

And Whereas the current zoning of Car Park #2B at 116 Campbell Avenue does not permit a Farmers' Market and that the City of Hamilton is currently undertaking a zoning review to facilitate and promote farmers markets;

Therefore be it Resolved:

That the staff of the Planning and Economic Development Department be directed to report to the Planning Committee with respect to initiating a site-specific Zoning By-law Amendment to permit the partial relocation of the Ottawa Street Farmers' Market to Car Park #2B at 116 Campbell Avenue and that the cost to undertake the City Initiated zoning change be charged to the tax stabilization reserve.

The rules of order were waived in order to allow for the introduction of a motion respecting Partial Relocation of the Ottawa Street Farmers' Market.

See Item 11 for the disposition of this item.

Councillor S. Merulla introduced the following Notice of Motion:

**(ii) YWCA Request for Capital Investment and Increase to Annual Operating Grant (Item 10.2)**

WHEREAS Municipalities, Boards and Agencies are experiencing large capital expenditures associated with aging infrastructure; and

WHEREAS the YWCA of Hamilton has provided valuable programs and services to the residents of the City of Hamilton for over 125 years; and

WHEREAS the YWCA provides women's and seniors', community programming that benefits the lives of Hamilton residents; and

WHEREAS the current operating agreement between the City of Hamilton and the YWCA expires in March 2015; and

WHEREAS the YWCA has been faced with increasing costs in operating aquatic facilities; and

WHEREAS the YWCA has requested from the City of Hamilton an ongoing capital investment of \$500K over the next three years and an increase to their annual operating grant.

Therefore be it resolved:

That staff be directed to review the request by the YWCA for an on-going capital investment of \$500,000 over the next three years and an increase to their annual operating grant and provide recommendations to the General Issues Committee.

The rules of order were waived in order to allow for the introduction of a motion respecting "YWCA Request for Capital Investment and Increase to Annual Operating Grant".

See Information Item (i)(ii) for the disposition of this item.

**(k) OTHER BUSINESS/GENERAL INFORMATION**

**(i) Outstanding Business List Items**

**(aa) Revised Due Dates**

The due date for the following item on the Outstanding Business List was amended accordingly, as follows:

Item CC: Art Gallery of Hamilton Fundraising Campaign  
Due Date: June 4, 2014  
Revised Due Date: August 11, 2014

**(l) PRIVATE & CONFIDENTIAL**

**(i) Closed Session Minutes – May 7, 2014 (Item 12.1)**

That the Closed Session Minutes from the May 7, 2014 meeting of the General Issues Committee were approved as presented and will remain confidential and restricted from public disclosure.

The Committee moved into Closed Session at 1:20 p.m. pursuant to Subsections (b) and (c) of the City's Procedural By-law and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matters pertained to:

- (a) Item 12.2, a proposed or pending acquisition or disposition of land by the municipality or local board respecting Funding for the Purchase of Memorial School, Ancaster; and
- (b) Item 12.3, personal matters about an identifiable individual(s), including municipal or local board employees, respecting Accounts Receivable Systems Review

The Committee reconvened in Open Session at 3:10 p.m.

**(ii) Accounts Receivable Systems Review (Item 12.3)**

See Item 12 for the disposition of this item.

Additional direction was provided in closed session.

**(iii) Funding for the Purchase of Memorial School, Ancaster (PED14040) (Ward 12) (Item 12.2)**

See Item 13 for the disposition of this item.

**(m) ADJOURNMENT**

There being no further business, the Committee adjourned at 3:15 p.m.

Respectfully submitted

Councillor M. Pearson  
Deputy Mayor

Carolyn Biggs  
Legislative Co-ordinator  
Office of the City Clerk

# Terms and Conditions for the Use of **THE DOWNTOWN PUBLIC ART RESERVE**

(Draft March 31, 2014)

## 1.0 BACKGROUND

In February 2012 Council approved the creation of a Downtown Public Art Reserve. This reserve is funded through voluntary contributions for which developers receive a Dollar for Dollar exemption in Development Charges for eligible developments within the Downtown Hamilton Community Improvement Project Area (DHCIPA).

## 2.0 PURPOSE

The Downtown Public Art Reserve was created as a mechanism to allow property owners and developers in downtown to support the arts and creative industries sectors that are making a major contribution to the continuing revival of downtown Hamilton. The Public Art projects funded from this reserve will focus on downtown to improve the quality of public space, animate street life and contribute to the evolving image of downtown as a place for the arts and innovation benefiting future residents as well as the existing community.

## 3.0 ELIGIBLE AREA

The funds of the Downtown Public Art Reserve shall be used to fund permanent and temporary *Public Art* projects located only within the DHCIPA.

## 4.0 DEFINITION

### a. Public Art

*Public Art* is created by artists or in collaboration with artists through a public process and existing in publicly accessible City of Hamilton property such as public sidewalks, parks and public buildings.

These works of art can be of a permanent or temporary nature and include examples such as; sculptures, murals, street furnishings, park amenities, light works, live art, and artists collaborations on architecture, landscape architecture or amenity design.

Public Art projects follow the policies and procedures outlined in the City of Hamilton's Public Art Master Plan and the Public Art Call for Artists Policy.

b. Placemaking

*Placemaking* is an evolving field of practice that intentionally leverages the power of the arts, culture and creativity to serve a community's interest while driving a broader agenda for change, growth and transformation in a way that also builds character and quality of place. The success of creative placemaking is dependent upon collaborations between various stakeholders such as governments, private investment, not-for-profit organizations, artists and citizen groups.

## 5.0 GOALS

The Downtown Public Art Reserve shall be used to fund Public Art projects that:

- a. Contribute to making the public spaces of the DHCIPA more inviting and distinctive through placemaking;
- b. Are reflective of the unique history, physical context and community values of the DHCIPA;
- c. Display innovation and artistic excellence;
- d. Provide a range of opportunities to artists through different types and scales of both permanent and temporary public art projects;
- e. Allow for flexibility in funding and implementation by providing a full range of Public Art projects from large and complex to small and simple;
- f. Encourage property owners and developers to become engaged in the public art process;
- g. Are distributed throughout the DHCIPA; and,
- h. Demonstrate an evolution by endeavoring to implement at least one public art project in the DHCIPA annually.

## 6.0 LOCATIONS AND TYPES OF PUBLIC ART

The locations for and types of Public Art projects funded will be determined through a public consultation process directed by City staff in keeping with city policies including the Public Art Master Plan. Developers and property owners contributing to the Downtown Public Art Reserve will not directly determine the locations and types of projects however they will be invited and encouraged to join community stakeholders, citizens and artists in focus groups and juries to help determine the types, locations and themes for public art projects and select the winning proposals. In keeping with its mandate to monitor and assist with the implementation of the Public Art Program, the City of Hamilton Arts Advisory Commission will be engaged in these consultations.

## 7.0 FUNDING APPROVAL/USE OF FUNDS

The approval for the use of funds in the Downtown Public Art Reserve shall be in accordance with the Downtown Public Art Reserve Policy (RESCUL-005).

## 8.0 RELATED DOCUMENTS

- a. Downtown Public Art Reserve Policy (RESCUL-005)
- b. Public Art Master Plan
- c. Public Art Call for Artists Policy





**CITY OF HAMILTON  
RESERVE POLICIES**

DEPT/DIVISION RESPONSIBLE: TOURISM AND CULTURE		POLICY NO: RESCUL-005
EFFECTIVE DATE: June 1, 2014	LAST REVISION DATE: April 22, 2014	REVIEW DATE: April 2019
SUBJECT: USE OF DOWNTOWN PUBLIC ART RESERVE POLICY		RESERVE: DOWNTOWN PUBLIC ART RESERVE (108049)

**Purpose:**

The Downtown Public Art Reserve was created as a mechanism to allow property owners and developers in downtown to support the arts and creative industries sectors that are making a major contribution to the continuing revival of downtown Hamilton. The Public Art projects funded from this Reserve will focus on downtown to improve the quality of public space, animate street life and contribute to the evolving image of downtown as a place for the arts and innovation benefiting both newcomers and the existing community.

This Reserve is not intended to be a long term funding source for general operations.

**Authorization:**

That all transfers from the Downtown Public Art Reserve (108049) be approved by City Council either via a budget submission, via a separate Council report or via a Council motion.

**Source of Funding:**

- Voluntary contributions based on Dollar for Dollar exemption in Development Charges for eligible developments within the Downtown Hamilton Community Improvement Project Area (DHCIPA).

**Application of funds:**

Funds to be used as follows subject to Council approval:

- To fund permanent and temporary Public Art projects located only within the Downtown Hamilton Community Improvement Project Area as outlined in the *Terms and Conditions for the Use of the Downtown Public Art Reserve* document.
- To fund all components of eligible Public Art projects including contract, artist fees, fabrication, installation, maintenance, administration and selection process costs.

**Target Reserve Level and Ceiling:**

Target Level- N/A

Ceiling – \$1 million cash balance

**CITY OF HAMILTON  
RESERVE POLICIES**

DEPT/DIVISION RESPONSIBLE: TOURISM AND CULTURE		POLICY NO: RESCUL-005
EFFECTIVE DATE: June 1, 2014	LAST REVISION DATE: April 22, 2014	REVIEW DATE: April 2019
SUBJECT: USE OF DOWNTOWN PUBLIC ART RESERVE POLICY		RESERVE: DOWNTOWN PUBLIC ART RESERVE (108049)

**Borrowing From Reserve:**

- There will be no borrowing from the Downtown Public Art Reserve.

**Duration:**

Ongoing

**Interest Bearing:**

Yes

**Separate Bank Account:**

No