

# GENERAL ISSUES COMMITTEE MINUTES 15-013

9:30 a.m.
Wednesday, June 17, 2015
Council Chambers
Hamilton City Hall
71 Main Street West

Mayor F. Eisenberger, Deputy Mayor T. Jackson (Chair) Councillors A. Johnson, J. Farr, M. Green, C. Collins,

S. Duvall, T. Whitehead, D. Conley, M. Pearson, L. Ferguson,

A. VanderBeek, J. Partridge

**Absent with** 

Present:

**Regrets:** Councillor S. Merulla – Personal

Councillor B. Johnson – Personal Councillor R. Pasuta – City Business

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

1. Annual Comprehensive Legal Services Report (LS15016) (City Wide) (Item 5.1)

#### (Farr/Pearson)

That Report LS15016, respecting the Annual Comprehensive Legal Services Report, be received.

CARRIED

2. Cannon Street Bi-directional Cycle Track Pilot Project (PW14031(a)) (Wards 2 and 3) (Item 5.2)

### (Farr/Green)

That Report PW14031(a), respecting the Cannon Street Bi-directional Cycle Track Pilot Project, be received.

3. Anti-Racism Resource Centre Project Report (FCS14044(b)) (City Wide) (Item 5.3)

#### (A. Johnson/Duvall)

That Report FCS14044(b), respecting the Anti-Racism Resource Centre Project Report, be received.

CARRIED

4. Main Street West Esplanade Business Improvement Area (BIA) - Meeting to Discuss Possible Dormancy (PED15075) (Wards 1 and 2) (Item 5.4)

#### (Eisenberger/Partridge)

That Report PED15075, respecting the Main Street West Esplanade Business Improvement Area (BIA) - Meeting to Discuss Possible Dormancy, be received.

CARRIED

5. Future Ready Leadership Program (PED15073) (City Wide) (Item 5.5)

#### (Farr/Conley)

That Report PED15073, respecting Future Ready Leadership Program, be received.

CARRIED

6. Response from Chief Glenn DeCaire, on behalf of the Hamilton Police Service Board, respecting Council's resolution regarding the Proposed Legislation to Limit the Speed Achievable in Commercially Sold Vehicles in Canada (Item 5.6)

#### (Ferguson/Green)

That the Response from Chief Glenn DeCaire, on behalf of the Hamilton Police Service Board, respecting Council's resolution regarding the Proposed Legislation to Limit the Speed Achievable in Commercially Sold Vehicles in Canada, be received.

CARRIED

7. Hamilton Police Service Board Reports (PSB 15-017, PSB 15-036 and PSB 15-048) (Item 5.7)

#### (Eisenberger/Ferguson)

That Hamilton Police Service Board Reports (PSB 15-017, PSB 15-036 and PSB 15-048), be received.

# 8. Construction Projects in the Stadium Precinct (CM14014(a)) (Ward 3) (Item 7.3)

#### (Eisenberger/Collins)

- (a) That the City of Hamilton enter into a Joint Development and Construction Agreement (the "JDC Agreement") with the Hamilton Wentworth District School Board (the "HWSDB"), and all necessary ancillary agreements, for the design and construction of the Bernie Morelli Centre, the new school, and related amenities including parking and green space in accordance with South Stadium Precinct Concept Plan attached as Appendix A to Report CM14014(a);
- (b) That City Staff be directed to enter into negotiations with the HWDSB, to execute a cost sharing contribution agreement and any other necessary agreements, in order to build the Bernie Morelli Centre and related amenities in a form satisfactory to the City Solicitor with content acceptable to the General Manager of Public Works;
- (c) That City Staff be directed to enter into negotiations with the HWDSB, to execute any other necessary agreements, including leases, licences, shared use, reciprocal rights, and/or cost sharing agreements necessary to affect the cooperative use of the collective lands and facilities over the terms of the lease, on terms and conditions (including, for example, agreement term lengths) deemed appropriate by the General Manager of Planning and Economic Development in consultation with the General Manager of Public Works, and in a form satisfactory to the City Solicitor;
- (d) That the Mayor and City Clerk be authorized and directed to execute any agreements and to give effect to the recommendations in this report; and,
- (e) That staff be directed to provide an information report on the terms of any negotiated agreements to the General Issues Committee.

CARRIED

# 9. Hamilton 2015 Pan Am Games Temporary Traffic and Parking By-law Amendments and Other Related Matter (PW15048) (City Wide) (Item 8.1)

#### (Ferguson/Farr)

- (a) That the Temporary Traffic By-law Amendments to support the Pan Am Games Route Network from 7:00 a.m., July 10 to 7:00 a.m., July 27, 2015 attached as Appendix A to Report PW15048 be enacted;
- (b) That the Resident Special Event Permit Parking Plan attached as Appendix B to Report PW15048 be adopted during the Pan Am Games at the CIBC Hamilton Pan Am Soccer Stadium from 2:00 a.m., July 5 to 1:00 a.m., July 27, 2015;

- (c) That the By-law, attached as Appendix C to Report PW15048, being a by-law to amend By-law No. 01-215, being a By-law to Regulate Traffic, be enacted;
- (d) That the By-law, attached as Appendix D to Report PW15048, being a by-law to amend By-law 01-218, being a By-law to Regulate On-Street Parking, be enacted;
- (e) That the City of Hamilton support the transportation goals of the Pan Am Games and the emphasis that spectators utilize public transit for the transportation needs by accepting a spectator's game-day ticket as their fare on Hamilton Street Railway (HSR) service for trips to and from the stadium;
- (f) That the General Manager of Public Works be authorized and directed to negotiate and sign all Incremental Municipal Services Transfer Payment Agreements and any other ancillary agreements, on behalf of the City of Hamilton, with the Pan Am Games Secretariat to recover all eligible costs, in a form satisfactory to the City Solicitor;
- (g) That the City Solicitor be directed to prepare the necessary by-law to implement Recommendation (f) in Report PW15048.

CARRIED

# 10. Hamilton Tax Increment Grant Program (HTIGP) – 112 King Street East, Hamilton (PED15079) (Ward 2) (Item 8.3)

#### (Eisenberger/A. Johnson)

- (a) That a Hamilton Tax Increment Grant Program (HTIGP) application submitted by Royal Connaught Inc. (Rudi Spallacci, Ted Valeri), for the property at 112 King Street East, Hamilton, for a Hamilton Tax Increment Grant Program (HTIGP) grant estimated at \$1,621,688.17, over a maximum of a five-year period, and based upon the incremental tax increase attributable to the redevelopment of 112 King Street East, be authorized and approved in accordance with the terms and conditions of the Program; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix "A" to Report PED15079, in a form satisfactory to the City Solicitor.

11. Business Improvement Area Advisory Committee Report 15-005, May 12, 2015 (Item 8.4)

#### (Eisenberger/Partridge)

(a) Edward John, Senior Project Manager, Development Planning, Val Mitchell, Tax Appeals Officer and David Janaszek, Assessment Review Officer, respecting the Impact of Commercial Tax Classification Changes on Business Improvement Areas (Item 5.1)

That staff from Planning, Municipal Law Enforcement and the Building Department be directed to look at the feasibility of applying a mandatory Business Improvement Area fee for any commercial properties within a Business Improvement Association Area regardless of the zoning, or current use, of the property and that they report to the Business Improvement Area Advisory Committee with their findings.

#### (b) Working Group (Added Item 5.4)

- (a) That a Working Group of the Business Improvement Area Advisory Committee (BIAAC) be formed for the purpose of discussing the Ontario BIA Association's Review of the Ontario *Municipal Act*;
- (b) That the members of the Ontario *Municipal Act* Review Working Group be: Lisa Anderson, Susie Braithwaite, Kathy Drewitt and Marty Schreiter; and,
- (c) That the Ontario *Municipal Act* Review Working Group report to the BIAAC at a future meeting.

CARRIED

12. Funding for the Purchase of Surplus School Property - Bishop Ryan School in Hamilton (FCS15043) (Ward 5) (Item 12.4)

#### (Collins/Farr)

That Report FCS15043, respecting the Funding for the Purchase of Surplus School Property - Bishop Ryan School in Hamilton, remain confidential until such time as the real estate transaction is complete.

**CARRIED** 

13. Land Exchange Part of 263 Jerseyville Road West and part 236 Crestview Avenue (PW15051) (Ward 12) (Item 12.5)

#### (Ferguson/Partridge)

(a) That the Real Estate Section of the Economic Development Division, Planning and Economic Development Department be authorized and directed to enter into an agreement to exchange lands with the property owners at 236 Crestview Avenue, Ancaster (referred to as Part 1 on the map attached to Report PW15051 as Appendix "B") with the City of

Hamilton, for the property known as part of the Hemming Park Open Space (referred to as Part 2 on the map attached to Report PW15051 as Appendix "B"), for the purpose of providing public access to Hemming Park from Crestview Avenue;

- (b) That the cost associated with this transaction be funded from Account #55322, Dept. Id #444200;
- (c) That Report PW15051, respecting the Land Exchange Part of 263 Jerseyville Road West and part 236 Crestview Avenue remain confidential until the completion of the real estate transaction;
- (d) That the Mayor and the City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

**CARRIED** 

14. Minutes of Settlement, Sections 26 and 30, Expropriations Act, part of 100 Cumberland Avenue, being Part 1 on Plan 62R-17378 (LS15017/PED15086) (Ward 3) (Item 12.6)

#### (Farr/Whitehead)

- (a) That the Minutes of Settlement, attached as Appendix "B" to Report LS15017 / PED15086, resulting from the provisions of Sections 26 and 30 of the Ontario *Expropriations Act*, for vacant lands known as part of Lot 10, Concession 3 in the geographic Township of Barton in the City of Hamilton, all shown as Part 1 on Plan 62R-17378, being PIN 17113-0248(LT), comprising a rectangular 0.2841 hectare (0.702 acre) parcel at the south east corner of Cumberland and Sanford Avenues, formerly part of property municipally known as 100 Cumberland Avenue, Hamilton, as shown on Appendix "A" to Report LS15017 / PED15086 (attached), be approved, implemented and completed;
- (b) Sub-section (b) remain confidential.
- (c) That Legal Services be directed and authorized to undertake any steps required to complete this settlement;
- (d) An amount of \$25,000 as administrative compensation to the Real Estate Section and Legal Services for staff time related to this transaction, fees and disbursements, be charged to Capital Budget Item 59245-4400650661 - Lifesaver Park Project and credited to Account No. 57880-3560150200 - Property Purchases and Sales;
- (e) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

- (f) That Report LS15017/PED15086, respecting Minutes of Settlement, Sections 26 and 30, *Expropriations Act*, part of 100 Cumberland Avenue, being Part 1 on Plan 62R-17378 remain confidential; and,
- (g) That the Minutes of Settlement, attached as Appendix "B" to Report LS15017 / PED15086, remain confidential until approved by Council.

CARRIED

# 15. Property Acquisition for Strategic Expansion of City Facilities (PED15096) (Item 12.7)

#### (Partridge/Conley)

- (a) That the City Solicitor be authorized and directed to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (b) That Real Estate Staff be authorized and directed to enter into negotiations for the purposes of acquiring an interest in lands required to support the installation and/or operation of the proposed transit infrastructure and facilities;
- (c) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.
- (d) That Report PED15096, respecting the property Acquisition for the Strategic Expansion of City Facilities, remain confidential until such time as the real estate transaction is complete.

**CARRIED** 

### 16. White Star Litigation Update (LS15019) (Added Item 12.8)

#### (Farr/Green)

That Report LS15019 respecting the White Star Litigation Update remain confidential.

#### 17. City of Hamilton v Canada Post Litigation (LS15018) (Added Item 12.9)

#### (Whitehead/Duvall)

- (a) That the City Solicitor be directed to appeal the decision of the Superior Court on Canada Post's application.
- (b) That the Mayor be directed to request support from FCM, other interested municipalities, AMO and the Attorney General of the Province of Ontario.
- (c) That privilege be waived on the legal opinion of the Honourable Ian Binnie.

**CARRIED** 

Mayor Eisenberger, Councillor Collins, Councillor Ferguson and Councillor Partridge requested to be recorded as being opposed to this matter.

#### FOR THE INFORMATION OF COMMITTEE:

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

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

- (i) Added as Item 4.2 a Delegation Request from John McGreal, respecting Item 7.3, Report CM14014(a) respecting Construction Projects in the Stadium Precinct, for today's meeting.
- (ii) Item 7.1 2015 Annual Report for the John C. Munro Hamilton International Airport, has been withdrawn from the agenda at this time and will be rescheduled to a future meeting of GIC.
- (iii) Item 8.2 Parking Fee Exemption for all Ontario Veteran Licence Plate Holders (PED06157c)) was requested to be tabled to a future meeting.
- (iv) Added as Item 12.8 Private and Confidential Report LS15019, respecting an Update on the White Star Litigation Matter
- (v) Added as Item 12.9 Private and Confidential Report LS15018 respecting City of Hamilton v Canada Post Litigation

#### (Partridge/Pearson)

That the agenda for the June 17, 2015 General Issues Committee meeting be approved, as amended.

#### (b) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 3, 2015 (Item 3.1)

#### (Green/Conley)

That the Minutes of the June 3, 2015 meeting of the General Issues Committee be approved, as presented.

**CARRIED** 

#### (c) DELEGATION REQUESTS (Item 4)

(i) Norman Kearney, The Peoples Platform, respecting the first Semi-Annual Monitoring Report Item 4.1)

#### (Green/Duvall)

That the delegation request submitted by Norman Kearney, The Peoples Platform, respecting the first Semi-Annual Monitoring Report, be approved for a future meeting of GIC.

**CARRIED** 

(ii) John McGreal, respecting Item 7.3, Report CM14014(a) respecting Construction Projects in the Stadium Precinct (Item 4.2)

The delegation request submitted by John McGreal, respecting Item 7.3, Report CM14014(a) about Construction Projects in the Stadium Precinct, was withdrawn.

### (d) DELEGATIONS (Item 6)

(i) Nathalie Xian Yi Yan, PhD, respecting a Proposal for a Parcel of Land for an Acupuncture and Traditional Chinese Medical Health Science Centre (Item 6.1)

Nathalie Xian Yi Yan addressed Committee respecting a proposal for a parcel of land for an acupuncture and traditional Chinese Medical Health Science Centre with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the official record. Dr. Yan's comments included, but were not limited to, the following:

- Diseases that Traditional Chinese Medicine (TCM) can treat
- Description of TCM Sites
- Patient Testimonial
- Role of TCM in conventional Health Care
- Building a TCM hospital in Hamilton

#### (Eisenberger/Conley)

That the presentation from Nathalie Xian Yi Yan, PhD, respecting a Proposal for a Parcel of Land for an Acupuncture and Traditional Chinese Medical Health Science Centre, be received and referred to the Medical Officer of Health and the Real Estate Division for their review.

CARRIED

#### (e) STAFF PRESENTATIONS (Item 7)

# (i) 2015 Annual Report for the John C. Munro Hamilton International Airport (Item 7.1)

This Item was withdrawn from the agenda and will be re-scheduled for a future meeting.

# (ii) Hamilton Wentworth District School Board respecting the Board's Master Facilities Plan and the School Board Budget (Item 7.2)

Mr. Wes Hicks, Trustee, Hamilton Wentworth District School Board, began the Board's presentation respecting the Master Facilities Plan and the School Board Budget.

Mr. Hicks introduced Ms. Stacey Zucker, Superintendent of Business, Hamilton Wentworth District School Board, who then addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the official record. Ms. Zucker's presentation included, but was not limited to, the following:

- Budget Development
- Operating Revenues 2015-2016
- Student Enrolment and Trends
- Summary of Expenditures by Type
- Impact of 2015-2016 Budget Challenges
- Long-Term Facilities Master Plan
- Challenges for the Board

#### (Partridge/Conley)

That the presentation from Stacey Zucker, Superintendent of Business, Hamilton Wentworth District School Board, respecting the Board's Master Facilities Plan and the School Board Budget, be received.

**CARRIED** 

### (iii) Construction Projects in the Stadium Precinct (CM14014(a)) (Ward 3)

Mr. Paul Johnson, Director, Corporate Initiatives, addressed the Committee respecting Construction Projects in the Stadium Precinct with the aid of a PowerPoint presentation. A copy of the presentation has been

retained for the official record. Mr. Johnson's presentation included, but was not limited to, the following:

- Recap of Land Ownership at Scott Park and Collective Goals
- Actions taken since September 2014
- New Concept Plan and Accomplishments
- South Stadium Precinct Concept Plan
- Next Steps

#### (Green/Farr)

That the presentation respecting Construction Projects in the Stadium Precinct, be received.

CARRIED

For disposition on this matter refer to Item 8.

#### (f) DISCUSSION ITEMS (Item 8)

(i) Parking Fee Exemption for all Ontario Veteran Licence Plate Holders (PED06157c)) (Item 8.2)

This item was tabled to a future meeting.

#### (g) MOTIONS (Item 9)

(i) Status of White Star Property Matter (Item 9.1)

This item was withdrawn.

#### (h) NOTICE OF MOTIONS (Item 10)

(i) Public Process for the Disposition of Auchmar Estate in the City of Hamilton (Added Item 10.1)

Councillor Whitehead introduced the following Notice of Motion:

- (a) That the current real estate process respecting Auchmar Estate, be suspended.
- (b) That the public process for the disposition of Auchmar Estate be allowed to unfold so that the public proposal can be dealt with first.
- (c) That failing to find a resolution in the public process that the real estate process be re-instituted.

#### (ii) Possible Disposal and Sale of 178 Hixon Road (Added Item 10.2)

Councillor Collins introduced the following Notice of Motion:

Whereas, the erosion and failure of the slope at the top of the Red Hill Creek precipitated the municipal purchase of the home and property at 178 Hixon Road; and,

Whereas, the City of Hamilton invested over \$300,000 to purchase and remediate (demolish) the lands at 178 Hixon Road; and,

Whereas, the adjacent property owner has inquired about purchasing the vacant and surplus lot at 178 Hixon Road for fair market value;

Therefore be it resolved:

That Real Estate staff be directed to enter into discussion with the neighbouring property owner and report to the General Issues Committee regarding the possible disposal and sale of 178 Hixon Road.

#### (h) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

#### 11.1 Amendments to the Outstanding Business List

- (a) Items to be removed:
  - (i) Item "T" Temporary Delegated Authority (Loans/Grants) (PED14131(a)) Item 1 of GIC Report 15-007, approved by Council Mary 11, 2015)
  - (ii) Item "Y" Appointment of Hamilton Farmers' Market Board of Directors (Citizen Members)(Appointments were approved by Council on May 13, 2015)
  - (iii) Item "U" Anti-Racism Resource Centre –Terms of Reference (Addressed as Item 5.3 on this agenda (FCS14044b))
- (b) Proposed New Due Dates:
  - (i) Item "A" Tripartite Agreement re: Poverty Reduction Current Due Date: June 17, 2015 Proposed New Due Date: August 10, 2015
  - (ii) Item "K" Corporate Organizational Changes Current Due Date: June 17, 2015 Proposed New Due Date: September 16, 2015

- (iii) Item "B" Ontario Works Caseload Numbers Current Due Date: June 17, 2015 Proposed New Due Date: December 2, 2015
- (iv) Item "O" Relocation of POA Courtrooms and Offices Current Due Date: June 17, 2015 Proposed New Due Date: September 2, 2015

#### (Conley/Pearson)

That Item 11.1 (a) and (b) respecting amendments to the Outstanding Business List, be approved.

**CARRIED** 

#### (i) PRIVATE & CONFIDENTIAL (Item 12)

As the General Issues Committee determined that no discussion, respecting the Closed Session Minutes of the May 20, 2015 and June 3, 2015 meetings of the General Issues Committee was required, the Minutes were approved in Open Session, as shown below:

(i) Closed Session Minutes – May 20, 2015 (Item 12.1)

#### (Partridge/Eisenberger)

That the Closed Session Minutes of the May 20, 2015, meeting of the General Issues Committee be approved, as presented.

CARRIED

(ii) Closed Session Minutes – June 3, 2015 (Item 12.2)

#### (Partridge/Eisenberger)

That the Closed Session Minutes of the June 3, 2015 meeting of the General Issues Committee be approved, as presented.

CARRIED

#### (Pearson/Conley)

Committee moved into Closed Session, respecting Item 12.3 – Benefits Strategy/Labour Relations pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations; Item 12.4 - Funding for the Purchase of Surplus School Property - Bishop Ryan School in Hamilton (FCS15043) (Ward 5) pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; Item 12.5 - Land Exchange Part of 263 Jerseyville Road West and part 236 Crestview Avenue (PW15051) (Ward 12) pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as

amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; Item 12.6 - Minutes of Settlement, Sections 26 and 30, Expropriations Act, part of 100 Cumberland Avenue, being Part 1 on Plan 62R-17378 (LS15017/PED15086) (Ward 3) pursuant to Section 8.1, Subsections (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; 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.; Item 12.7 - Property Acquisition for Strategic Expansion of City Facilities (PED15096) pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.: Item 12.8 - Update on White Star Litigation (LS15019) (Ward 2) pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and Item 12.9 - City of Hamilton v Canada Post Litigation Matter pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural Bylaw 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes; 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.

**CARRIED** 

### (iii) Benefits Strategy/Labour Relations (Item 12.3)

There was nothing to report in Open Session.

## (j) ADJOURNMENT (Item 13)

### (Ferguson/Pearson)

That, there being no further business, the General Issues Committee, be adjourned at 2:48 p.m.

**CARRIED** 

Respectfully submitted,

Councillor T. Jackson, Deputy Mayor Chair, General Issues Committee

Lauri Leduc Legislative Coordinator Office of the City Clerk