



**GENERAL ISSUES COMMITTEE
MINUTES 16-010**

9:30 a.m.

Wednesday, April 6, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor D. Conley (Chair)
Councillors T. Whitehead, D. Skelly, T. Jackson, C. Collins, S. Merulla, M. Green, J. Farr, A. Johnson, M. Pearson, B. Johnson, A. VanderBeek, R. Pasuta, J. Partridge

**Absent
with Regrets:** Mayor F. Eisenberger – Other City Business
Councillor L. Ferguson – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Barton Village Business Improvement Area (BIA) Revised Board of Management (PED16081) (Wards 2 and 3) (Item 5.1)**

(B. Johnson/A. Johnson)

That the following individuals be appointed to the Barton Village Business Improvement Area (BIA) Board of Management:

- (i) Joseph Zidanic
- (ii) Anndy Lee

CARRIED

2. **Downtown Hamilton Business Improvement Area (BIA) Revised Board of Management (PED16059) (Ward 2) (Item 5.2)**

(B. Johnson/A. Johnson)

That the following individuals be appointed to the Downtown Hamilton Business Improvement Area (BIA) Board of Management:

- (i) Rae-Ann Roberts
- (ii) Andrew Mantecon

CARRIED

- 3. Carlos Vasquez, President of the Colombian Refugees Association, and Liliana Figueredo and Alexander Ramirez, members of the Colombian Community, respecting Comments regarding the Colombian Community (Item 6.2)**

(Green/Pearson)

That the presentation, including the recommendations, provided by Carlos Vasquez, President of the Colombian Refugees Association, and Liliana Figueredo and Alexander Ramirez, members of the Colombian Community, respecting Comments regarding the Colombian Community, be referred to the Governance Review Sub-Committee for consideration.

CARRIED

- 4. Extension of the Integrity Commissioner Contract (LS16009/CL16004) (City Wide) (Item 8.1)**

(Partridge/Pearson)

That the appointment of George Rust-D'Eye as Integrity Commissioner be extended for a further year, until April 30, 2017.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

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

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

- 1. APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

- 3.1 As it was noticed that there was an omission in the March 23, 2016 General Issues Committee Minutes, a revised copy is before Committee for consideration. (Note: this error was corrected prior the GIC Report 16-009 being put before Council so all items have been approved, as amended, by Council at its meeting of March 30, 2016.)

- 2. DELEGATION REQUESTS (Item 4)**

- 4.2 John Hall, Hall MCIP, RPP, Coordinator, Hamilton Harbour Remedial Action Plan (RAP), Canada Centre for Inland Waters, to provide an update to the General Issues Committee on the Progress with the Hamilton Harbour Remedial Action Plan and to provide some insight into the Coming Year's focus on Storm Water Management

(Farr/Green)

- 4.3 Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect/Director of DPAI Architecture Inc., respecting 18-28 King Street East, Hamilton (Gore Park Apartments)

CARRIED

3. DELEGATIONS (Item 6)

- 6.5 Mark Kikot, on behalf of his father Edward Kikot, respecting the Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street. *(Approved at the March 22nd Planning Committee and referred to GIC.)*
- 6.6 George Palios, on behalf of his mother-in-law, Anna Palazzo, respecting the Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street. *(Approved at the March 22nd Planning Committee and referred to GIC.)* (no copy)

4. NOTICES OF MOTION (Item 10)

- 10.1 CityLAB Hamilton

5. PRIVATE & CONFIDENTIAL (Item 12)

- 12.4 Ombudsman's Preliminary Report (CL16007/LS16013) (City Wide)

Pursuant to Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman, appointed under the *Ombudsman Act*.

(Pearson/Partridge)

That the agenda for the April 6, 2016 General Issues Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) March 23, 2016 (Item 3.1)

(B. Johnson/Jackson)

That the revised Minutes of the March 23, 2016 General Issues Committee meeting be approved, as presented.

CARRIED

(d) CONSENT ITEMS (Item 5)

(i) Advisory/Sub-Committee Minutes (Item 5.3):

(B. Johnson/A. Johnson)

That the following Advisory Committee notes, be received:

(a) Advisory Committee for Persons with Disabilities Meeting Notes, November 10, 2015 (Item 5.3(a))

(b) Advisory Committee for Persons with Disabilities Meeting Notes, January 12, 2016 (Item 5.3(b))

CARRIED

(e) DELEGATION REQUESTS (Item 4)

(i) David Carter, Executive Director of the Innovation Factory, respecting the Innovation Factory's 2015 Activity and a Request for 2016 Platinum Sponsorship (\$50,000) for Year IV (Item 4.1)

(Partridge/B. Johnson)

That the delegation request submitted by David Carter, Executive Director of the Innovation Factory, respecting the Innovation Factory's 2015 Activity and a Request for 2016 Platinum Sponsorship (\$50,000) for Year IV, be approved to appear before the General Issues Committee on April 20, 2016.

CARRIED

(ii) John Hall, MCIP, RPP, Coordinator, Hamilton Harbour Remedial Action Plan (RAP), Canada Centre for Inland Waters, to provide an update to the General Issues Committee on the Progress with the Hamilton Harbour Remedial Action Plan and to provide some insight into the Coming Year's focus on Storm Water Management (Item 4.2)

(Jackson/Pearson)

That the delegation request submitted by John Hall, MCIP, RPP, Coordinator, Hamilton Harbour Remedial Action Plan (RAP), Canada Centre for Inland Waters, to provide an update to the General Issues Committee on the Progress with the Hamilton Harbour Remedial Action

Plan and to provide some insight into the Coming Year's focus on Storm Water Management, be approved for the April 20, 2016 General Issues Committee meeting.

CARRIED

- (iii) Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect/Director of DPAI Architecture Inc., respecting 18-28 King Street East, Hamilton (Gore Park Apartments) (Item 4.3)**

(Farr/Green)

That the delegation request submitted by Councillor Farr, on behalf of Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect/Director of DPAI Architecture Inc., respecting 18-28 King Street East, Hamilton (Gore Park Apartments), be approved to appear before the General Issues Committee at today's meeting.

CARRIED

(f) PUBLIC HEARINGS / DELEGATIONS (Item 6)

- (i) Ken Chartrand, Kiwanis Hamilton Inc., respecting the Eastern Caribbean and Canada Convention (no copy) (Item 6.1)**

Ken Chartrand, of Kiwanis Hamilton Inc., addressed Committee respecting the upcoming Eastern Caribbean and Canada Convention. Mr. Chartrand's comments included, but were not limited to, the following:

- Thanked Council, on behalf of the Kiwanis Club of Hamilton Inc., for the support towards the Convention that will take place on May 12 to 14, 2016, at the downtown Convention Centre.
- The Kiwanis Club of Hamilton is located on Jones Road in Stoney Creek and has been a part of the community for numerous years.
- Kiwanis Club of Hamilton Inc. is celebrating 100 years as club and, as such, holds the distinction of being the first club outside of the United States, which made Kiwanis International.
- I have been fortunate to be a member of this club for many years and I can say that the club members are all wonderful people and put their heart and souls into providing positive support for many school programs, food banks and charity groups that benefit children in need in the Hamilton area.
- As you are aware, our club/district was awarded the 2016 Eastern Canada and Caribbean convention four years ago and our preparations have been ongoing with wonderful support from many groups in the community.

- Many hours have been spent discussing this convention with City of Hamilton staff and, at this time, I would like to recognize Sherry Lucia and her group for their continuous support and guidance.
- I can say that, at this time, we have over 400 delegates attending the conference. Along with this, there have been over 500 room nights booked at the Sheraton and numerous excursions to various restaurants, and events taking place throughout the city.
- Also, as part of the convention, our club is holding a Saturday evening dinner/dance entitled "100th in the Hammer Birthday Bash". There will be live entertainment, terrific food and numerous guests from various parts of Canada and the Caribbean. I hope to see many of the City Councillors at this event, as it will be a great time, along with an opportunity to promote city of Hamilton Tourism.

(Pearson/B. Johnson)

That the verbal presentation provided by Ken Chartrand, of Kiwanis Hamilton Inc., respecting the Eastern Caribbean and Canada Convention, be received.

CARRIED

(ii) Carlos Vasquez, President of the Colombian Refugees Association, and Liliana Figueredo and Alexander Ramirez, members of the Colombian Community, respecting Comments regarding the Colombian Community (Item 6.2)

Carlos Vasquez, Liliana Figueredo and Alexander Ramirez addressed Committee respecting comments made by a City Councillor regarding the Colombian Community. The presentation and comments included, but were not limited to, the following:

- Liliana Figueredo, an Ancaster resident introduced herself and advised that she was before Committee to begin a presentation in regard to the comments made by Councillor Ferguson about Colombia.
- When I read these comments, over and over I just keep thinking how confident one has to be in one's power and privilege, to feel that a City Council will find them funny. These were comments made by a public servant... in a public meeting... in a public setting... and furthermore, with full knowledge that he was being videotaped.
- As a Colombian from Bogota, a constituent of Ancaster, his riding, and as a Canadian, I felt disrespected, but not just because the comments were made about Colombia, but because my Canadian identity tells me that Canada is a country where we respect each other... where we

value each other... because stereotyping and making jokes at the expense of anyone in my community is unacceptable. Thanks to that identity and the values we share as a community, as Latin-Americans and as Canadians, a group of concerned community members got together to discuss what steps needed to be taken after we learned about the Councillor's comments.

- A community group met with Councillor Ferguson a few days after the incident, and each of us expressed our concerns and our feelings in regards to the insults made. We demanded a public apology be released by his office and asked for an invitation to the next City Council meeting where Councillor Ferguson would retract all statements about Colombia in front of you and the media; and, an active participation from Councillor Ferguson in initiatives that represent and promote the Colombian community locally, regionally, or nationally.
- Councillor Ferguson took a copy of the written demands, offered to discuss them with his staff and to send a draft of such apology to us through Carlos Vasquez, who was appointed by the group as the contact person.
- However, a draft was never received and we are not here today because the Councillor invited us, but because a community member requested these concerns to be included in the agenda and a few of us have the opportunity to address our City Council. Instead, a letter from Councillor Ferguson to the Ambassador of Colombia was published. The letter read:

“Further to my message to your office last week, I wish to publicly apologize for remarks I made regarding my trip to the South American country a dozen years ago. They were not intended to be hurtful to the Canadian/Columbian community.”

- Not once have we heard the Councillor say that what he said was wrong; he only justified his comments:

“When comparisons were used for the city of Bogota, with a population of eight million, it was then I reacted the way I did and referenced my personal experiences rather than the demographic differences based on population, climate and geography.”
- Our group feels that his letter wasn't an apology at all. Just because the word 'apology' is used in the text does not make the statement an apology.

- It is incorrect to say that Colombia is a backwards country. Colombia has many good benchmarks that prove we are making things that are worth to be modeled by other countries, including Canada.
- Not all the wealthy people in Colombia are drug lords. I don't understand how a 12 day stay in Cartagena led the Councillor to that conclusion, but I can say with much confidence that we have many wealthy people that are not in the business of drug trafficking, and that in the 27 years I lived there, I never had contact with any drug lords. Not to say that they don't exist, but they are a minority who have destroyed our image and inflicted a lot of pain to my country through the years.
- And yes, we have rural areas in Colombia where our farmers exercise their right to use the public transportation for their business... and we are a country that still eats many of the goods our own people grow.
- However, Cartagena is not by any means a rural area, but a very touristic city where people come for business and for pleasure from everywhere around the world, we have "chivas", buses whose replicas people buy as souvenirs and that are of great interest to tourists. Therefore, in Cartagena, the people you see on those buses are not necessarily locals, but visitors of the city.
- I sure hope that when people come to visit Niagara Falls or Toronto, they don't go back to their countries saying that Canadians ride on "coaches pulled by horses", or even thinking that Canadians ride "coaches pulled by people running" and come to the conclusion that Canada is a "backwards country", because it would be ridiculous.
- To conclude my intervention here today, I would like to quote the Councillor when he commented on the statements made by another Councillor about provincial members of the Hamilton Police Services Board, and apply his words to his comments made about my country Colombia and fellow Colombians: "I thought it was disrespectful and disingenuous."

(Merulla/Jackson)

That the Rules of Order be waived to permit the delegation by Carlos Vasquez, President of the Colombian Refugees Association, and Liliana Figueredo and Alexander Ramirez, members of the Colombian Community, respecting Comments regarding the Colombian Community, to continue past the 5 minute presentation time limit.

CARRIED

- Carlos Vasquez, President of the Colombian Refugee Association, introduced himself and thanked the Committee, everyone in attendance, those watching on line and especially the media in Colombia.
- Today I am here to request that Council establish actions against Ancaster Councillor, Lloyd Ferguson, for breaking the Code of Conduct, when he verbally used stereotype statements against Colombia and our entire community during the General Issues Committee meeting on February 1, 2016.
- As Liliana read the words used by Mr. Ferguson, I would like to say that it has touched and affected me in so many ways and, because of that; I'm going to take this very seriously, as this is not funny at all.
- Why is it not funny? Because these statements are aggressive, offensive and abusive, they sow bullying behaviour and personal attacking, these statements are racist, insulting, offensive and disrespectful, they are degrading to our community and my list keeps growing.
- In these statements, the Councillor is excluding my community and he is making room for others to attack our community and others communities as well, and today our goal is to stop this. There is no room for it here.
- As an elected member, who has an important role representing the people of Hamilton, the highest standards of behaviour are important for your credibility as a city leader.
- He's required to adopt a code of conduct and to comply with this code of conduct. Instead, his power, authority and duties have not been in the best interest of the community of Hamilton.
- He has not treated or shown respect to our individual points of views, opinions, belief and rights. He has not been consistent in dealing with us or following through on his commitments. He has made statements that are likely to mislead or deceive, he has not been open to constructive feedback and he has not behaved according to the community trust.
- His letter of apology is the perfect example of this behaviour, it is not an apology from a representative and leader for our community; this is just an excuse. As I said it when I replied to his e-mail, which included a copy of his letter to the Colombian Ambassador in Ottawa, we want to see actions. To-date, he has not responded to my e-mail.

- Today I am asking all members of Council, as we asked Mr. Ferguson the day we met face-to-face at Homegrown Coffee – are you going to be part of the problem or are you going to be part of the solution?
- We are here today to be part of the solution, we would like you collaborate to resolve this matter and to take an active role benefiting not only our community, but all communities by supporting, attending, defending morals and representing us. By being a link that recognizes the diversity, to help educate others and to constantly include us in the growth of the city of Hamilton.
- My son, who has been directly affected by this matter, has made a school presentation to show what message he got from people using this behaviour and I am using it as a “teachable moment”.
- This is a message not only to the Councillor, but to all who may engage in this behaviour.
- Alexander Ramirez, a member of the Colombian community, provided an overview of the PowerPoint presentation that outlined the incident of February 1, 2016 and included, but was not limited to, the following:
 - The response from the Colombian community included a meeting with the Colombia Consul General’s Office in Toronto;
 - Communications with the Colombian Embassy in Ottawa, including a request for disciplinary action; and,
 - A meeting with the Councillor, provided a request from the Colombian community to rectify the incident.
 - The response from the Councillor – letter of apology.
 - Systemic Issues – related to Councillors’ behaviour and conduct while on Council remains unaccountable to the public; lack of appropriate mechanisms in place to hold City Councillors accountable for their behaviour and conduct on Council, including disciplinary measures; and, there is nothing tangible in place to prevent similar incidents from occurring again.
 - Systemic changes – the Ontario Ombudsman has expanded their mandate with respect to municipalities.
 - The overwhelming majority of complaints received in the first six weeks of 2016 have been in the form of conduct and behaviour of City Councillors.

- Signals a public desire across the province for increased accountability of City Councillors with regard to their behaviour and conduct, with an emphasis on enforcement.
- Recommendations:
 - Amend the Code of Conduct in the City of Hamilton's Procedure By-law 14-300; compliance with the Code of Conduct to include additional disciplinary measures, such as providing authority to the Integrity Commissioner to censure a member of Council; and,
 - Expand the Code of Conduct to mandate City staff to detail and emphasize authority of enforcement.

(Partridge/B. Johnson)

That the presentation provided by Carlos Vasquez, President of the Colombian Refugees Association, and Liliana Figueredo and Alexander Ramirez, members of the Colombian Community, respecting Comments regarding the Colombian Community, be received.

CARRIED

A full copy of the presentation is available on the City's website or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 3.

(iii) Robert Potocic, Resident (Ward 13), respecting Community Mailboxes (no copy) (Item 6.3)

Mr. Robert Potocic, Resident, addressed Committee respecting community mailboxes. Mr. Potocic's presentation included, but was not limited to, the following:

- I cannot tell you the number of emails and phone calls I've had with Canada Post (CP) and Councillor VanderBeek over what I'm about to present. Ms. VanderBeek has made it abundantly clear that the municipal government has absolutely no jurisdiction over CP and apparently, in my case, no influence over what CP can do in this city.
- Our home was purchased 15 years ago and up until November 7, 2015, the Community Mail Box (CMB) we used identified as L9H0051 was located in front of 50 Giffin. It has been in this location for at least 17 years. (Exhibit 1)

- About 3 years ago a home was built on the site of 50 Giffin valued at over \$900,000. It is still for sale. I was told that the mail box played a role in their inability to sell the house, so by their admission, the homeowner called Canada Post, and spoke with the Delivery Services Manager for our area, and out of nowhere on November 7, 2015; a Saturday afternoon, the CMB was moved from the front of 50 Giffin to the side of 50 Giffin - onto Wainwright Blvd.
- According to both Canada Post and the homeowner, this CMB was in a temporary location at the front of their home - for 17 years, but was pre-sited/moved to the side on Wainwright Blvd.
- In its original position in front of 50 Giffin, this mailbox conveniently serviced many of the residents of Giffin and four on Wainwright. With this relocation they've managed to inconvenience me and most of the residents of Giffin.
- There are no CMB's on Giffin with 50 homes. There are 10 homes on Wainwright; yet we have 6 CMB's situated in two locations on Wainwright. Doesn't seem right?
- This new location presents a number of safety issues:
 - Firstly, the inability to get out my driveway when delivery vehicles and residents of Giffin, park adjacent to the mail box to get their mail;
 - Secondly, the residents of Giffin use the confluence of three driveways, including my driveway all located within 10 meters of the CMB to make illegal u-turns to get back to their street that they must pass by in order to get their mail.
- The solution, provided by Canada Post's Delivery Planning Department, to the safety issues was to tell the delivery driver not to park adjacent to CMB, but to park 15 meters west of the CMB when delivering mail, and a letter was sent out to the residents of Giffin stating to the residents "to obey all rules of the road when approaching, parking and leaving the site, and please refrain from turning in nearby driveways". With those actions they are basically admitting to a safety problem and are content to live with the consequences.
- The residents on Giffin are still using our driveways to make illegal U-turns on our private property to get back to their street.

- The CP Delivery Services Manager, based in Ancaster, suggested that the CMB in question would be better located by the other CMB identified as L9H0047 which is positioned approx 50 meters from L9H0051. His request was rejected by the CP delivery planning group. They all work for Canada Post and you can see that the Delivery Planning Group does not listen to the Delivery Services Group. I also agreed with the Delivery Services Manager and filed a complaint with Canada Post to move mail box and my request was also rejected.
- I was told by Canada Post that they would evaluate different options. So, if they evaluated the option indicated on Exhibit 1, they went to the wrong location. My suggestion as well as the Delivery Service Manager of Canada Post was to move L9H0051 adjacent to L9H0047 not L9H0003.
- I've asked to be provided with an engineering drawing that shows the location of the CMB in question either in its original location or the pre-sited location.
- I was provided with a "part" of an engineering drawing and I emphasize part without a drawing number, revisions or revision dates for reference, but on the part drawing was a red dot showing the location on Wainwright. (Exhibit 2). I asked when the red dot was put on the drawing and I did not get a response.
- He also presented another attachment sketch that clearly shows the old location of CMB L9H0051 (the one in question) and the new location of the said CMB. Why are they now calling it a new mailbox not the pre-sited mailbox? I've asked, but no response. On October 26, 2015 CP issued a statement that they were temporarily suspending the program of installing new CMB's. This new CMB was installed on November 7, 2015.
- I did get a drawing from the City of Hamilton's Planning Department of the original subdivision and it does not show any permanent or pre-sited mailboxes.
- The purpose of my presentation today is to ask for some municipal support in taking this to the Federal Government level, specifically MPP Filomena Tassi to get both the CMB's on Wainwright moved further west on Wainwright, where there are no houses or sightlines to violate. There is much unoccupied land to install both these CMB's on either side of Wainwright. Or, move the CMB back to its original location where it has been located for the past 17 years in front of 50 Giffin.

(Collins/Pearson)

That the presentation provided by Robert Potocic, Resident, respecting community mailboxes, was received.

CARRIED

(iv) Steve Jones, on behalf of the Hamilton Taxi Industry, respecting the Implications of Ride Sharing Services and the Hamilton Taxi Industry (no copy) (Item 6.4)

Steve Jones, on behalf of the Hamilton Taxi Industry, addressed Committee respecting the Implications of Ride Sharing Services and the Hamilton Taxi Industry. The presentation included, but was not limited to, the following:

- Overview of Operating Legally in Hamilton
- Driver Requirements
 - In Hamilton it is mandatory to take a 5 day course for all new drivers, and upgrading skills training when deemed required by the city and or the brokerages. This course for new drivers highlights the best possible way to successfully understand customer service, the compliance of the city by-laws and how they relate to them, operations of all equipment required to operate the taxi, and a briefing on how to take advantage of the distinct geography of Hamilton and its multiple ways up and down the escarpment. This section takes 3 days then a new driver takes a further 2 day session and is instructed in the A.O.D.A. legislation mandating equal rights for special needs, along with the various charters of rights all Ontarian's and Canadians are entitled to, safely and properly loading and unloading a passenger from a wheel chair accessible vehicle, defensive driving and a standard first aid course including CPR. At the conclusion of each section they are required to pass a test. This is mandated by the city and its by-laws. This is a fact.
- Hamilton's By-laws to Operate a Taxi
 - The vehicle must be 6 years or less, and pass a safety inspection twice a year. Uber has no such requirement.
 - The vehicle must have the following equipment, a meter, a GPS locator, a roof light identifying it as a taxi, numbers on the side and rear, appropriate brokerage identification, an emergency light, a dispatch radio and an interior camera. Uber has no such requirement.

- The vehicle must be insured commercially to the minimum amount of \$2,000,000.00 for liability, as a commercial carrier. Uber has no such requirement, thereby not commercially insured as a carrier, and operating illegally.
 - Meter rates are set by the City and mandate a uniform cost to the public. Uber rates fluctuate with supply and demand and can rise as much as seventeen times the original rate, called surge pricing.
 - All vehicles must display a Passengers Rights placard, notifying the customer of a complaint mechanism. Uber has no such requirement.
- Ministry of Transportation, Section 39.1, picking up a passenger for compensation is prohibited without a licence.
 - What has Kitchener-Waterloo done?
 - What has Brampton done?
 - What has Mississauga done?

(Jackson/Collins)

That the Rules of Order be waived to permit the delegation by Steve Jones, on behalf of the Hamilton Taxi Industry, respecting the Implications of Ride Sharing Services and the Hamilton Taxi Industry, to continue past the 5 minute presentation time limit.

CARRIED

- What has Calgary done?
- What has Edmonton done?
- What has Quebec done?
- The taxi industry in Hamilton is continuously being brought into the 21st century, computerized dispatch, GPS locating and safety technology, newer vehicles mandated by the city by-laws, it is on its way to a fair system model that best serves the public, while ensuring the safety of the driver. We now have one of the best training systems available in place, we have limits on the age and appearance of the vehicles, we have enforcement by the city and the brokerages, and finally, we have a great work force in the industry trying to make it better, and make a difference. The drivers

still have challenges of generating a higher income, but it is improving. We have a vibrant city that these drivers take pride in helping showcase, and we have an expanding city that in the long run will help provide a better income to all these dedicated men and women of the Hamilton taxi industry.

- These drivers are the Ambassadors to our city. Let them have a fair, level playing field in which to operate. One set of rules for all. In the By-law, include ride sharing as part of the definitions of a Taxi Cab. This makes all participants equal.
- In closing, the City of Hamilton should use this information as a guideline and follow the lead set by the above mentioned cities. Enforcement should begin today, and anyone breaking these laws should be fined and charged. The fines should escalate with continued offences.
- Uber, as a business model, must adapt to the existing system, not having the system adapt to Uber. Any ride sharing application should be recognized as a taxicab. They are a paid for transport service, which is defined as a taxicab.
- Why is a legitimate industry forced to comply to all laws and pay all fees and monies required, while an up-start company is free to do as it pleases, with no regard to existing boundaries established across time to ensure the safety of all parties; primarily passengers, included in this industry, be allowed a free ride. Absolutely free of all costs and taxes.
- If the structure of the existing system is changed to allow Uber to operate as it presently does, the City will lose well over \$1,000,000 in license renewals and associated tax revenues that the industry generates every year. They would be allowing an unregulated series of small businesses that pay no taxes or licensing. They would have no control over the type, year or model of vehicle used to carry the people or visitors of Hamilton. No way of controlling who drives these vehicles, their qualifications or any past infractions. No quality control on insuring and maintaining vehicles and no way to signify that a vehicle is a taxi.
- The City could be liable by allowing such an operation with no guidelines or minimum safety allowances to adhere to.

(Pearson/VanderBeek)

That the presentation by Steve Jones, on behalf of the Hamilton Taxi Industry, respecting the Implications of Ride Sharing Services and the Hamilton Taxi Industry, be received.

CARRIED

- (iv) **Mark Kikot, on behalf of his father Edward Kikot, respecting the Wedge (vacant parcel) on the West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street. (Approved at the March 22nd Planning Committee and referred to GIC.) (Item 6.5)**

Mark Kikot addressed Committee, on behalf of his father Edward Kikot, respecting the Wedge (vacant parcel) on the West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street. Mr. Kikot's comments included, but were not limited to, the following:

- The concern relates to the creation of a very narrow wedge of land that has been locking the back of my father's property and the back of his neighbour's property since July 2006, and that has depreciated the value of their properties by depriving them of access to Fortissimo Drive; and, thereby has prevented them from selling their properties at fair market value.
- The issues that I want to focus on are the question of responsibility, or culpability, which the City must share with the Hamilton-Wentworth District School Board (HWDSB) for allowing this situation to occur in the first place.
- The City should have ensured that maps going back to July 15, 1998 were accurate in depicting an offset between my parents' property and the proposed development property to the north so that they would have been properly informed and had an opportunity to address any concern regarding the proposed development and the draft plan of subdivision.
- I will begin by pointing out the HWDSB sold the wedge of land to the development for \$2.00, which is a violation of the Education Act, as all property declared surplus by the HWDSB must be sold at fair market value and the proceeds used for educational purposes.

(Whitehead/Jackson)

That the Rules of Order be waived to permit the delegation by Mark Kikot, on behalf of his father Edward Kikot, respecting the Wedge (vacant parcel) on the West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street, to continue past the 5 minute presentation time limit.

CARRIED

- In matters of development, it is the City's responsibility to ensure that all residents are made aware of proposed development so that they can assess the impact the development may have on their property.

- My parents, as well as their neighbour, believed that the proposed road would run adjacent to their properties.
- My parents and their neighbours were quite upset to find out that this was not the case, and contacted their City Councillor to try to resolve the issue. Despite the Councillor's efforts, the HWDSB and the developer remained firm in their position that the agreement of sale would stand even though the transfer of the ownership of the wedge of land had not occurred, and would not occur until September 2016.
- I would ask, in light of the information I have presented that the City share the cost in purchasing the wedge of property.

(Collins/Merulla)

That the presentation provided by Mark Kikot, on behalf of his father Edward Kikot, respecting the Wedge (vacant parcel) on the West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street, be received.

CARRIED

- (v) **George Palios, on behalf of his mother-in-law, Anna Palazzo, respecting the Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street. (Approved at the March 22nd Planning Committee and referred to GIC.) (no copy) (Item 6.6)**

George Palios addressed Committee, on behalf of his mother-in-law, Anna Palazzo, respecting the Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street. Mr. Palios' comments included, but were not limited to, the following:

- Approximately 10 years ago the Planning Department essentially disposed of this small wedge of land that was deemed to be surplus, and the Board of Education then deeded it to the developer for the sum of \$2. Today, this previously useless wedge of land was appraised by a City appraiser at \$75,000.
- Our appeal today is to have Council recognize and take ownership for this mistake that occurred.
- We have had numerous meetings with the Ward Councillor, City staff and legal counsel, and two OMB hearings.
- Even after the wedge created 10 years ago, had we been given the opportunity to purchase the land, we would have done so. It may

have cost a few thousand dollars at the time. After all, it was zoned agricultural land.

- We are willing to pay our fare share.

(Pearson/Farr)

That the presentation provided by George Palios, on behalf of his mother-in-law, Anna Palazzo, respecting the Wedge (vacant parcel) on West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street, be received.

CARRIED

(vi) Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect/Director of DPAI Architecture Inc., respecting 18-28 King Street East, Hamilton (Gore Park Apartments) (Item 6.7)

Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect/Director of DPAI Architecture Inc., addressed Committee respecting 18-28 King Street East, Hamilton (Gore Park Apartments). The presentation included, but was not limited to, the following:

- Hughson Business Space is our client for 52-30 King Street East, which are the properties subject to the application, which was made 2 years ago to designate without notice to the owners.
- I am here now with David to present a plan to you on how our client would like to proceed with the development. We started talking to Senior City officials and staff about 8 or 9 months ago. This plan we think should find favour, and we think it's a win/win for both the City and the developer.
- The intent is to have 18-22 King Street East designated as heritage properties. Those are the most westerly properties that have escarpment stone on the front that have most of the heritage features intact. The other properties are 24-28 King Street East, which have less heritage features, are deteriorated, and not in the same stone. If you are designating as heritage, you need a good alternate use and those don't present themselves well.
- The aspect to this that we hope is appealing, is that we are ready to apply for site plan approval and are ready to apply for a demolition permit on the most easterly portion. We are also prepared to build on spec, no leases or sales are necessary - we will just do it. You could have a brand new building sitting there within about 18 months.

- We are looking for a motion from you to direct staff to review the proposal and come back to you with a recommendation on how you should proceed with this proposal.
- Our client owns the Gowlings Building, the bottom half of the Piggot Building and the Sunlife Building. Heritage is not new to them and is not a dirty word to them so this proposal should work.
- David Premi outlined the plan for 18-28 King Street East.
- We are proposing a speculative mixed use building. The building itself is roughly 30 feet deep, the remainder of the site would provide parking on the surface, which would specifically service this building (the apartments and retail in the building).
- The bottom portion of the building offers about 4,000 square feet of new, modern, flexible retail space (20,000 sq. ft. on 5 stories). The upper levels will offer 14 new rental dwelling units; 1 and 2 bedroom units ranging from 750 to 1,000 sq ft. All apartments will face north and will have balconies that over look Gore Park and can be accessed from the rear of the building through breezeways and stairs, with elevators in the front.

(Farr/Pearson)

That the presentation provided by Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect/Director of DPAI Architecture Inc., respecting 18-28 King Street East, Hamilton (Gore Park Apartments), be received.

CARRIED

A copy of the presentation is available on the City's website or through the Office of the City Clerk.

(Farr/Pearson)

That the presentation, provided by Tim Bullock, Legal Counsel, Simpson Wigle Law LLP; and, David Premi, Architect/Director of DPAI Architecture Inc., respecting the designation and retention of 18-22 King Street East, Hamilton and redevelopment of 24-28 King Street East, Hamilton (Gore Park Apartments), was referred to staff for review and a report back to the General Issues Committee on May 18, 2016 on a process for Committee's consideration.

CARRIED

(g) NOTICES OF MOTION (Item 10)

Councillor Green introduced the following Notice of Motion:

(i) CityLAB Hamilton (Item 10.1)

WHEREAS, the CityLAB concept will provide an innovation hub where the City of Hamilton can collaborate with students from McMaster University, Mohawk College, and Redeemer College to design and implement real, City building projects;

WHEREAS, with Our Vision Hamilton, we're collectively finding out as a city where we want to go, and are taking a leadership role to collaborate with the best and brightest minds in government, post-secondary education, and the private sector to design and execute innovative projects to make Hamilton the best place to work, live and raise a child; and,

WHEREAS, McMaster University, Mohawk College, and Redeemer University College have expressed an interest in establishing CityLAB Hamilton as a local innovation hub, which would be a similar concept to Vancouver's CitySTUDIO that is currently in operation;

THEREFORE BE IT RESOLVED:

That staff be directed to investigate and report to the General Issues Committee respecting the implementation of CityLAB Hamilton, and to include in that report the feasibility of locating CityLAB in the current Canadian Football Hall of Fame building.

(Green/Merulla)

That the Rules of Order be waived to allow for the introduction of a motion respecting CityLAB Hamilton.

CARRIED

(Green/Merulla)

WHEREAS, the CityLAB concept will provide an innovation hub where the City of Hamilton can collaborate with students from McMaster University, Mohawk College, and Redeemer College to design and implement real, City building projects;

WHEREAS, with Our Vision Hamilton, we're collectively finding out as a city where we want to go, and are taking a leadership role to collaborate with the best and brightest minds in government, post-secondary education, and the private sector to design and execute innovative

projects to make Hamilton the best place to work, live and raise a child;
and,

WHEREAS, McMaster University, Mohawk College, and Redeemer University College have expressed an interest in establishing CityLAB Hamilton as a local innovation hub, which would be a similar concept to Vancouver's CitySTUDIO that is currently in operation;

THEREFORE BE IT RESOLVED:

That staff be directed to investigate and report to the General Issues Committee respecting the implementation of CityLAB Hamilton, and to include in that report the feasibility of locating CityLAB in the current Canadian Football Hall of Fame building and any associated costs.

CARRIED

Councillor Merulla introduced the following Notice of Motion:

(ii) Pad of Land at the Back of City Hall (Item 10.2)

That staff be directed to review the feasibility of utilizing the vacant pad of land at the rear of City Hall as an additional City Hall tower, and report back to the Public Works Committee.

Councillor Merulla introduced the following Notice of Motion, advising that he would bring the Motion forward at the same time as the forthcoming staff report respecting the same matter:

(iii) Injunction against Uber Operations in the City of Hamilton (10.3)

That staff be directed to request an injunction be issued against anyone driving for UBER, or similar corporations, without a license in the City of Hamilton.

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

11.1 Amendments to the General Issues Committee Outstanding Business List

(B. Johnson/Pearson)

That the following amendments to the General Issues Committee's Outstanding Business List, be approved:

- (a) Items to be Removed:
 - (i) Item “V” – Safer City Initiative – Gun Amnesty and Buyback Program for Unwanted and Illegal Firearms (*Addressed at March 23, 2016 GIC – Item 5.4, Report PSB 16-003*)
 - (ii) Item “Z” - LRT Office - Fostering the Light Rail Transit (LRT) Project (*Addressed at March 23, 2016 GIC – Item 8.5, Report PED16073*)

- (b) Proposed New Due Dates:
 - (i) Item “L” – City of Hamilton’s Outstanding Issues & the Need for Additional Revenue Streams
Current Due Date: March 23, 2016
Proposed New Due Date: April 20, 2016
 - (ii) Item “O” – Possible Purchase of the Federal Lands Remaining on Pier 8
Current Due Date: March 23, 2016
Proposed New Due Date: April 20, 2016
 - (iii) Item “II” - Fee Reduction or Waiver for Business Improvement Area Special Events
Current Due Date: April 6, 2016
Proposed New Due Date: April 20, 2016
 - (iv) Item “NN” – Updating, Modernizing & Sustaining the City’s Live Streaming Infrastructure
Current Due Date: March 23, 2016

CARRIED

(i) PRIVATE & CONFIDENTIAL (Item 12)

(i) Closed Session Minutes, March 23, 2016 (Item 12.1)

As the General Issues Committee determined that discussion of the Closed Session Minutes of March 23, 2016 was not required, the Minutes were approved in Open Session as shown below:

(Partridge/Conley)

That the Closed Session Minutes of the March 23, 2016 General Issues Committee meeting be approved, as presented.

CARRIED

(Jackson/VanderBeek)

That Committee move into Closed Session respecting Item 12.2 – Proposed Settlement Agreement in Lease Litigation (PW16022/LS16005) (Ward 5); Item 12.3 – Ombudsman’s Preliminary Report; Item 12.4 – Ombudsman’s Preliminary Report (CL16007 / LS16013); and, Items 6.5/6.6 - the Wedge (vacant parcel) on the West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street, pursuant to Section 8.1, Sub-sections (a),(e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (a), (e) and (f) and Section 239(3)(b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to the security of the property of the City; litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman, appointed under the *Ombudsman Act*.

CARRIED

(ii) Proposed Settlement Agreement in Lease Litigation (PW16022/LS16005) (Ward 5) (Item 12.2)

There was nothing to report in Open Session respecting Report PW16022/LS16005 - Proposed Settlement Agreement in Lease Litigation.

(iii) Ombudsman’s Preliminary Report (Item 12.3)

There was nothing to report in Open Session respecting the Ombudsman’s Preliminary Report.

(iv) Ombudsman’s Preliminary Report (CL16007 / LS16013) (Item 12.4)

There was nothing to report in Open Session respecting the Report CL16007/LS16013 - Ombudsman’s Preliminary Report.

(iv) Wedge (vacant parcel) on the West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street (Items 6.5/6.6)

There was nothing to report in Open Session respecting the Wedge (vacant parcel) on the West Side of Fortissimo Drive, Adjacent to 879 and 885 West 5th Street.

(j) ADJOURNMENT (Item 13)

(Collins/Jackson)

That, there being no further business, the General Issues Committee, be adjourned at 3:17 p.m.

CARRIED

Respectfully submitted,

D. Conley, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk