



## **GENERAL ISSUES COMMITTEE REPORT 16-016**

9:30 a.m.

Wednesday, June 15, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with  
Regrets:** Councillors M. Green and A. VanderBeek – Other City Business

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 16-016 AND RESPECTFULLY RECOMMENDS:**

**1. Westdale Village Business Improvement Area (BIA) Revised Board of  
Management (PED16015(a)) (Ward 1) (Item 5.1)**

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

- (i) April Windus

**2. Ottawa Street Business Improvement Area (BIA) Revised Board of Management  
(PED16062(a)) (Wards 3 and 4) (Item 5.2)**

That the following individual be appointed to the Ottawa Street Business  
Improvement Area (BIA) Board of Management:

- (i) Dimitri Trikas

**3. Exit Survey of Hamilton Based Companies (PED16131) (City Wide) (Outstanding Business List Item) (Item 5.3)**

That Report PED16131, respecting an Exit Survey of Hamilton Based Companies, be received.

**4. Pool Enclosure By-law (PED13126(c)) (City Wide) (Item 7.1)**

- (a) That staff be directed to amend the proposed Pool Enclosure By-law to remove the four-sided fence requirement and only require a fence around the backyard as per the current pool enclosure by-law; and,
- (b) That the By-law respecting the Pool Enclosure By-law, attached as Appendix “A” to Report PED13126(c), as amended, be enacted.

**5. Auchmar Estate Operations Plan (PED12193(a)) (Ward 8) (Item 8.1)**

- (a) That the Auchmar Estate Operations Plan, attached as Appendix “A” to Report PED12193(a), be received;
- (b) That Tourism and Culture Division staff be directed to continue with stabilization work obligated under the terms of the Heritage Conservation Easement administered by the Ontario Heritage Trust and to maintain the heritage resource in a stable condition with annual Capital Block funding;
- (c) That the Auchmar Estate and grounds remain in Public Ownership of the City of Hamilton;
- (d) That City staff in the Real Estate Section and the Planning & Economic Development Department be authorized and directed to explore a long-term lease or operating and management agreement, which is to include that capital repairs and maintenance be the financial responsibility of the lessee or the manager/operator, with any interested private parties; such as the Royal Hamilton Light Infantry XIII<sup>th</sup> Regiment Auchmar Trust or other not-for-profit organizations, and report back to the General Issues Committee on the progress toward that end in six months;
- (e) That, in the event no lessee or management and operations interest can be secured after a period of one year, Planning & Economic Development Department staff be directed to report to the General Issues Committee with a work plan for the adaptive reuse of the Auchmar Estate.

**6. Capital Projects Work-In-Progress Sub-Committee Report 16-004, May 26, 2016  
(Item 8.2)**

**(a) Capital Project Closing Report as of December 31, 2015 (FCS15066(b))  
(Item 8.1)**

- (i) That the General Manager of Finance and Corporate Services be authorized to transfer a combined \$459,902.19 to the Unallocated Capital Levy Reserve and other Program Specific Reserves to the Capital projects as outlined in Appendix “A” to Report 16-016;
- (ii) That the General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled Capital projects listed in Appendix “B” to Report 16-016 in accordance with the Capital Closing Policy;
- (iii) That Appendix “C” to CPWIPC Report 16-004 detailing the Capital Projects’ Budget Appropriations for the period covering October 1, 2015 through December 31, 2015 be received for information; and,
- (iv) That Appendix “C” to Report 16-016 detailing Capital Projects to be merged, be approved.

**(b) Public Works – Capital Projects Status Report as of December 31, 2015  
(FCS15070(b)) (Item 8.2)**

- (i) That the Capital Projects Status Report Public Works Tax Supported Projects, as of December 31, 2015, attached as Appendix “A” to Report FCS15070(b), be received; and,
- (ii) That the Capital Project Status Report Public Works Rate Supported Projects, as of December 31, 2015, attached as Appendix “B” to Report FCS15070(b), be received.

**7. Annual Comprehensive Legal Services Report (LS16010) (City Wide) (Item 8.4)**

That Report LS16010, respecting the Annual Comprehensive Legal Services Report, be received.

**8. On-Street Patio Pilot Program (PED16119) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Item 8.6)**

- (a) That an On-Street Patio Pilot Program be approved to operate from July 1, 2016 to October 31, 2016 in accordance with the criteria and guidelines identified in Appendix “D” to Report 16-016; and limited to the following locations:
  - i. A maximum of two per Business Improvement Area (BIA);
  - ii. A maximum of two for the Kenilworth Merchant Association (from Main Street East to Barton Street East); and,
  - iii. A maximum of two for the James Street North Merchant Association (from York Boulevard to Murray Street);
- (b) That applications for On-Street Patios during the 2016 pilot be reviewed through the City’s current Road Occupancy Permit (as modified);
- (c) That the Urban Renewal Section contribute a maximum of \$30,000 (from Project ID#s 8201603611 and 8201603100) to the Hamilton Municipal Parking System to compensate the Parking budget for any lost parking meter revenues associated with the 2016 On-Street Patio Pilot Program; and,
- (d) That staff be directed to report back in Q1/17 with an assessment of the 2016 On-Street Patio Pilot Program and with recommendations regarding the creation of a permanent program.

**9. City of Hamilton Events Office Formalization (PED16136) (City Wide) (Item 8.7)**

That staff be directed to formalize the name of the City of Hamilton Events Office.

**10. Hamilton Multi-Residential Property Investment Program and Hamilton Tax Increment Grant Program – Change in Corporate Control – 137 - 149 Main Street West, Hamilton (PED16132) (Ward 2) (Item 8.8)**

- (a) That prior to the sale by Azim Kassam of his 50% shares of Jackson Hospitality Inc. to Jose Fernandez which would result in Jose Fernandez being 100% shareholder and Director of Jackson Hospitality Inc., the \$2,325,000 loan advanced under the Hamilton Downtown Multi-Residential Property Investment Program to Jackson Hospitality Inc. for the development of 137 - 149 Main Street West, Hamilton be paid in full;
- (b) That the City consents to the transfer of Azim Kassam’s shares of Jackson Hospitality Inc. to Jose Fernandez and further consents to the approval for the

grant under the Hamilton Tax Increment Grant Program given by City Council on April 10, 2013 to Jackson Hospitality Inc. continuing upon Jose Fernandez being 100% shareholder and Director of Jackson Hospitality Inc.; and,

- (c) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement in a form satisfactory to the City Solicitor.

**11. Identified Tobogganing Locations on City Property (PW15086(b)) (City Wide) (Item 8.9)**

- (a) That the General Manager of Public Works or his designate be authorized and directed to continue the pilot tobogganing program into the 2016-2017 winter season;
- (b) That the 2016-2017 tobogganing pilot include Garth Street Reservoir, Chedoke Golf Course (Martin Course, Hole #10- Tee) and Kings Forest Golf Course (Hole #1 – Tee);
- (c) That Waterdown Memorial Park be added to the 2016-2017 tobogganing pilot subject to construction completion of the park prior to the 2016-2017 winter season; and,
- (d) That the estimated cost of \$70,400 to continue with the pilot for the 2016-2017 winter season be funded first from any Parks, Water and Facilities division surplus, then Public Works departmental surplus if required.

**14. Grants Sub-Committee Report 16-001, May 27, 2016 (Item 8.10)**

**(a) 2016 City Enrichment Funding Recommendations (GRA16005) (City Wide) (Item 4.1)**

- (i) That the 2016 City Enrichment Fund recommended funding allocation, in the amount of \$5,874,443 (as outlined in the attached Appendix “E” to Report 16-016), as amended, be approved;
- (ii) That the Application Summary, attached as Appendix “B” to Report GRA16005, be received;
- (iii) That, in the case where a successful grant applicant has outstanding arrears with the City of Hamilton as of December 31, 2016, the grant first be applied against the outstanding arrear with the remainder to be paid to the organization, in accordance with the City Enrichment Fund payment plan, as outlined in Appendix “C”, to Report GRA16-005 and shown below:

1. Hamilton Folk ART Heritage Council (CCH A-A9) **-\$38.63**  
(amount owing);
- (iv) That the following grants, be approved and the funds be released, pending the submission of additional information by July 20, 2016:
1. CCH A-A28 – Hamilton Santa Clause Parade \$46,231
  2. CCH A-B8 – Afro-Canadian Caribbean Association of Hamilton & District \$3,690
  3. CCH A-B26 – St. Michael the Archangel Celebration \$1,130
  4. SAL B-6 – Wentworth Minor Football \$3,000
  5. SAL C-4 – Buchanan Sports Council \$350
  6. SAL C-5 – Wentworth Minor Football \$1,000
  7. SAL E-7 – Hamilton Basketball Association \$4,100
  8. SAL F-6 – Wentworth Minor Football \$3,500
  9. ART A-D7 – Dundas Pipes and Drums \$3,132
  10. ART B-A2 – Centre Français Hamilton \$17,500;
- (v) That, if the following organizations do not submit the additional information required for a 2016 City Enrichment Fund grant, by July 20, 2016, staff be directed to advise the respective Ward Councillor(s) and report back to the Grants Sub-committee:
1. CCH A-A28 – Hamilton Santa Clause Parade \$46,231
  2. CCH A-B8 – Afro-Canadian Caribbean Association of Hamilton & District \$3,690
  3. CCH A-B26 – St. Michael the Archangel Celebration \$1,130
  4. SAL B-6 – Wentworth Minor Football \$3,000
  5. SAL C-4 – Buchanan Sports Council \$350
  6. SAL C-5 – Wentworth Minor Football \$1,000
  7. SAL E-7 – Hamilton Basketball Association \$4,100
  8. SAL F-6 – Wentworth Minor Football \$3,500
  9. ART A-D7 – Dundas Pipes and Drums \$3,132
  10. ART B-A2 – Centre Français Hamilton \$17,500;
- (vi) That the 2016 base budget of \$97,955 (Kiwanis Senior Centre) to fund the agreement between Hamilton Senior Citizens Apartments Limited (255 King Street West, Hamilton (Hamilton Senior Citizens Apartments) and The Corporation of the City of Hamilton for an Annual Grant tax payment, be transferred from the City Enrichment Fund to the Housing Services Division of the Community and Emergency Services Department as Administrators of the Agreement;

- (vii) That the base amount of \$53,320 in the approved City Enrichment Fund Contingency (CEF) budget, be reallocated to the CEF's operating budget to provide financial support for the online application system development and license, workshops, advertising, and other administrative expenses incurred by the CEF Phase 2 implementation;
- (viii) That the Director, Finance, Administration and Revenue Generation be delegated the authority to amend all City Enrichment Fund forms, guidelines and program areas, as needed, reporting any and all changes annually to the Grants Sub-Committee;
- (ix) That staff be directed to review the Tipping Fee Program, as it relates to the City Enrichment Fund, and report to the Grants Sub-Committee; and,
- (x) That staff be directed to fund all additional grant increase requests; over the staff recommended amounts, as outlined in Appendix "A" to Report GRA16005, ***as amended***, from the City Enrichment Fund Reserves.

**(b) POA Fines for Air Quality Improvement Projects Granted Through the City Enrichment Fund (GRA16006) (City Wide) (Outstanding Business List Item) (Item 5.1)**

That the funds received by the City, resulting from environmental law convictions (Environmental Mitigation Reserve account #108061), be dedicated to the City of Hamilton Forestry Section of the Public Works Department to enhance the Tree Planting Program, in Wards 3, 4 and 5.

**(c) Brott Music Festival 2016 (Item 6.2)**

That the motion respecting the Brott Music Festival 2016, be received.

**(d) Margaret Flood - Emerging Artist Project (ART E-A1)**

That application for 2016 City Enrichment Program funding, in the amount of \$5,000, for the Margaret Flood Emerging Artist Project (Some of my Parts) (ART E-A1), be approved.

**15. Non-Union Compensation Sub-Committee Report 16-001, June 2, 2016 (Item 8.11)**

**(a) Executive Health Benefit Options (HUR16016) (City Wide) (Item 4.2)**

- (i) That the direction provided to staff in Closed Session, respecting the Executive Health Benefit Options (HUR16016), be approved;
- (ii) That the direction provided to staff in Closed Session, respecting the Executive Health Benefit Options (HUR16016), remain confidential until the matter is approved by Council; and,
- (iii) That Report HUR16016 respecting Executive Health Benefit Options remain confidential.

**(b) Non-Union Compensation Review (HUR16013) (City Wide) (Item 4.3)**

- (i) That direction provided to staff in Closed Session, respecting the Non-Union Compensation Review (HUR16013), be approved;
- (ii) That direction provided to staff in Closed Session, respecting the Non-Union Compensation Review (HUR16013), remain confidential until the matter is approved by Council; and,
- (iii) That Report HUR16013 and its Appendixes “A” through “D”, respecting the Non-Union Compensation Review, remain confidential, as it contains information related to labour relations and employee negotiations.

**(c) Non-Union Salary Administration Policy (HUR16014) (City Wide) (Item 4.4)**

- (i) That the revised Non-Union Salary Administration Policy, attached as Private and Confidential Appendix “A” to Report HUR16014, be approved;
- (ii) That Appendix “A” to Report HUR16014, the revised Non-Union Salary Administration Policy, remain confidential until approved by Council; and,
- (iii) That the contents of Report HUR16014, respecting the Non-Union Salary Administration Policy, remain confidential as it contains information related to labour relations and employee negotiations.



**(d) Minimum Wage Increase (HUR16015) (Item 4.5)**

- (i) That the minimum wage jobs in the temporary part-time non-union salary schedule be increased by 15 cents effective October 1, 2016, in accordance with *The Employment Standards Act*;
- (ii) That the remaining jobs in this temporary part-time non-union salary schedule be adjusted accordingly in order to maintain pay equity compliance;
- (iii) That the minimum wage jobs in the full-time, non-union summer student salary schedule be increased by 15 cents, effective October 1, 2016, in accordance with *The Employment Standards Act*;
- (iv) That the direction provided to staff in Closed Session, respecting Report HUR16015, remain confidential until the matter is approved by Council; and,
- (v) That the contents of Report HUR16015, Minimum Wage Increase, remain confidential, as it contains information related to labour relations and employee negotiations.

**16. Review and Renegotiation of the John C. Munro Hamilton International Airport Lease (Item 9.1)**

WHEREAS, the City's Strategic Plans include goals for Growing the Non-Residential Tax Base (Strategic Objective 1.1); Promoting Economic Opportunities (Strategic Objective 1.3); Improve the City's Transportation System (Strategic Objective 1.4); Enhance Overall Sustainability (Strategic Objective 1.6); and, Valued and Sustainable Services, including validating cost effectiveness; and, it is timely to consider opportunities early in the term of Council;

WHEREAS, the City of Hamilton owns the valuable asset that is the John C. Munro Hamilton International Airport;

WHEREAS, the current agreement with TradePort International Corporation is intended to benefit the City and its residents directly and indirectly through the payment of rents to the City, by an increase of the commercial tax base provided by the commercial operations of sub-tenants at the Airport and through the general economic activity provided by the operation and development of the Airport and its related businesses;

WHEREAS, the current lease agreement with TradePort International Corporation allows the two parties to periodically review the terms of the agreement; and,

WHEREAS, the City of Hamilton is seeking revenue sources to further reduce pressures on the residential tax levy and additional benefits through the ownership of the Airport to help achieve the goals of Council;

THEREFORE BE IT RESOLVED:

- (a) That City of Hamilton staff be directed to investigate opportunities to increase the revenue and benefits received by the City, under the John C. Munro Hamilton International Airport lease with the TradePort International Corporation, with the goal of generating new revenues to help reduce pressures on the tax levy and report to the General Issues Committee by November 16, 2016; and,
- (b) That staff be authorized and directed to investigate and negotiate potential opportunities with TradePort, sub-tenants and third parties, and to include those opportunities in the forthcoming staff report for the consideration and approval.

**17. Rogers Hometown Hockey Event (Item 10.2)**

WHEREAS, hockey, and festivals contribute to a vibrant city;

WHEREAS, Rogers Hometown Hockey is a nationally televised public event designed to be a celebration of Canada's winter pastime and will include events intended to signify the Community's love of hockey, including activities, contests, autograph signings, and giveaways, connecting Hockey fans from coast to coast via remote broadcasts of the event from the Community;

WHEREAS, it has been requested that the City of Hamilton confirm its interest and desire to host the Rogers Hometown Hockey Event to be held during the 2016-2017 hockey season; and,

WHEREAS, the Rogers Hometown Hockey Event will provide an opportunity to showcase Hamilton nationally as Hamilton's hosted Rogers Hometown Hockey Festival will be featured on an hour-long televised broadcast, hosted by Ron McLean, on Sportsnet;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton confirm its interest in hosting the Rogers Hometown Hockey Event in the 2016-2017 hockey season;
- (b) That, if selected, the Mayor and City Clerk be authorized and directed to execute a Letter of Intent, a Letter of Agreement and all other ancillary documents necessary to host the Rogers Hometown Hockey, in a form

satisfactory to the City Solicitor with content approved by the General Manager, Planning and Economic Development;

- (c) That Tourism and Culture staff be directed to establish a Local Organizing Committee comprised of City staff and community stakeholders to oversee the planning and implementation of the Rogers Hometown Hockey event;
- (d) That a budget up to \$50,000, to host the Rogers Hometown Hockey event in the 2016-2017 hockey season; to provide services that will include, but not be limited to: police, fire and EMS, equipment, and permits, to be funded from the Tax Stabilization Reserve (Account #110046), be approved; and,
- (e) That City operational and staffing fees necessary to ensure the fulfillment of the City's obligations as outlined in the Letter of Agreement, such as, but not limited to, hanging street banners, staffing facilities, and recycling and cleaning services, be waived.

**18. LIUNA Downtown Construction Commitments (PED16138) (Ward 2) (Item 12.2)**

- (a) That the General Manager, Planning and Economic Development, be authorized and directed to negotiate amendments to Schedule B, clause 4., of the June 2008 Agreement of Purchase and Sale between the City of Hamilton and LIUNA Local 837 Lister Property Corporation (LIUNA), for the City's purchase of the Lister Block;
- (b) That the negotiations for the amendments to Schedule B, clause 4., of the June 2008 Agreement of Purchase and Sale be based on:
  - (i) Extending the deadline for completion of construction and occupation up until September 2018;
  - (ii) Allowing for a refund in accordance to which the actual municipal portion of the property assessment is a proportion of \$600,000 (e.g. assuming an actual municipal assessment of \$380,000, the refund would be  $\$633,333 = \$1,000,000 \times \$380,000 / \$600,000$ );
  - (iii) Allowing for an additional refund, only where there are funds remaining following "ii." above, related to the development of LIUNA lands immediately adjacent Lister Block on King William Street, on the same timeline as "i." and same formula as "ii.";

- (iv) Entering into a suitable agreement, such as placing a covenant or restriction on the property, that should the LIUNA property become exempt from property taxes (e.g. sold to a University) within 10 years of occupancy, LIUNA would be obligated to return that portion of the holdback that the City had paid; and,
- (v) 90% of any refund payments are to be made within 30 days of Occupancy of the development outlined in “i.” or “iii.” above based on estimated assessment at the time, and adjusted once actual assessments are provided by MPAC; and,
- (c) That any funds remaining following the disbursement outlined in “(b)” above be placed in a reserve account to be used to support the City’s efforts to create downtown structured parking; and,
- (d) That the Mayor and Clerk be authorized and directed to execute any documents, respecting the LIUNA Downtown Construction Commitments, in a form satisfactory to the City Solicitor.
- (e) That Report PED16138, respecting the LIUNA Downtown Construction Commitments, remain confidential.

**19. Whistleblower Matter (AUD16017) (City Wide) (Item 12.3)**

That Report AUD1017, respecting a Whistleblower Matter, remain confidential.

**20. P3 Bio Solids Procurement Process (Item 12.4)**

That the presentation, respecting the P3 Bio Solids Procurement Process, be referred to Council for consideration.

**FOR THE INFORMATION OF COUNCIL:**

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

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

**1. DELEGATION REQUESTS (Item 4)**

- 4.1 The delegation request, submitted by Wayne Terryberry, Hamilton Burlington Trails Council, to summarize the Hamilton Burlington Trails Council's Application to the City Enrichment Fund, has been withdrawn.
- 4.2 Dana Simpson, The Pool Shoppe, respecting Item 7.1 - Pool Enclosure By-law (PED13126(c))
- 4.3 Megan Hobson, a Member of the Architectural Conservancy of Ontario, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a))
- 4.4 Nina Chapple, Heritage Community Foundation, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a))
- 4.5 Janice Brown, Durand Neighbourhood Association, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a))
- 4.6 Richard Allen, Director at Large, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a))
- 4.7 Diane Gower Dent, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a))
- 4.8 Robin McKee, Hamilton Mountain Heritage Society, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a))

**2. PRESENTATIONS (Item 7)**

- 7.1(a) Ontario Drowning Report, 2015 Edition

**3. DISCUSSION ITEMS (Item 8)**

- 8.2(a) Correspondence from Viv Saunders, Lakewood Beach Community Council, respecting Item 8.2 – Capital Projects Work-on-Progress Report 16-004

- 8.5 Terms of Reference – Mayor’s Intelligent Community Forum Task Force (PED16038(a)) (City Wide) has been withdrawn as staff have received additional information subsequent to the printing of this report. A new report will be forthcoming to the July 4, 2016 GIC.
- 8.12 Canada 150 Community Infrastructure Program Intake Two (FCS15049(a)) (City Wide)
- 8.13 Successful City Enrichment Fund Applications Above 30% Policy (FCS16061) (City Wide)

**4. MOTIONS (Item 9)**

- 9.2(a) Correspondence from George O’Neill, CEO, Realtors Association of Hamilton-Burlington, respecting Item 9.2 a motion respecting the Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario
- 9.2(b) An Open Letter from Past Mayors and Regional Chairs respecting Light Rail Transit

**5. NOTICES OF MOTION (Item 10)**

- 10.1 Ward 5 Tree Planting Program
- 10.2 Rogers Hometown Hockey Event (Video)

**6. PRIVATE & CONFIDENTIAL (Item 12)**

- 12.4 P3 Bio Solids Procurement Process (no copy)  
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.

Item 8.13, respecting Report FCS16061 - Successful City Enrichment Fund Applications Above 30% Policy, be TABLED to the July 6, 2016 General Issues Committee.

The agenda for the June 15, 2016 General Issues Committee meeting was approved, as further amended.

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

There were no declarations of interests.

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

**(i) May 24, 2016 - Special (Item 3.1)**

The Minutes of the May 24, 2016 Special General Issues Committee meeting be approved, as presented.

**(ii) June 1, 2016 (Item 3.2)**

The Minutes of the June 1, 2016 General Issues Committee meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Wayne Terryberry, Hamilton Burlington Trails Council (HBTC) to Summarize HBTC's Application to the City Enrichment Fund - Environmental Stream (For June 15, 2016) (Item 4.1)**

The delegation request submitted by Wayne Terryberry, Hamilton Burlington Trails Council (HBTC) to Summarize HBTC's Application to the City Enrichment Fund - Environmental Stream, for June 15, 2016, was withdrawn by the delegate.

**(ii) Dana Simpson, The Pool Shoppe, respecting Item 7.1 - Pool Enclosure By-law (PED13126(c)) (Item 4.2)**

The delegation request submitted by Dana Simpson, The Pool Shoppe, respecting Item 7.1 - Pool Enclosure By-law (PED13126(c)), was approved to appear before the General Issues Committee on June 15, 2016.

**(iii) Megan Hobson, Architectural Conservancy of Ontario, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 4.3)**

The delegation request submitted by Megan Hobson, Architectural Conservancy of Ontario, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was approved to appear at the General Issues Committee on June 15, 2016.

**(iv) Nina Chapple, Heritage Community Foundation, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 4.4)**

The delegation request submitted by Nina Chapple, Heritage Community Foundation, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was approved to appear before the General Issues Committee on June 15, 2016,

**(v) Janice Brown, Durand Neighbourhood Association, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 4.5)**

The delegation request submitted by Janice Brown, Durand Neighbourhood Association, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was approved to appear before the General Issues Committee on June 15, 2016.

**(vi) Richard Allen, Director at Large, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 4.6)**

The delegation request submitted by Richard Allen, Director at Large, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) was approved to appear before the General Issues Committee on June 15, 2016.

**(vii) Diane Gower Dent, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 4.7)**

The delegation request submitted by Diane Gower Dent, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was approved to appear before the General Issues Committee on June 15, 2016.



**(viii) Robin McKee, Hamilton Mountain Heritage Society, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 4.8)**

The delegation request submitted by Robin McKee, Hamilton Mountain Heritage Society, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) was approved to appear before the General Issues Committee on June 15, 2016.

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 6)**

**(i) Nancy Heuther, Regional Manager, Municipal Property Assessment Corporation (MPAC), respecting an Update regarding the 2016 Reassessment (Item 6.1)**

Nancy Heuther, Regional Manager, Municipal Property Assessment Corporation (MPAC), addressed Committee respecting to provide an update regarding the 2016 property reassessment. Ms. Heuther's presentation included, but was not limited to, the following:

❖ **Property Assessment and Property Taxes**

- The Municipal Property Assessment Corporation (MPAC) determines Current Value Assessments and classifications for all properties in Ontario.
- The Provincial Government passes legislation, sets assessment policies and determines education tax rates. The Province also operates an independent assessment appeal tribunal – the Assessment Review Board (ARB).
- Municipalities determine revenue requirements, set municipal tax rates and collect property taxes to pay for your municipal services.

❖ **Ontario's Assessment Cycle**

❖ **2016 Assessment Update**

❖ **Data Collection and Preparation**

❖ **Transparency and Shared Understanding**

❖ **Benefits of Advanced Disclosure**

- Benefits for Municipalities
- Benefits for Taxpayers
  
- ❖ Property Assessment Notice
  - Residential property owners will receive their Property Assessment Notices starting July 4, 2016 in Hamilton.
  - Farm Property Assessment Notices will be mailed October 11, 2016.
  - Multi-Residential and Business Notices will be mailed October 18, 2016.
  
- ❖ 2016 Property Assessment Notice
- ❖ Changes to Filing for a Review (Bill 144)
  - Residential property owners have 120 days from the Issue Date\* of their Property Assessment Notice to file a Request for Reconsideration (RFR)
  - The RFR deadline for Hamilton is November 1.
  - The Issue Date and RFR deadline are included on the Notice.
  - The early delivery of Assessment Notices and a 120-day RFR deadline will allow RFRs to be processed before Assessment Rolls are sent to municipalities – greater stability and accuracy.
  
- ❖ How can I learn more about my assessment?
- ❖ Through [www.AboutMyProperty.ca](http://www.AboutMyProperty.ca), property owners can:
  - Access information on how their property was assessed.
  - Compare their assessment to others in their community.
  - Learn more about property values through Market Trends (available before login)
  - Login information is available on every Notice mailed.

- ❖ Resolving Assessment Concerns
- ❖ How to contact MPAC
- ❖ Municipal and Stakeholder Outreach Engagement
- ❖ Municipal Connect
- ❖ Municipal Toolkit
- ❖ Preliminary Market Trends
- ❖ New for 2016 – Market Trends
- ❖ Assessment Changes 2016 to 2017
- ❖ Typical Assessed Values

The presentation provided by Nancy Heuther, Regional Manager, Municipal Property Assessment Corporation (MPAC), respecting an Update regarding the 2016 Reassessment, be received.

A full copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

**(ii) Kristen Sprague, respecting MacNab Terminal Bathrooms (Item 6.2)**

Kristen Sprague, addressed Committee respecting the MacNab Terminal Bathrooms. Ms. Sprague's comments included, but were not limited to, the following:

- ❖ In the early mid-1900's, African Americans were told to go to different bathrooms because they were different. Now, in 2016, the Transgender people are receiving the same treatment and are being told to use a bathroom they did not choose. Now is the time to put a stop to this practice.
- ❖ This is a very important issue as many transgender people do not appear to others as the gender that they identify with.
- ❖ When I was 19 years old, I did not look like a woman. It to 16 years for me to become the woman I am today, and if anybody saw me on the street today, they would not look twice.

- ❖ I am recommending that the MacNab Terminal have a neutral gender bathroom that can be used by everybody.

The presentation provided by Kristen Sprague, respecting MacNab Terminal Bathrooms, was received.

A copy of the handout is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

**(iii) Steve Selinger, Oasis Pools Ltd. (Item 6.3(a))**

Steve Selinger of Oasis Pools Ltd. addressed Committee respecting the proposed Pool Enclosure By-law. Mr. Selinger's comments included, but were not limited to, the following:

- ❖ Oasis Pools Ltd., in agreement with other industry pool companies, and fully supports the position of the Pool & Hot Tub Council of Canada (PHTCC); as they have done extensive research into alternatives to the 'four-sided fence initiative'. We agree with the PHTCC's Layered Approach to safety, rather than relying on this single "mandated" solution.
- ❖ The most important aspect of water safety is adult supervision, for which there is no substitute.
- ❖ Also important, is educating the homeowners about the various aspects of safety in and around swimming pools and ponds, and how to ensure everyone is kept safe.
- ❖ All of our clients, especially those with young children and pets, are presented with many options to ensure the level of safety within the backyard, that they feel they require. These options which include, but are not limited to a 4-sided fence are; automatic safety covers, door and window locks, access alarms, wave and immersions detector alarms, pool-side safety equipment and signage, flotation devices, glass barriers, and child safety fencing, which can be removed when children are older.
- ❖ We have had numerous conversations over the last few months, with our existing pool owners, and our current and future clients of pools to be constructed. None of them are in favour of this mandated by-law, and our past clients are definitely not in favour of a retro-active by-law to be put in place either.

- ❖ Many of our clients who do not have children at all, or whose children are grown, feel that a mandated interior fourth fence would interfere greatly with the functionality of their outdoor living space. Rather than face the onslaught of cottage traffic, many clients today wish to create a backyard “vacation spot”, which allows many areas to flow together.
- ❖ There are properties owned by elderly, retired people who have created a tranquil living space, where the pool is as much a visual feature as it is functional.
- ❖ With a small yard and with very limited space between the house and rear property line. Homeowners can chose to incorporate an automatic safety cover, which prevents entry to the pool, while preserving the view of the pool and not disrupting the living spaces surrounding the pool.

The presentation provide by Steve Selinger of Oasis Pools Ltd., respecting the Proposed Pool Enclosure By-law (Item 6.3(b)), was received.

For disposition of this matter, please refer to Item 4.

**(iv) Robert Wood, Executive Director of the Pool & Hot Tub Council of Canada, and Markus Brunner of Forest City Pool & Patio Incorporated, respecting the Proposed Pool Enclosure By-law (Item 6.3(b))**

Robert Wood, Executive Director of the Pool & Hot Tub Council of Canada (PHTTC), and Markus Brunner of Forest City Pool & Patio Incorporated, addressed Committee respecting the Proposed Pool Enclosure By-law. The presentation included, but was not limited to, the following:

- ❖ Our industry is quite capable of tacking on a fourth side to any backyard fence, and does so upon request by citizens. It can be successful as a safeguard, but only if it is appreciated by the pool owner. Over all, the mandating of isolation fencing has not proven effective in contrast to the implementation of a layered approach to safety. If the fourth side of the fence is despised, it will be ignored, dismantled or removed.
- ❖ Water safety is a major component of our Association's mandate. The PHTCC has extensive experience in working successfully with organizations and municipalities to promote water safety and drowning prevention. We have a website dedicated to this cause, and provide resources such as signs, stickers, activity books and a model municipal by-law, covering swimming pool barriers.

- ❖ Our major objectives are to:
  - Ensure all communities have swimming pool fencing by-laws in place.
  - Create a safe backyard environment for young children, who are at the highest risk.
  - In addition, we encourage and support the establishment of public education programs across the country.
- ❖ To effectively protect toddlers requires the adoption of a layered approach to safety. It is important to note that in the absence of active enforcement, owner buy-in is essential to any success. Otherwise an imposed solitary solution has the potential to fail.
- ❖ I (Markus) started Forest City Pool & Patio Inc. in 1986 in London, Ontario. I have been active with the Pool Council and the City of London for 28 years. I am currently the President of the Pool & Hot Tub Council of Canada, and have served on numerous boards with regards to drowning prevention in London and surrounding area, hence my presence today.
- ❖ A few years ago we met with the Deputy Chief Coroner, Dr. Lauwers, and spoke about his recommendation of the 4 sided fencing. He agreed that 4 sided fence is not the '*be all and end all*'. He himself had a near drowning experience with his own family and his child was only inches away from him. We agreed that adult supervision and education along with supplementary layers of safety would be a good approach to drowning prevention for young children. We are looking forward to being part of the next draft of recommendations the Chief Coroner's office prepares.
- ❖ The original report studied several drownings that took place 6 years ago. Sadly 5 of the 7 toddlers that were addressed in that report had drowned with either 5' walls or four-sided fencing in place.
- ❖ The Pool & Hot Tub Council takes drowning prevention very seriously. We have spent well over \$100,000 just in the province of Ontario in the past 5 years on drowning prevention campaigns. I think we all agree that our target age for drowning prevention is children under the age of 5. For the families that fall into this category there is a list of several options to choose from that provide effective physical barriers and also supplementary safeguards that provide additional protection. However,

when it comes to protecting young children there is absolutely no substitute for adult supervision.

- ❖ Most families that are in the market to build a swimming pool already realize the risks and take action to protect their family. In particular, it is the people that buy or rent houses with existing pools that we need to educate and unfortunately we are not targeting them in the proposed City of Hamilton's by-law change.
- ❖ We need to educate all parents that have swimming pools with small children, not mandate by-laws that only target parents that are building a swimming pool and are most likely already aware of the dangers of water and have taken appropriate measures.
- ❖ We agree that 4 sided fencing is one layer of protection for families with small children. However, there are multiple other layers of protection families can consider instead of being limited to 4 sided fencing, but that should be their choice.
- ❖ What about families that don't have children or empty nesters that decide to build a pool? Why should they have to have a 4 sided fence? This is the same as telling all car owners that they have to install infant car seats in their vehicles whether or not they have young children.
- ❖ In terms of public opinion, the results of a recent survey conducted by Pioneer Family Pools, a company serving the Hamilton area, show that most respondents (85.3%) are adamantly opposed to the imposition of isolation fencing.
- ❖ For the City of Hamilton we would like to see a public awareness campaign launched and pool safety brochures handed out with every pool permit that gets issued. At the same time we will continue to promote our water safety programs through the local chapters of the Pool & Hot Tub Council.
- ❖ To summarize, seeing that representatives of the City of Hamilton wish to make a meaningful difference and save lives in connection with the use of residential swimming pools, we request that they strongly consider strategies that have proven successful in other jurisdictions. Specifically, the endorsement of a layered approach to safety that extends beyond merely physical barriers; it is a common sense approach that includes public education as well.
- ❖ We encourage the City of Hamilton to approve Alternative "B" to Report PED13126(c) – Pool Enclosure By-law.

- ❖ We urge the City of Hamilton to help educate pool and spa owners. Ideally the websites, brochures and messages to citizens should include available options outlined in “A Model Residential Pool Enclosure By-law for Canadian Municipalities”.
- ❖ We recommend the establishment of a public awareness program for the municipality that addresses the layered approach to water safety. No matter what physical safeguards are put in place, there is absolutely no substitute for adult supervision when toddlers are present.

The presentation provided by Robert Wood, Pool & Hot Tub Council of Canada, respecting the Proposed Pool Enclosure By-law, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 4.

**(v) Second Lieutenant Richard Moll and Sergeant Brian Buckle, Royal Hamilton Light Infantry XIII<sup>th</sup> Regiment Auchmar Trust, respecting the Proposal for the Reuse of Auchmar (Item 6.4)**

Second Lieutenant Richard Moll and Sergeant Brian Buckle, Royal Hamilton Light Infantry (RHLI) XIII<sup>th</sup> Regiment Auchmar Trust, addressed Committee respecting the Proposal for the Reuse of Auchmar. The presentation included, but was not limited to, the following:

- ❖ History of Lieutenant Colonel, The Honourable Isaac Buchanan (1810-1883)
- ❖ The XIII<sup>th</sup> Battalion Auchmar Trust's Proposal for the Reuse of the Auchmar Estate would included:
  - Claremont Community Park
  - RHLI Heritage Museum at Auchmar House
  - The Volunteer Saloon
  - The Gibson Inn & Regimental Chapel
  - The Old 13<sup>th</sup> Drill Shed
  - The Isaac and Agnes Buchanan Education Centre
  - The Routh Centre
  - Friends of Auchmar Gift Shop and Gazebo



❖ Mission

- To honour, preserve and share the history of our founding Commanding Officer, LCol The Honourable Isaac Buchanan, his estate Auchmar House and Claremont Park and the Royal Hamilton Light Infantry Heritage Museum; for all the citizens of Hamilton as well as for future generations of Rileys, while continuing with Buchanan's renowned philanthropic principles for the betterment of our great community.
- ❖ By incorporating the XIII<sup>th</sup> Battalion Auchmar Trust, we propose to undertake the task of preserving the entire Buchanan Estate. This includes the historic buildings, and its historically significant landscape features.
- ❖ Together, with the support of community partners, and in keeping with the four-fold operational principles of "History ~ Stewardship ~ Education ~ Benevolence". We will also develop programming, provide space and facilitate services and provide countless educational and learning opportunities in order to operate Auchmar as a financially self-sustaining community accessible showplace. Auchmar will be a place of learning that maintains and safeguards the history of Auchmar, Isaac Buchanan and the illustrious history of the RHLI.

The presentation provided by Second Lieutenant Richard Moll and Sergeant Brian Buckle, Royal Hamilton Light Infantry XIII<sup>th</sup> Regiment Auchmar Trust, respecting the Proposal for the Reuse of Auchmar, was received and referred to staff.

A full copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 5.

- (vi) **Written Submissions respecting Item 9.2 – Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario (Hamilton's LRT) (Item 6.5)**
- (a) **Joseph S. Mancinelli, International Vice President and President LiUNA Local 387; Riccardo Persi, Secretary –Treasurer, LiUNA Local 837; and, Manuel Bastos, Business Manager, LiUNA Local 837 (Item 6.5(a))**

The correspondence from Joseph S. Mancinelli, International Vice President and President LiUNA Local 387; Riccardo Persi, Secretary – Treasurer, LiUNA Local 837; and, Manuel Bastos, Business Manager, LiUNA Local 837, was received and referred to the Special GIC, respecting Light Rail Transit, in October 2016.

**(vii) Todd White, Hamilton Wentworth District School Board (HWDSB), respecting the HWDSB Facilities Master Plan and the HWDSB Budget Plan (Items 6.6 and 6.7)**

Todd White, Chair; Stacey Zucker, Executive Superintendent of Board Operations and Treasurer; and Jeff Beattie, Trustee, Hamilton Wentworth District School Board (HWDSB), addressed Committee respecting the HWDSB Facilities Master Plan and the HWDSB Budget Plan. The presentation included, but was not limited to, the following:

- ❖ HWDSB Trustees and Staff
- ❖ HWDSB Finance and Facilities Committee
- ❖ 2016-17 Annual Budget
- ❖ 2016-17 Budget Development
- ❖ 2016-17 Expenditures
- ❖ Long-term Facilities Master Plan
- ❖ Accommodation Review Schedule
- ❖ Secondary Facility Benchmark Strategy

The presentation provided by Todd White, Chair; Stacey Zucker, Executive Superintendent of Board Operations and Treasurer; and Jeff Beattie, Trustee, Hamilton Wentworth District School Board (HWDSB), respecting the HWDSB Facilities Master Plan and the HWDSB Budget Plan, was received.

**(viii) Dana Simpson, The Pool Shoppe, respecting Item 7.1 - Pool Enclosure By-law (PED13126(c)) (Item 6.8)**

Dana Simpson, The Pool Shoppe, addressed Committee, respecting Item 7.1 - Pool Enclosure By-law (PED13126(c)). Ms. Simpson's comments included, but were not limited to, the following:

- ❖ I am here to represent my family's swimming pool business of 44 years on the Hamilton East Mountain, and our industry peers present today, in support of the presentation made by Executive Director, Robert Wood, of The Pool and Hot Tub Council of Canada.
- ❖ It is my position to assure Mayor Eisenberger and the members of Council that the Swimming Pool Industry stands united in the message presented today by our Pool and Hot Tub Council.
- ❖ Your local swimming pool professionals meet and participate in trade shows, seminars and not only review new industry innovations, but table talk about what each of us do to succeed, grow and educate our client base.
- ❖ For safety awareness, our team presents clients with Pool Shoppe Water Watcher Tags - an idea shared with us in a round table discussion at one of our American Trade Shows. New pool owners receive one during their pool orientation along with a maintenance and detailed safety checklist. We feel they are a substantial tool in relaying the important message that pool owners think for themselves and learn to provide constant, focused and sober supervision to children in and around their swimming pool. It is outside of "arms reach" that accidents happen and it is our belief that education and safety awareness are the only things that will fully protect a child from pool side accidents.
- ❖ It is of our opinion, based on comments of existing pool owners as well as current pool shoppers, that the proposed 4-sided fence will create feelings of resentment and will form a false sense of security.
- ❖ We also feel that we are missing the opportunity to provide safety awareness to new homeowners who are buying homes with existing pools. It is this client base that will not receive proper water safety education as one would receive with a new build and oddly, would be grandfathered altogether from any proposed 4-sided fence by-law currently on the table.
- ❖ Empower parents and homeowners to be alert, aware, and to be accountable for their own homes and their own actions. We suggest to educate the public rather than try to think for them.
- ❖ Your local swimming pool professionals and active Pool and Spa Council Members are prepared to work with the City of Hamilton in establishing a public water safety awareness campaign.

The following written submissions, respecting Item 7.1 - Pool Enclosure By-law (PED13126(c)), was received (Item 6.3(a)):

- (i) Daryl Jerome
- (iii) Andrea Dalrymple
- (ii) Troy Smillie
- (iv) Tim Golden, Latham Pools

The presentation provided by Dana Simpson, The Pool Shoppe, respecting Item 7.1 - Pool Enclosure By-law (PED13126(c)), was received.

For disposition of this matter, please refer to Item 4.

Item 7.1, respecting Report PED13126(c) – Pool Enclosure By-law, was moved up on the agenda.

For disposition of this matter, please refer to Item 4.

Councillor Ferguson wish to be recorded as OPPOSED to the main motion, as amended.

**(ix) Megan Hobson, a Member of the Architectural Conservancy of Ontario, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.9)**

Megan Hobson, Architectural Conservancy of Ontario, addressed Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)). Ms. Houses' comments included, but were not limited to, the following:

- ❖ The City needs to look closely at the heritage constraints and the condition of the building. It would be a lot of work to restore the estate, but there is a lot of potential for many different uses. There are different structures throughout the property so there would be flexibility with the uses and lots of open space.
- ❖ Parking on-site could be worked out.
- ❖ Although obtaining approval from the Federal and Provincial levels of government would require a lot of work, an elevator would be possible.

- ❖ The historical significance of the military and the Auchmar Estate are very, very strong.

The presentation from Megan Hobson, a Member of the Architectural Conservancy of Ontario, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was received.

For disposition of this matter above, please refer to Item 5.

**(x) Nina Chapple, Heritage Community Foundation, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.10)**

Nina Chapple, Heritage Community Foundation, addressed Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)). Ms. Chapple's comments included, but were not limited to, the following:

- ❖ I was the City's Senior Heritage Planner for 20 years. In 1999, the City acquired Auchmar employing an innovative strategy of land exchange. It was a remarkable accomplishment – developers, historians, neighbourhood residents, building conservationists, the general public and Council worked together to save the Auchmar Estate from redevelopment. It was a win-win achievement for all.
- ❖ In 1999, Auchmar with its beautiful gothic revival mansion, landscaped grounds, stables and outbuildings was still a functioning, lived-in, well-kept historical complex. It offered infinite possibilities.
- ❖ Auchmar currently has such a wide-spread appeal as a multi-dimensional iconic landmark; it has acquired many layers of meaning for Hamilton over its 160 years.
- ❖ Look at Auchmar's inherent strengths: it is a multi-uses place built by a multi-dimensional character who dedicated his life to improving the city for everyone. It stands as a monument itself. What can be more fitting than to give it to a public use?
- ❖ The very informative and thorough staff report has presented two options. The first, to keep Auchmar in City ownership and the second, to offer it for sale.
- ❖ The Heritage Hamilton Foundation unequivocally supports the first alternative: Keep Auchmar for the Community and find ways to sustain its viability.

- ❖ The year 2016 marks the 200<sup>th</sup> anniversary of Hamilton's birth. What better way to celebrate it than to seize upon Auchmar as its permanent home for Hamilton's stories.

The presentation provided by Nina Chapple, Heritage Community Foundation, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was received.

For disposition of this matter, please refer to Item 5.

**(xi) Janice Brown, Durand Neighbourhood Association, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.11)**

Janice Brown, Durand Neighbourhood Association, addressed Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)). Ms. Brown's comments included, but were not limited to, the following:

- ❖ We in the Durand, believe heritage preservation is an important and vital aspect of city-building. With imagination and effort, we believe there are means to breathe new life into our old buildings and with time to rehabilitate them. Some of our heritage buildings are invaluable and irreplaceable to the City's historical record, and provide means to educate our own population of our early pre-confederation years.
- ❖ The Auchmar Estate is one of these properties. We feel this property is of such importance that it should remain a public entity owned by the City to ensure its safe keeping for future Hamiltonians.
- ❖ Auchmar is recognized as an outstanding example of the domestic Gothic Revival and a very rare mid-Victorian estate. The Honourable Isaac Buchanan's estate is considered as a sequel to Sir Allan MacNab's estate of Dundurn in the reasons stated for heralding its heritage designation.
- ❖ Auchmar was built 20 years after Dundurn Castle as a country estate on the mountain rather than Dundurn Castle's location on the bay. Its significance on the escarpment brow in a City of such geographic uniqueness should be considered most important to Hamilton's early development as a City. The building and grounds have such cultural importance, the architecture such rarity.
- ❖ Isaac Buchanan was a person of huge historical significance in Upper Canada, widely recognized along with Sir Allan MacNab, for bringing the Great Western Railway to Hamilton. It is possible that one day

Auchmar could be considered a national historic site of Canada. In the meantime it is incumbent on us to do what we can to keep Auchmar public and steward it through to future generations.

- ❖ These institutions tell the story of Hamilton and our origins, and they need to be kept alive. Architecturally, it is the walled gardens, the orchard, the wood lot, and the grand alley entrance along with the intact buildings such as the manor house, stables and dovecote that contribute to making Auchmar a unique cultural landscape.
- ❖ Like Dundurn Castle and Whitehern, Auchmar is valuable as a future tourist destination and a City building enterprise.
- ❖ The Durand Neighbourhood Association is asking Council to continue to support public ownership of the entire Auchmar Estate and work with the Friends of Auchmar, neighbourhood associations, BIA's and the Division of Culture and Tourism to decide upon a viable adaptive reuse for Auchmar.

The presentation provided by Janice Brown, Durand Neighbourhood Association, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was received.

For disposition of this matter, please refer to Item 5.

**(xii) Richard Allen, Director at Large, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.12)**

Richard Allen, Director at Large, Friends of Auchmar, addressed Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)). Mr. Allen's comments included, but were not limited to, the following:

- ❖ As a new Board member, I'm impressed by the level of due diligence that guides this organization. Just in the past two years, we have hosted more than eight educational events to help build and share a common understanding of the benefits of conserving and adaptively reusing our heritage assets.
- ❖ Last month, we hosted another in our series of public educational events – this time to communicate our organizations case to maintain and leverage City ownership of Auchmar.
- ❖ Our rationale for keeping Auchmar in public hands:

- Let's maintain and build on the fine stewardship of city staff.
  - Let's see a return on the City's investments to-date of more than \$2.5 million in readying Auchmar for future public use.
  - Let's view the easement as something good that unlocks a range of sympathetic uses and restricts non-complementary uses; the easement provides stability, context and predictability.
  - Let's apply lessons learned from other successful projects, like Bell Gairdinar, that show that the model of municipal ownership is possible and effective.
- ❖ Two key messages:
- A move by the City to declare a decision to maintain its ownership and control of Auchmar would create the certainty needed to secure additional public and private sector partners. The current lack of clarity makes others uneasy and uncommitted; and,
  - I would like to reiterate our organizations willingness and enthusiasm to work even closer with City staff and the broader community to search out best-fit users of Auchmar under City ownership.
- ❖ Be careful not to rush to sell Auchmar to a private entity. In the field of adaptive reuse, particularly when it comes to working with designated properties. A buyers' good intentions often fade under the tough realities of bringing a costly, complex and controversial asset to market.

The presentation provided by Richard Allen, Director at Large, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was received.

For disposition of the above matter, please refer to Item 5.

**(xiii) Diane Gower Dent, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.13)**

Diane Gower Dent, Friends of Auchmar, addressed Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)). Ms. Dent's comments included, but were not limited to, the following:



- ❖ Many of you present will remember that since 1999, when the City of Hamilton purchased the almost 10 acre Auchmar Estate, that many citizens have continually been advocating to keep Auchmar in public ownership; and, for the past four years more citizens of Hamilton and beyond have attended Friends of Auchmar meetings and have responded to the request to keep Auchmar in public ownership.
- ❖ To investigate recent local examples of adaptive-reuse, the Board of the Friends of Auchmar toured designated properties similar to Auchmar. The Bell-Gairdner Estate in Mississauga is a striking example of the feasibility of profitable restoration of a City owned heritage property.
- ❖ We encourage members of contact the Bell-Gairdner Estate restoration team and to tour this property, which is 14 acres – not much larger than Auchmar.
- ❖ Requests:
  - Since Auchmar is the only City owned heritage property on the Hamilton mountain, we request City Council and staff to continue to support public ownership of Auchmar, and to work toward a viable adaptive reuse.
  - We request that Auchmar remain in public ownership, in order to service as a resource with continued public access for the citizens of Hamilton and Ontario; and, to ensure strict monitoring of all heritage elements of the estate during the anticipated adaptive re-use.
  - We request that City Council direct the Culture and Tourism Division staff to continue the stabilization and restoration work obligated under the terms of the Heritage Conservation Easement; and, to maintain this heritage resources in a stable condition with annual, capital block funding.
  - We request that Council view Auchmar as a City asset, not solely through the lens of a City building, by creating a signature destination.
  - Create focal points for tourism between the Chedoke Radial Trail traversing the escarpment to Scenic Drive, to Auchmar, Sam Lawrence Park, to the Mountain Brow Park and the walking trail system.

- ❖ In conclusion, the Friends of Auchmar will continue to be stewards for Auchmar, this special place. We trust Councillors from other wards in the City of Hamilton know that for many years, many of us have supported and been advocates for the heritage buildings and park restorations in your wards. Please support Auchmar remaining in City ownership.

That the presentation provided by Diane Gower Dent, Friends of Auchmar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), be received.

For disposition of this matter, please refer to Item 5.

**(xiv) Robin McKee, Hamilton Mountain Heritage Society, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.14)**

Robin McKee, Hamilton Mountain Heritage Society, addressed Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)). Mr. McKee's comments included, but were not limited to, the following:

- ❖ I am hoping that Hamilton City Council will commit to keeping the entire Auchmar Estate in public ownership, decide upon the adaptive reuse, position the estate to be used frequently by the community at large, and enter into strategic partnerships to transact the vision.
- ❖ On the mountain, you have an architectural, cultural and historical gem in the Auchmar Estate. One which has immense value locally, regionally, provincially and federally.
- ❖ Auchmar is recognized by many as a signature piece of Hamilton's economic and military heritage, specifically as it relates to the accomplishments of the Honourable Isaac Buchanan.
- ❖ Auchmar Estate is not just a group of buildings, orchards and pre Confederation land, it is a social repository. There are stories intertwined with the estate. Most notable included Isaac Buchanan and his family, the birth of the 13<sup>th</sup> Battalion, the Young Family, the R.C.A.F. Burn Hospital, the Hungarian sisters of Social Service, and now, the City of Hamilton. Hopefully, their stories will continue to be told.
- ❖ View the Auchmar Estate as a destination – the Dundurn Castle on the mountain.

- ❖ It is our sincere hope that the Auchmar Estate, Hamilton Mountain's historical and architectural treasure with its manor house, stables, dovecote and walled gardens with its unique cultural landscape, will remain in the public ownership, in order to continue to serve as a resource for the citizens of Hamilton, Ontario and tourists from across Canada and the world.

The presentation provided by Robin McKee, Hamilton Mountain Heritage Society, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.14), was received.

For disposition of this matter above, please refer to Item 5.

Walter Bednar was added as a delegation and permitted to address Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) at the June 15, 2016 General Issues Committee meeting.

**(xv) Walter Bednar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)) (Item 6.15)**

Walter Bednar, addressed Committee respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)). Mr. Bednar's comments included, but were not limited to, the following:

- ❖ Auchmar must forever stay in the hands of the public.
- ❖ If Auchmar is sold to a private entity, they will be able to restrict the public from seeing or enjoying Auchmar.
- ❖ My family excitedly anticipates Open Doors every year so that we can visit the Auchmar Estate.
- ❖ The City has spent millions of dollars on the HSR Transit up in the area. The public will be able to easily get to Auchmar.

The presentation provided by Walter Bednar, respecting Item 8.1 - Auchmar Estate Operations Plan (PED12193(a)), was received.

For disposition of this matter, please refer to Item 5.

**(f) PRESENTATIONS (Item 7)**

**(i) Pool Enclosure By-law (PED13126(c)) (City Wide) (Item 7.1)**

Committee advised staff that the presentation respecting Report PED13126(c) – Pool Enclosure By-law was not required.

Staff was directed to amend the proposed Pool Enclosure By-law to remove the four-sided fence requirement and only require a fence around the backyard as per the current pool enclosure by-law;

The motion above CARRIED on the following Standing Recorded Vote:

Yeas:	Eisenberger, Whitehead, Skelly, Jackson, Conley, B. Johnson, L. Ferguson, R. Pasuta, J. Partridge
Total:	9
Nays:	Collins, Merulla, Farr, A. Johnson, Pearson
Total:	5
Absent:	Green, VanderBeek
Total:	2

**(ii) Ontario Drowning Report, 2015 Edition (Item 7.1(a))**

The Ontario Drowning Report, 2015 Edition was received.

**(g) DISCUSSION ITEMS (Item 8)**

**(i) Auchmar Estate Operations Plan (PED12193(a)) (Ward 8) (Item 8.1)**

(a) That Item 8.1, respecting Report PED12193(a), the Auchmar Estate Operational Plan, be amended by deleting sub-sections (c) and (d) in their entirety and replacing them with the following in lieu thereof; and

(b) That Item 8.1, respecting Report PED12193(a), the Auchmar Estate Operational Plan, be further amended by adding a new subsection (e) to read as follows:

~~(c) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to re-initiate investigation of any opportunity for the sale of Auchmar in accordance with Recommendations (b) through (f) in Report PED15072 of May 20, 2015, and any such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department;~~

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- ~~(d) That in the event no purchasers are identified as having met the terms in Recommendation (c) of this Report (PED12193(a)) after a period of one year, that Planning and Economic Development Department staff are directed to report to the General Issues Committee with a work plan and financing plan for the adaptive re-use of the Auchmar Estate.~~
- (c) That the Auchmar Estate and grounds remain in Public Ownership of the City of Hamilton;
- (d) That City staff in the Real Estate Section and the Planning & Economic Development Department be authorized and directed to explore a long-term lease or operating and management agreement, which is to include that capital repairs and maintenance be the financial responsibility of the lessee or the manager/operator, with any interested private parties; such as the Royal Hamilton Light Infantry XIII<sup>th</sup> Regiment Auchmar Trust or other not-for-profit organizations, and report back to the General Issues Committee on the progress toward that end in six months; and,
- (e) That, in the event no lessee or management and operations interest can be secured after a period of one year, Planning & Economic Development Department staff be directed to report to the General Issues Committee with a work plan for the adaptive reuse of the Auchmar Estate.

Item 8.1, respecting Report PED12193(a), the Auchmar Estate Operational Plan, was further amended by adding a new subsection (f) to read as follows:

- (f) That the presentation received by the Royal Hamilton Light Infantry XIII<sup>th</sup> Regiment Auchmar Trust, respecting the Reuse of Auchmar Estate, be referred to the Planning & Economic Development Department staff.

For disposition of this matter, please refer to Item 5.

- (i) **Correspondence from Viv Saunders, Lakewood Beach Community Council, respecting Item 8.2 – Capital Projects Work-on-Progress Report 16-004 (Item 8.2(a))**

The correspondence from Viv Saunders, Lakewood Beach Community Council, respecting Item 8.2 – Capital Projects Work-on-Progress Report 16-004, was received.

- (iii) **Postal Banking (FCS16052) (Outstanding Business Item) (Item 8.3)**

Report FCS16052, respecting Postal Banking, was TABLED in order for Councillor Green, who requested the report, is in attendance at the General Issues Committee.

- (iv) **Terms of Reference - Mayor's Intelligent Community Forum Task Force (PED16038(a)) (City Wide) (Item 8.5)**

As noted in the Changes to the Agenda, Report PED16038(a) - Mayor's Intelligent Community Task Force Terms of Reference was withdrawn from this agenda, as staff received additional information after the printing of the agenda. A new report will be coming forward to the July 4, 2016 General Issues Committee.

- (v) **Grants Sub-Committee Report 16-001, May 27, 2016 (to be distributed) (Item 8.10)**

Information Item (d)(a)(viii)(1.) of to the Grants Sub-Committee Report 16-002, which reads as follows, was lifted from the information section and added as Item 4 to the Grants Sub-Committee Report 16-002:

- (d) **2016 City Enrichment Funding Recommendations (GRA16005) (City Wide)**

- (a) ARTS:

- (viii) ART E-A Category: Emerging Artists Project

1. Margaret Flood - Emerging Artist Project (ART E-A1)

That the application for 2016 City Enrichment Program funding, in the amount of \$5,000, for the

Margaret Flood Emerging Artist Project (Some of my Parts) (ART E-A1), be denied.

Item 4 of the Grants Sub-Committee Report 16-002, was amended by deleting the word “denied” and replacing it with the word “approved”, to read as follows:

**4. Margaret Flood - Emerging Artist Project (ART E-A1)**

That application for 2016 City Enrichment Program funding, in the amount of \$5,000, for the Margaret Flood Emerging Artist Project (Some of my Parts) (ART E-A1), be ~~denied~~ **approved**.

For disposition of this matter, please refer to Item 14.

**(h) MOTIONS (Item 9)**

**(i) Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario (Item 9.2)**

- (a) That Item 9.2, being a motion respecting Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario, shown below, be TABLED to a Special General Issues Committee to be scheduled in October, 2016 following the release of the detailed LRT design information that will be presented at the Public Information Centres scheduled for September, 2016:

**9.2 Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario**

WHEREAS the Province of Ontario, in May 2015, announced \$1.0 billion in funding for Hamilton’s B-line (and north spur) Light Rail Transit (LRT) project which begins the implementation of the City of Hamilton’s rapid transit strategy;

WHEREAS the provincial funding covers 100% of the capital cost of the LRT project which includes investments to renew critical City infrastructure such as sidewalks, road surfaces, water and sewer lines along the LRT corridor;

WHEREAS the City of Hamilton has already entered into a Memorandum of Agreement with Metrolinx signaling the City's intent to work collaboratively with Metrolinx to fully implement the LRT project; and

WHEREAS it is acknowledged that the LRT project is one part of the City of Hamilton's broader transit strategy as outlined in the City's Rapid Ready report and Ten Year Transit Strategy.

THEREFORE BE IT RESOLVED:

That Hamilton City Council reaffirm the acceptance of the \$1.0 billion dollar investment in infrastructure and public transit that the Province of Ontario has provided for the express purpose of completing the LRT project; and,

(b) That the public and all interested stakeholders be advised of the Special General Issues Committee respecting the LRT, when the date has been confirmed.

**(ii) Correspondence from George O'Neill, CEO, Realtors Association of Hamilton-Burlington, respecting Item 9.2 a motion respecting the Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario Item 9.2(a))**

The correspondence from George O'Neill, CEO, Realtors Association of Hamilton-Burlington, respecting Item 9.2 a motion respecting the Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario, was received and referred to the Special GIC, respecting Light Rail Transit, in October 2016.

**(iii) An Open Letter from Past Mayors and Regional Chairs respecting Light Rail Transit (Item 9.2(b))**

The Open Letter from Past Mayors and Regional Chairs respecting Light Rail Transit, be received be received and referred to the Special GIC, respecting Light Rail Transit, in October 2016.



**(i) NOTICES OF MOTION (Item 10)**

Councillor Collins introduced the following Notice of Motion:

**(i) Ward 5 Tree Planting Program (Item 10.1)**

WHEREAS, hundreds of mature trees were lost as a result of Hydro One's recent clear cutting initiative on Hamilton Beach and through Red Hill Valley;

WHEREAS, Hydro One has offered \$20,000 in compensation for the Red Hill Valley clear cut, and \$10,000 for the Hamilton Beach corridor clear cut;

WHEREAS, the compensation from Hydro One falls far short from assisting the affected communities with a tree replanting program;

WHEREAS, the Hamilton Conservation Authority estimates \_\_\_ ash trees will be lost in Confederation Park to the Emerald Ash Boer Disease;

WHEREAS, it's estimated by the City's Forestry Department that Ward 5 will lose 815 ash trees, on public property, from the spread of the Emerald Ash Boer Disease;

WHEREAS, the Davis Creek Community Planning Team has requested the planting of least 2,000 trees in the neighbourhoods bounded by Red Hill Creek Valley, the escarpment, King Street East and Centennial Parkway; and,

WHEREAS, the Hamilton Beach Community Council has communicated their support for a tree planting program in their neighbourhood;

**THEREFORE BE IT RESOLVED:**

- (a) That \$400,000 be approved for a Ward 5 Tree Planting Program, to be funded from and allocated as follows:
  - (i) \$150,000 from the Hamilton Beach Reserve Account 108037 to be utilized to plant trees in the Hamilton Beach Community and Confederation Park; and,
  - (ii) \$250,000 from the Ward 5 Area Rating Reserve Account 108055 (\$125,000 in 2016 and \$125,000 in 2017) to be utilized to plant trees in other areas of the ward; and,
- (b) That the Tree Planting Program be administered by the City's Forestry Department, in consultation with the Joint Stewardship Board, local

community hubs, Neighbourhood Associations, businesses and individual residents

Councillor Farr introduced the following Notice of Motion:

**(ii) Rogers Hometown Hockey Event (Item 10.2)**

WHEREAS, hockey, and festivals contribute to a vibrant city;

WHEREAS, Rogers Hometown Hockey is a nationally televised public event designed to be a celebration of Canada's winter pastime and will include events intended to signify the Community's love of hockey, including activities, contests, autograph signings, and giveaways, connecting Hockey fans from coast to coast via remote broadcasts of the event from the Community;

WHEREAS, it has been requested that the City of Hamilton confirm its interest and desire to host the Rogers Hometown Hockey Event to be held during the 2016-2017 hockey season; and,

WHEREAS, the Rogers Hometown Hockey Event will provide an opportunity to showcase Hamilton nationally as Hamilton's hosted Rogers Hometown Hockey Festival will be featured on an hour-long televised broadcast, hosted by Ron McLean, on Sportsnet;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton confirm its interest in hosting the Rogers Hometown Hockey Event in the 2016-2017 hockey season;
- (b) That, if selected, the Mayor and City Clerk be authorized and directed to execute a Letter of Intent, a Letter of Agreement and all other ancillary documents necessary to host the Rogers Hometown Hockey, in a form satisfactory to the City Solicitor with content approved by the General Manager, Planning and Economic Development;
- (c) That Tourism and Culture staff be directed to establish a Local Organizing Committee comprised of City staff and community stakeholders to oversee the planning and implementation of the Rogers Hometown Hockey event;
- (d) That a budget up to \$50,000, to host the Rogers Hometown Hockey event in the 2016-2017 hockey season; to provide services that will include, but not be limited to: police, fire and EMS, equipment, and permits, to be funded from the Tax Stabilization Reserve (Account #110046), be approved; and,

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- (e) That City operational and staffing fees necessary to ensure the fulfillment of the City's obligations as outlined in the Letter of Agreement, such as, but not limited to, hanging street banners, staffing facilities, and recycling and cleaning services, be waived.

The Rules of Order were waived to allow for the introduction of a Motion respecting the Rogers Hometown Hockey Event.

For disposition of this matter, please refer to Item 1.

**(j) PRIVATE & CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes, May 18, 2016 (Item 12.1)**

As the General Issues Committee determined that discussion of the Closed Session Minutes of May 18, 2016 was not required, the Minutes were approved in Open Session as shown below:

- (a) The Closed Session Minutes of the May 18, 2016 General Issues Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the May 18, 2016 General Issues Committee will remain confidential.

Committee moved into Closed Session, respecting Item 12.2 – Report PED16138, LIUNA Downtown Construction Commitments; Item 12.3 - Report AUD16017, Whistleblower Matter; and, Item 12.4 - P3 Bio Solids Procurement Process, pursuant to Section 8.1, Sub-sections (b), (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (b), (c), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees; 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.

For disposition of these matters, please refer to Items 18, 19 and 20 respectively.

**(k) ADJOURNMENT (Item 13)**

There being no further business, the General Issues Committee adjourned at 6:57 p.m.

**CARRIED**

Respectfully submitted,

J. Farr, Deputy Mayor  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk