



GENERAL ISSUES COMMITTEE REPORT 18-009

9:30 a.m.

Wednesday, April 18, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with

Regrets: Councillor M. Green – Personal
Councillor D. Conley – Illness
Councillors A. VanderBeek, R. Pasuta, L. Ferguson – Other City Business

**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 18-009 AND
RESPECTFULLY RECOMMENDS:**

1. 2017 Municipal Tax Competitiveness Study (FCS18021) (City Wide) (Item 5.1)

That Report FCS18021, respecting the 2017 Municipal Tax Competitiveness Study, be received.

2. Canada Day – Operating Model (CM18010) (City Wide) (Item 5.2)

That Report CM18010, respecting the Canada Day Operating Model, be received.

**3. Barton Village Business Improvement Area (BIA) Revised Board of
Management (PED16081(c)) (Wards 2 and 3) (Item 5.3)**

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

- (i) Kate Penney

4. Use of City Resources during an Election Period Policy (CL18004) (City Wide) (Item 8.1)

That the use of City Resources during an Election Period Policy, attached as Appendix "A" to Report 18-009, be approved.

5. Public Transit Infrastructure Fund Phase Two (PTIF II) (FCS18048) (City Wide) (Item 8.2)

That Report FCS18048, respecting the Public Transit Infrastructure Fund Phase Two (PTIF II), be received.

6. 2018 Tax Policies and Area Rating (FCS18035) (City Wide) (Item 8.3)

(a) That the following optional property classes be continued for the 2018 taxation year:

- (i) Parking Lot and Vacant Land; and,
- (ii) Large Industrial;

(b) That, based on the 2018 final approved Tax Operating Budget, the following final tax ratios be established for the 2018 taxation year:

(i)	Residential	1.0000
(ii)	Multi-Residential	2.6342
(iii)	New Multi-Residential	1.0000
(iv)	Commercial (Residual)	1.9800
(v)	Parking Lot and Vacant Land	1.9800
(vi)	Industrial (Residual)	3.4115
(vii)	Large Industrial	4.0004
(viii)	Pipeline	1.7947
(ix)	Farm	0.1767
(x)	Managed Forest	0.2500
(xi)	Landfills	2.9696

(c) That the following tax reductions be established for the 2018 taxation year:

(i)	Excess Land Subclass (Residual Commercial)	30%
(ii)	Excess Land Subclass (Residual Industrial)	30%
(iii)	Vacant Land Subclass (Residual Industrial)	30%
(iv)	Excess Land Subclass (Large Industrial)	30%
(v)	Farmland Awaiting Development (1 st Subclass)	25%
(vi)	Farmland Awaiting Development (2 nd Subclass)	0%

- (d) That the existing Seniors' (65+) Tax Rebate Program be continued, with the following criteria updated for the 2018 taxation year:
 - (i) Income threshold (150% of GIS couple): \$35,300 (\$34,800 in 2017);
 - (ii) Assessment cap (120% of City-wide average): \$437,000 (\$409,200 in 2017); and,
 - (iii) Rebate (increased by the Consumer Price Index - CPI): \$190 (\$186 in 2017);
- (e) That the Deferral of Tax Increases for Seniors and Low Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued, with the following criteria updated for the 2018 taxation year:
 - (i) Income threshold (150% of GIS couple): \$35,300;
- (f) That the criteria for Full Tax Deferral Program for Seniors and Low Income Persons with Disabilities Program (Full Tax Deferral Program) be updated for the 2018 taxation year, as follows:
 - (i) Income threshold (150% of GIS couple): \$35,300; and,
 - (ii) Interest on deferred amounts: 5% compounded annually;
- (g) That the annual income threshold for the Full Tax Deferral Program be set on January of the taxation year, based on the latest data released by the Government of Canada for Old Age Security payment amounts;
- (h) That the existing 40% Tax Rebate for eligible charities and similar organizations be continued for the 2018 taxation year;
- (i) That the existing 100% Tax Rebate for veterans' clubhouses and legion halls be continued for the 2018 taxation year;
- (j) That the Multi-Residential property class be excluded from capping protection for 2018 and any subsequent years;
- (k) That, for the 2018 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial and Industrial property classes be set at the maximum allowable of 10% of previous year's Current Value Assessment (CVA) level taxes;

- (l) That, for the 2018 taxation year, any capped property in the Commercial and Industrial property classes that is within \$500 of its Current Value Assessment (CVA) taxes in 2018, be moved directly to its full Current Value Assessment (CVA) taxes;
- (m) That capping protection will be limited only to reassessment related changes, prior to 2017;
- (n) That the four-year capping phase-out program be initiated for the Commercial property class;
- (o) That vacant lands that are currently subject to capping protection be excluded from the phase-out eligibility criteria where all properties must be within 50% of CVA level taxes;
- (p) That, for the 2018 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for the new construction / new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;
- (q) That, for the 2018 taxation year, any property in the Commercial and Industrial property class, which paid full Current Value Assessment (CVA) taxes in 2017, no longer be eligible for capping protection in 2018 and future years;
- (r) That, for the 2018 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;
- (s) That, for the 2018 taxation year, the Area Rated Levies, be approved as identified in Appendix "A" to Report FCS18035 "2018 Tax Policies and Area Rating"; and,
- (t) That the City Solicitor and Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2018 taxation year.

7. Open for Business Sub-Committee Report 18-001 (Item 8.4)

- (a) **Outdoor Boulevard Café Process Improvement (PED18075) (City Wide) (Item 7.2)**
 - (i) That the Encroachment on City Property Policy, approved by City Council at its meeting of April 29, 2009, through Report PED09127 on the Hess Village Review, which required a patio layout plan to be approved to the satisfaction of the Manager of Development Planning

prior to approval of an Encroachment Agreement, be amended to only require a patio layout plan, if the patio construction also requires a Building Permit, as defined in the *Building Code Act*,

- (ii) That the General Manager of Public Works be authorized and directed to make any and all necessary changes to the existing Encroachment on City Property Policy, previously approved via Report PW11024, to remove the requirement for a minor site plan approval for patios that do not trigger a Building Permit requirement under the Ontario Building Code and to streamline the circulation process for applications for Encroachment Agreements for patios; and,
- (iii) That Legal Services be authorized to modify existing precedent agreements used in granting encroachments, including Outdoor Boulevard Cafés, where required, in accordance with the recommendations made in Recommendation (a) and (b) of Report PED18075.

8. Commercial Retail Outlets (Item 9.1)

WHEREAS, the City of Hamilton has approved new Commercial Mixed Use Zoning, pending the outcome of appeals, that contemplates residential and mixed use intensification within commercial uses, such as malls and plazas;

WHEREAS, new Secondary Plans, including the Centennial Neighbourhoods Secondary Plan, contemplate residential uses within Mixed Use Medium and Mixed Use High Density designations;

WHEREAS, the current review of the Growth Related Integrated Development Strategy (GRIDS) process will be identifying mixed use and higher residential intensification targets in certain corridors (e.g. major transit station areas);

WHEREAS, the City of Hamilton, through its Urban Official Plan and Zoning By-law 05-200, generally supports mixed use intensification of many commercial sites within existing urban areas;

WHEREAS, complete communities and sustainable growth recognize the importance in commercial mixed use areas; and,

WHEREAS, commercial models are changing and many precedents now exist wherein new residential, commercial and office uses have been sensitively integrated onto commercial sites;

THEREFORE BE IT RESOLVED:

That Economic Development staff be directed to consult with operators and owners of commercial properties, with respect to the new, expanded potential for residential and mixed use intensification within many existing commercial areas, such as shopping malls; to explore their interest in mixed use development; and, to identify if any further barriers remain to supporting this form of development.

9. Funding to Backfill an Administrative Staff Position in Ward 6 (Item 9.2)

WHEREAS, the 2018 Ward budgets do not reflect funding required to backfill for administrative staff collecting Short Term Disability benefits; and,

WHEREAS, Ward 6 is being faced with the requirement to backfill an administrative staff position for a temporary, but extended length of time during 2018.

THEREFORE BE IT RESOLVED:

That funding from the General Legislative Budget (300100), to an upset limit of \$13,000, be approved to backfill the administrative staff position in Ward 6 during a temporary, short-term Disability absence in 2018.

10. Funding to Backfill an Administrative Staff Position in Ward 8 (Item 9.3)

WHEREAS, the 2018 Ward budgets do not reflect funding required to backfill for administrative staff collecting Short Term or Long Term Disability benefits; and,

WHEREAS, Ward 8 is being faced with the requirement to backfill an administrative staff position for an extended length of time during 2018;

THEREFORE BE IT RESOLVED:

That funding, first from the General Legislative Budget (300100) to an upset limit of \$12,000 and then from the Tax Stabilization Reserve (110046) to an upset limit of \$22,000, be approved to fund the backfilling costs incurred by Ward 8, as a result of an absence during 2018.

11. Residential Municipal Relief Assistance Program for Basement Flooding for the Weather Event of April 14 and 15, 2018 (City Wide) (Item 9.4)

- (a) That for the purpose of invoking the Residential Municipal Relief Assistance Program for Basement Flooding, City Council declare the rainstorm event of April 14 and 15, 2018, as a "Disaster" for all affected properties within the City of Hamilton;

- (b) That payment of claims be based on compassionate grounds only and not to be construed as an admission of liability on the part of the City of Hamilton;
- (c) That the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program, as previously approved in Report FCS06007, be applied;
- (d) That the costs associated with these claims be funded from the Storm Sewer Reserve (108010); and,
- (e) That staff be authorized, if required, to retain an independent adjuster for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the Storm Sewer Reserve (108010).

12. Additional Funding Requirement for the Mount Hope Park Project (Item 9.5)

WHEREAS, the following motion was passed at the October 25, 2017 City Council meeting:

Mount Hope Park Project (Item 9.2)

WHEREAS, staff were directed to negotiate with the contractor, Caird-Hall Construction Inc., to expedite the spray pad development at the Mount Hope Park in order to prevent the Ministry of Labour deeming the City of Hamilton the Constructor; and,

WHEREAS, the negotiations did not result in the anticipated economies of scale and the costs proposed by the contractor were not to the satisfaction of the General Manager of Public Works; and,

WHEREAS, the demolition of the existing ancillary building at the Mount Hope Park is already included in the scope of work for the Mount Hope Hall Renovations project; and,

WHEREAS, the quote from Caird-Hall Construction Inc. for the demolition of the existing ancillary building at the Mount Hope Park meets the satisfaction of the General Manager of Public Works,

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to proceed with the tender of the spray pad and play area projects at the Mount Hope Park under the normal procurement processes through a public tender; and,

- (b) That staff be directed to proceed with the demolition of the ancillary building at the Mount Hope Park, with the work to be completed by Caird-Hall Construction Inc., as approved through Item 18 of Report 17-007 of the Public Works Committee and attached as Appendix “A” to PW Report 17-012.

WHEREAS, the Mount Hope Park project was tendered and the lowest compliant bid is \$355,000 over available funds in the Mount Hope Project id; and,

WHEREAS, the Mount Hope Park development will provide needed community-level park amenities to the Mount Hope Community;

THEREFORE BE IT RESOLVED:

- (a) That a \$355,000 Capital budget increase, for the additional funding required for the Mount Hope Park project, to be funded as follows: \$140,000 from Capital Project #4401656605 Upper Stoney Splash Pad (appropriation – levy funded), and \$215,000 Development Charges (Parkland Development DC Reserves), be approved;
- (b) That the parkland development Capital Block amount be reduced by \$135,000 for 2019 (as the Mount Hope Park development project was included as a 2019 Capital Project and will now be deleted); and,
- (c) That staff be directed to include the Mount Hope Community Park in the 2019 Development Charge study.

13. Provincial Investments for Affordable Housing Initiatives under the Province's Affordable Housing Lands Program (PAHLP) (Item 9.6)

WHEREAS, in early 2017, Infrastructure Ontario began working with the Ministry of Finance, the Ministry of Housing and the Ministry of Infrastructure on the design of the Provinces Affordable Housing Lands Program; otherwise known as the PAHLP;

WHEREAS, the PAHLP was one of the measures included in the governments fair housing planning announcement, as a program to leverage the value of surplus provincial land assets across the Province to develop a mix of market housing with new, permanent, affordable and sustainable housing; and,

WHEREAS, the PAHLP program is being rolled out in a phased approach across Ontario, with the first three projects being identified in the city of Toronto;

THEREFORE BE IT RESOLVED:

That the City of Hamilton request that Infrastructure Ontario and the Provincial government investigate properties that they own, within the city of Hamilton, to ensure that Hamilton receives provincial investments for affordable housing initiatives under the PAHLP program.

14. Stadium Litigation Update (CM18011/LS18015) (City Wide) (Item 12.2)

That Report CM18011/LS18015, including the recommendations contained therein and the appendix, respecting the Stadium Litigation remain confidential and not be released as a public document.

15. Potential Acquisition of Former Hamilton Psychiatric Hospital Lands (Ward 8) (PED16254(c)) (Item 12.3)

That Report PED16254(c), respecting the Potential Acquisition of Former Hamilton Psychiatric Hospital Lands, remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. PUBLIC HEARINGS/DELEGATIONS (Item 6)

- 6.1 Brian G. Buckle, 13th Battalion Auchmar Heritage Trust, to present and read an open letter to the City, on behalf of the Auchmar Trust, regarding Auchmar House and Clairmont Park (no copy)

The delegate has withdrawn his request.

2. DISCUSSION ITEMS (Item 8)

- 8.1 Use of City Resources during an Election Period Policy (CL18004) (City Wide)

Appendix "A" to Report CL18004 has been revised to reflect the City's Boards.

- 8.3 Advisory Committee for Persons with Disabilities Report 18-003, March 13, 2018

Table 1 on page 4 of 14 has been revised to reflect the correct numbers.

- 8.4 Open for Business Sub-Committee Report 18-001, March 27, 2018

3. NOTICES OF MOTION (Item 10)

- 10.1 Funding to Backfill and Administrative Position in Ward 6
- 10.2 Funding to Backfill and Administrative Position in Ward 8
- 10.3 Residential Municipal Relief Assistance Program for Basement Flooding for the Weather Event of April 14 and 15, 2018 (City Wide)
- 10.4 Additional Funding Requirement for the Mount Hope Park Project

4. PRIVATE & CONFIDENTIAL (Item 12)

- 12.1 Closed Session Minutes – April 4, 2018

This item has been withdrawn from the agenda, as Committee did not move into Closed Session on that date.

The agenda for the April 18, 2018 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS (Item 3)

(i) April 4, 2018 (Item 3.1)

The Minutes of the April 4, 2018 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

- (i) Viv Saunders respecting the Use of Municipal Resources during a Municipal Election (Item 4.1)**

This delegation request was withdrawn.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 6)

- (i) G. Buckle, 13th Battalion Auchmar Heritage Trust, to present and read an open letter to the City on behalf of the Auchmar Trust regarding Auchmar House and Clairmont Park (For April 18, 2018) (Item 6.1)**

This delegation was withdrawn.

(f) NOTICES OF MOTION (Item 10)

- (i) Funding to Backfill an Administrative Staff Position in Ward 6 (Item 10.1)**

Councillor T. Jackson introduced a Notice of Motion respecting funding to backfill an administration staff position in Ward 6.

The Rules of Order were waived to allow for the introduction of a Motion respecting funding to backfill an administration staff position in Ward 6.

For disposition of this matter, please see Item 9.

- (ii) Funding to Backfill an Administrative Staff Position in Ward 8 (Item 10.2)**

Councillor T. Whitehead introduced a Notice of Motion respecting funding to backfill an administration staff position in Ward 8.

The Rules of Order were waived to allow for the introduction of a Motion respecting funding to backfill an administration staff position in Ward 8.

For disposition of this matter, please see Item 10.

(iii) Residential Municipal Relief Assistance Program for Basement Flooding for the Weather Event of April 14 and 15, 2018 (Item 10.3)

Councillor M. Pearson introduced a Notice of Motion respecting the Residential Municipal Relief Assistance Program for Basement Flooding for the Weather Event of April 14 and 15, 2018.

The Rules of Order were waived to allow for the introduction of a motion respecting Residential Municipal Relief Assistance Program for Basement Flooding for the Weather Event of April 14 and 15, 2018 (City Wide).

For disposition of this matter, please see Item 11.

(iv) Additional Funding Requirement for the Mount Hope Park Project (Item 10.4)

Councillor B. Johnson introduced a Notice of Motion respecting the Additional Funding Requirement for the Mount Hope Park Project.

The Rules of Order were waived to introduce a Motion respecting Additional Funding Requirement for the Mount Hope Park Project.

For disposition of this matter, please see Item 12.

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

(i) Amendments to the Outstanding Business List (Item 11.1)

The following amendment to the General Issues Committee's Outstanding Business List, was approved:

(a) Proposed New Due Date:

- (i) Open Government: Access to Information for City of Hamilton
Funded Boards and Agencies
Current Due Date: April 18, 2018
Proposed New Due Date: June 6, 2018**

(ii) Damage from the April 14 and 15, 2018 Weather Event

Councillor Skelly asked staff about the damage to the Pier (break walls and docks) and the warranty coverage that may be available for repairs or replacement.

Councillor J. Farr noted that the storm also damaged the Royal Hamilton Yacht Club and is asking staff how it may be possible to repair the area before their event in May.

Staff are to report back with respect to both Councillors Skelly and Farr's questions and concerns respecting the damage from the April 14 and 15, 2018 weather event.

Councillor Collins also spoke to the trail damage along the lake and outstanding West Harbour area repairs; noting that he will be bringing forward a Motion respecting those matters to a future meeting.

(h) PRIVATE & CONFIDENTIAL (Item 12)

Committee moved into Closed Session respecting Items 12.2 and 12.3, pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(i) Stadium Litigation Update (CM18011/LS18015) (Item 12.2)

Staff was provided with direction in Closed Session.

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

(ii) Potential Acquisition of Former Hamilton Psychiatric Hospital Lands (PED16254(c)) (Ward 8) (Item 12.3)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 15.

(i) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 11:55 a.m.

Respectfully submitted,

J. Partridge, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk