



GENERAL ISSUES COMMITTEE REPORT 18-015

9:30 a.m.
Monday, July 9, 2018
Council Chambers
Hamilton City Hall
71 Main Street West

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

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 18-015 AND RESPECTFULLY RECOMMENDS:

1. Cannabis Legislation and Human Resources Implications (HUR18011) (City Wide) (Item 5.2)

That Report HUR18011, respecting Cannabis Legislation and Human Resources Implications, be received.

2. Cannabis Dispensaries (PED18141) (City Wide) (Item 5.3)

That Report PED18141, respecting Cannabis Dispensaries, be received.

3. Our Citizen Survey: 2018 Summary of Results (CM18016) (City Wide) (Item 7.2)

That Report CM18016, respecting the Our Citizen Survey: 2018 Summary of Results, be received.

4. Downtown Entertainment Assets Operating Agreements (CM18013) (City Wide) (Item 7.3(b))

- (a) That a 6-month extension of the existing Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum), which is set to expire on December 31, 2018, be approved;

- (b) That a 6-month extension of the existing Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen's Group), which is set to expire on December 31, 2018, be approved;
- (c) That the Mayor and the City Clerk be authorized and directed to execute any documents required to give effect to a 6-month extension to the Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum);
- (d) That the Mayor and the City Clerk be authorized and directed to execute any documents required to give effect to a 6-month extension to the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen's Group);
- (e) That staff be directed to invite Global Spectrum to submit two proposal(s):
 - (i) A 5-year extension of the existing Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P.; and,
 - (ii) A second proposal which also includes the scope of work outlined in the Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd. (Carmen's Group);
- (f) That staff be directed to invite Carmen's Group to submit two proposals:
 - (i) A 5-year extension of the existing Facility Operating Agreement between the City of Hamilton, the Hospitality Centre Corporation and Mercanti Banquet & Convention Centre Ltd.; and,
 - (ii) A second proposal which also includes the scope of work outlined the Management Agreement between the City of Hamilton and Global Spectrum Facility Management, L.P. (Global Spectrum);
- (h) That staff be directed to evaluate any proposal(s) the City receives using the criteria and methodology used by KPMG during the HECFI review and outlined in Appendix "A" and report back to General Issues Committee with a staff recommendation on how best to proceed with the management of these entertainment assets;

- (j) That a contribution to an upset limit of \$100,000 from the Tax Stabilization Reserve (#110046) be used to fund an independent third-party review of the staff recommendation.

5. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 107 MacNab Street North, Hamilton - ERG18-02 (PED18131) (Ward 2) (Item 8.1)

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application - ERG-18-02, submitted by City and Company Inc. (Bryan Dykstra), owner of the property at 107 MacNab Street North, Hamilton, for an Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant not to exceed \$784,074 for the actual cost of the remediation and eligible program costs over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the ERASE Redevelopment Agreement, together with any ancillary documentation required, respecting the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application - ERG-18-02, submitted by City and Company Inc. (Bryan Dykstra), owner of the property at 107 MacNab Street North, Hamilton, for an Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, respecting the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application - ERG-18-02, submitted by City and Company Inc. (Bryan Dykstra), owner of the property at 107 MacNab Street North, Hamilton, for an Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant provided that the terms and conditions of the ERASE Redevelopment Grant (ERG), as approved by City Council, are maintained.

6. City of Hamilton Estimated Costs for Implementation of Cannabis Legalization (FCS18052) (City Wide) (Item 8.3)

That Report FCS18052, respecting the City of Hamilton Estimated Costs for Implementation of Cannabis Legalization, be received.

7. Funding for Hamilton Heritage Property Grant Program and Extension of Other Financial Incentive Programs (PED18162) (City Wide) (Item 8.4)

- (a) That the amended Barton-Kenilworth Commercial Corridor Building Improvement Grant Program (BKCCBIGP) as set out as Appendix "A" in Report 18-015, be enacted;
- (b) That the amended Barton-Kenilworth Tax Increment Grant Program (BKTIGP), as set out in Appendix "B" to Report 18-015, be enacted;
- (c) That the Hamilton Heritage Conservation Grant Program (HHCGP) as set out in Appendix "C" to Report 18-015 be deemed to have been extended from April 9, 2017 and that all applications approved by staff subsequent to April 9, 2017, be retroactively approved;
- (d) That funding for the Barton-Kenilworth Commercial Corridor Building Improvement Grant Program (BKCCIGP) and the Hamilton Heritage Conservation Grant Program (HHCGP) be considered as part of the 2019 Capital Budget process; and,
- (e) That funds, in an amount not to exceed a total of \$900,000, be transferred, as required, to the Hamilton Heritage Property Grant Capital Project Account No. 8201641800 to process and fund the applications received to-date as well as additional applications anticipated in 2018, to be funded as follows:
 - (i) Economic Development Investment Fund Reserve Account No. 112221 in an amount not to exceed \$200,000;
 - (ii) Economic Development Initiatives Capital Project Account No. 3621708900 in an amount not to exceed \$100,000;
 - (iii) Downtown Hamilton Residential Loan Program Reserve Account No. 108036 in an amount not to exceed \$250,000;
 - (iv) Community Heritage Fund Loan Reserve Account No. 102049 in an amount not to exceed \$50,000;
 - (v) Barton Kenilworth Rebate Project Account No. 8201703701 in an amount not to exceed \$100,000;
 - (vi) King Street West Business Improvement Area (BIA) Gateway Project Account No. 8201703707 in an amount not to exceed \$137,549.59;
 - (vii) 2016 Commercial Property Improvement Grant (CPIG) Project Account No. 8201603510 in an amount not to exceed \$46,410; and,

- (viii) Hamilton Technology Centre Capital Project Account No. 8121741301 in an amount not to exceed \$16,040.41.

8. Temporary Delegated Authority-Financial Incentive Programs Administered by Urban Renewal Section and Real Estate Transactions (PED18135) (City Wide) (Item 8.5)

- (a) That, notwithstanding the delegation powers provided as found in the following by-laws:
- (i) By-law 10-052 enacts a By-law to delegate authority to the General Manager, Planning and Economic Development Department, for certain grants and loans under the Downtown and Community Renewal Community Improvement Plan and the following amendments to it:
- (1) By-law 11-274 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to also approve grants under the Gore Building Improvement Grant Program and the Commercial Façade Property Improvement Grant Program;
- (2) By-law 14-085 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to approve grants under the Hamilton Heritage Conservation Grant Program;
- (3) By-law-16-127 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to approve grants under the Barton/Kenilworth Commercial Corridor Building Improvement Grant Program; and,
- (4) By-law 17-142 amends By-law 10-052 authorizing the General Manager of the Planning and Economic Development Department to approve rebates under the Barton/Kenilworth Planning and Building Fee Rebate Program;

the General Managers of Corporate Services Department, and Planning and Economic Development Department, be authorized to approve loans/grants under the following Financial Incentive Programs administered by the Urban Renewal Section on a temporary basis from October 1, 2018 until the inaugural meeting of the newly elected Council:

- (i) Hamilton Downtown Barton and Kenilworth Multi-Residential Property Investment Program;
 - (ii) Hamilton Tax Increment Grant Program;
 - (iii) Office Tenancy Assistance Program;
 - (iv) Commercial Corridor Housing Loan and Grant Program;
 - (v) Hamilton Community Heritage Fund Loan Program;
 - (vi) ERASE Redevelopment Grant Program;
 - (vii) LEED Grant Program;
 - (viii) Downtown Hamilton/West Harbourfront Remediation Loan Program; and,
 - (ix) Barton Kenilworth Tax Increment Grant Program;
- (b) That the City Manager, in cooperation with the General Manager of the Planning and Development Department and the General Manager of Finance and Corporate Services Department, be authorized to approve real estate transactions that have values in excess of existing delegations (\$250 K) on a temporary basis from October 1, 2018, until the inaugural meeting of the newly elected Council, subject to any transaction being in conformity with the City's Portfolio Management Strategy and confirmation of an approved budget by the General Manager of Finance and Corporate Services Department for any acquisition;
- (c) That the City Manager and the City Clerk be appointed as the authorized signing officers for the City of Hamilton for approved real estate transactions that have values in excess of existing delegations (\$250 K) on a temporary basis from October 1, 2018 until the inaugural meeting of the newly elected Council; and,
- (d) That staff of the Planning and Economic Development Department, Economic Development Division, be directed to report back to the newly elected Council, through the General Issues Committee, in February 2019 on details of the financial incentives that were approved by the General Managers of the Finance and Corporate Services Department, Planning and Economic Development Department and real estate transactions approved by the City Manager.

9. Waiver of City Facility and Park Rental Fees for 2019 Winterfest Events (Item 9.1)

WHEREAS, Winterfest is a community-driven event that is funded by the City of Hamilton;

WHEREAS, community Winterfest event organizers are mostly volunteers with access to minimal budgets; and,

WHEREAS, the City of Hamilton would like to encourage broad community participation in the 2019 Winterfest events;

THEREFORE, BE IT RESOLVED:

That all City facility and park rental fees for community organizers, for the 2019 Winterfest events, be waived.

10. Objection to Consideration of Licensed Cannabis Producer Status for 286/288 Green Mountain Road and 398 Upper Centennial Parkway, Stoney Creek (Item 9.2)

WHEREAS, the properties known as 286/288 Green Mountain Road and 398 Upper Centennial Parkway, Stoney Creek, are currently operating and or applying to operate as a marijuana growing and or harvesting facility;

WHEREAS, these properties do not meet the Health Canada regulation set back of 150 meters from 'sensitive uses' of which, in this case, are residential homes; and,
WHEREAS, the odour, property conditions and operations of these properties have a negative impact and affect the quality of life for the local neighbouring residents;

THEREFORE, BE IT RESOLVED:

That the City of Hamilton advise Health Canada, in writing, that the City of Hamilton does not support 286/288 Green Mountain Road or 398 Upper Centennial Parkway, Stoney Creek, being considered or granted "Licensed Producer" status.

11. Acquisition of 194 First Road West for Extension of Lormont Boulevard (PED18163) (Ward 9) (Item 12.2)

- (a) That an Option to Purchase between the City of Hamilton and Rosa Elmer, scheduled to close on or before August 16, 2018, for the purchase of land described as Part of Lot 26, Concession 7, former Twp. of Saltfleet, Municipally known as 194 First Road West, shown in Appendix "A" to Report PED18163, based substantially on the financial details set out in Appendix "B" of Report PED18163, and on such other terms and conditions deemed

appropriate by the General Manager of the Planning and Economic Development Department, be approved and completed;

- (b) That the City Solicitor be authorized and directed to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, and other dates, and amending and waiving terms and conditions to such terms as considered reasonable, as it relates to the Option to Purchase between the City of Hamilton and Rosa Elmer, scheduled to close on or before August 16, 2018, for the purchase of land described as Part of Lot 26, Concession 7, former Twp. of Saltfleet, Municipally known as 194 First Road West;
- (c) That the Mayor and City Clerk be authorized to execute any necessary documents, respecting the Option to Purchase between the City of Hamilton and Rosa Elmer, scheduled to close on or before August 16, 2018, for the purchase of land described as Part of Lot 26, Concession 7, former Twp. of Saltfleet, municipally known as 194 First Road West, in a form satisfactory to the Solicitor; and,
- (d) That the Report PED18163, respecting the Acquisition of 194 First Road West, Hamilton and its appendices remain confidential until completion of the real estate transaction.

12. Lease Negotiations - Phase 1, Jackson Square Ground Lease (PED18126/LS18036) (Ward 2) (Item 12.3)

That Report PED18126/LS18036, respecting the Lease Negotiations of Phase 1, Jackson Square, remain confidential and until completion of the Real Estate transaction.

13. Expropriation of 55 Queenston Road (City Motor Hotel) - Proposed Partial Settlement (LS12009(d)) (Ward 4) (Item 12.4)

- (a) That Report LS12009(d), respecting the Expropriation of 55 Queenston Road (City Motor Hotel) - Proposed Partial Settlement, remain confidential; and,
- (b) That, upon execution by all of the parties, the Minutes of Settlement, attached as Appendix "A" to Report LS12009(d), be released as a public document.

14. Property Acquisition to Support the Transit Maintenance and Storage Facility (PW18045(a)) (Ward 3) (Item 12.5(a))

- (a) That Report PW18045(a), respecting the Property Acquisition to Support the Transit Maintenance and Storage Facility, be referred to the July 13, 2018 meeting of Council, pending additional information to be brought forward to Council; and,
- (b) That That Report PW18045(a), respecting the Property Acquisition to Support the Transit Maintenance and Storage Facility remain confidential until completion of the real estate transaction.

15. Property Acquisition to Support the Transit Maintenance and Storage Facility (PED18115/PW18045) (Item 12.5(b))

That Report PED18115/PW18045, respecting a Property Acquisition to Support the Transit Maintenance and Storage Facility, be received.

16. Hamilton Tiger-Cats Soccer at Tim Hortons Field (PW18066) (City Wide) (Item 12.6)

That Report PW18066, respecting Hamilton Tiger-Cats Soccer at Tim Hortons Field, remain confidential until such time as an agreement is executed by all parties.

17. Parking System Upgrade (PED17224(a)/LS17037(a)) (City Wide) (Item 12.7)

- (a) That the recommendations contained within Report PED17224(a)/LS17037(a), be approved and remain private and confidential until approved by Council; and,
- (b) That Report (PED17224(a)/LS17037(a)), respecting a Parking Systems Upgrade, remain confidential.

18. Waste Management System Development – Materials Recycling Facility Operations Contract (PW16059(d)) (City Wide) (Item 12.8)

- (a) That Report PW16059(d), respecting the Waste Management System Development – Materials Recycling Facility Operations Contract, be received; and,
- (b) That Report PW16059(d), respecting the Waste Management System Development – Materials Recycling Facility Operations Contract remain confidential in its entirety, with the exception of sub-sections (b), (c) and (d) which may be released at such time as a final agreement has been fully executed by all parties.

19. Ward 7 Vacant Seat Coverage (LS18043) (Ward 7) (Item 12.9)

That Report LS18043, respecting Ward 7 Vacant Seat Coverage remain confidential.

FOR INFORMATION:

(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 Larry Di Ianni, Global Spectrum, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements
- 4.2 PJ Mercanti, Scott Warren, Joe Mercanti, Tom Paquette and Jasper Kujavsky, the Carmen's Group, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements
- 4.3 Riley O'Connor, Live Nation Entertainment, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements

2. CONSENT ITEMS (Item 5)

- 5.3 Cannabis Dispensaries (PED18141) (City Wide)

3. PRESENTATIONS (Item 7)

- 7.3(a) Correspondence from PJ Mercanti, CEO, Carmen's Group, respecting the Future Management of Hamilton's Downtown Entertainment Venues (Referred to GIC by Council at its meeting of June 17, 2018)

Recommendation: Be received and referred to the consideration of Item 7.3(b) – Report CM18013, Downtown Entertainment Assets Operating Agreements.

4. DISCUSSION ITEMS (Item 8)

- 8.2 Downtown Entertainment Assets Operating Agreements (CM18013) (City Wide)

As there is now a staff presentation to accompany this report, the matter has been moved to Item 7.3(b).

- 8.5 Temporary Delegated Authority-Financial Incentive Programs Administered by Urban Renewal Section and Real Estate Transactions (PED18135) (City Wide)

5. PRIVATE & CONFIDENTIAL (Item 12)

- 12.7 Parking System Upgrade (PED17224(a)/LS17037(a)) (City Wide)

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.

- 12.8 Waste Management System Development – Materials Recycling Facility Operations Contract (PW16059(d)) (City Wide)

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), (f), (i) and (k) 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; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- 12.9 Ward 7 Vacancy Coverage (LS18043) (Ward 7)

Pursuant to Section 8.1, Sub-sections (b), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (b), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City Employees; 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.

12.10 Service Contract (no copy)

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City Employees.

The agenda for the July 9, 2018 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Mayor F. Eisenberger declared an interest to Item 5.2, respecting Report HUR18011, Cannabis Legislation and Human Resources Implications, as his family has an interest in a legal marijuana grow operation.

Mayor F. Eisenberger declared an interest to Item 5.3, Report PED18141, Cannabis Dispensaries, as his family has an interest in a legal marijuana grow operation.

Mayor F. Eisenberger declared an interest to Item 8.3, Report FCS18052, City of Hamilton Estimated Costs for the Implementation of Cannabis Legislation, as his family has an interest in a legal marijuana grow operation.

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

(i) June 20, 2018 (Item 3.1)

The Minutes of the June 20, 2018 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Larry Di Ianni, Global Spectrum, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements (Item 4.1)

The delegation request, submitted by Larry Di Ianni, Global Spectrum, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements, was approved to appear before the General Issues Committee on July 9, 2018.

- (ii) PJ Mercanti, Scott Warren, Joe Mercanti, Tom Paquette and Jasper Kujavsky, the Carmen's Group, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements (Item 4.2)**

The delegation request submitted by PJ Mercanti, Scott Warren, Joe Mercanti, Tom Paquette and Jasper Kujavsky, of the Carmen's Group, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements, was approved to appear before the General Issues Committee on July 9, 2018.

- (iii) Riley O'Connor, Live Nation Entertainment, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements (Item 4.3)**

The delegation request submitted by Riley O'Connor, Live Nation Entertainment, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements, was approved to appear before the General Issues Committee on July 9, 2018.

(e) CONSENT ITEMS (Item 5)

- (i) Business Improvement Area Advisory Committee Minutes, May 8, 2018 (Item 5.1)**

The May 8, 2018 Minutes of the Business Improvement Area Advisory Committee were received.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 6)

- (i) Eileen Higdon, Hamilton Fringe Festival, to Promote the Hamilton Fringe Festival (Item 6.1)**

Eileen Higdon, of the Hamilton Fringe Festival, addressed Committee provided a verbal presentation promoting the 2018 Hamilton Fringe Festival.

The presentation provided by Eileen Higdon, of the Hamilton Fringe Festival, respecting the 2018 Hamilton Fringe Festival, was received.

A copy of the handout provided by Eileen Higdon, of the Hamilton Fringe Festival, is available on-line or through the Office of the City Clerk.

(ii) Larry Di Ianni and Tim Murphy, Global Spectrum, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements (Item 6.2)

Larry Di Ianni and Tim Murphy addressed Committee and provided a verbal presentation, on behalf of Global Spectrum, respecting the Downtown Entertainment Assets Operating Agreements.

The presentation provided by Larry Di Ianni and Tim Murphy, on behalf of Global Spectrum, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements, was received.

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

(iii) PJ Mercanti, Scott Warren, Joe Mercanti, Tom Paquette and Jasper Kujavsky, the Carmen's Group, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements (Item 6.3)

PJ Mercanti, Scott Warren, Joe Mercanti, Tom Paquette and Jasper Kujavsky, of the Carmen's Group, addressed Committee and provided a verbal presentation respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements.

The presentation provided by PJ Mercanti, Scott Warren, Joe Mercanti, Tom Paquette and Jasper Kujavsky, of the Carmen's Group, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements, was received.

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

(iv) Riley O'Connor, Live Nation Entertainment, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements (Item 6.4)

Riley O'Connor, Live Nation Entertainment, addressed Committee and provided a verbal presentation respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements.

The presentation provided by Riley O'Connor, Live Nation Entertainment, respecting Report CM18013 - Downtown Entertainment Assets Operating Agreements, was received.

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

As the delegates were present for Items 7.3(a) – correspondence from PJ Mercanti, CEO, Carmen's Group, respecting the Future Management of Hamilton's Downtown Entertainment Venues; and, 7.3(b) – Report CM18013, Downtown Entertainment Assets Operating Agreements, it was requested that those items be moved up on the agenda to be addressed before Item 7.1.

The Motion requesting to move Items 7.3(a) – correspondence from PJ Mercanti, CEO, Carmen's Group, respecting the Future Management of Hamilton's Downtown Entertainment Venues; and, 7.3(b) – Report CM18013, Downtown Entertainment Assets Operating Agreements, up on the agenda to be addressed before Item 7.1, were withdrawn.

(g) STAFF PRESENTATIONS (Item 7)

(i) Advisory Committee for Persons with Disabilities Report 18-006 (Item 7.1)

Mary Sinclair and other members of the Advisory Committee for Persons with Disabilities addressed Committee and provided a PowerPoint respecting a Guide to Finding Housing in Hamilton for Persons with Disabilities.

The presentation provided by members of the Advisory Committee for Persons with Disabilities, respecting a Guide to Finding Housing in Hamilton for Persons with Disabilities, was received.

WHEREAS, a Special General Issues Committee has been scheduled for September 11, 2018 to consider the financial implications that the *Accessibility for Ontarians with Disabilities Act* (AODA) has on the City of Hamilton;

WHEREAS, the Advisory Committee for Persons with Disabilities is charged with the responsibilities related to accessibility issues for persons with disabilities in the city of Hamilton; and,

WHEREAS, on July 9, 2018, the Advisory Committee for Persons with Disabilities provided a presentation to the General Issues Committee respecting a Guide to Finding Housing in Hamilton for People with Disabilities;

THEREFORE, BE IT RESOLVED:

The Guide to Finding Housing in Hamilton for People with Disabilities, presented by the Advisory Committee for Disabilities, was referred to staff for the appropriate assessment and a report back to the Special General Issues Committee meeting, scheduled for September 11, 2018, where the

implications of the *Accessibility for Ontarians with Disabilities Act* (AODA) are being discussed.

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

(ii) Our Citizen Survey: 2018 Summary of Results (CM18016) (City Wide) (Item 7.2)

Report CM18016, respecting the Our Citizen Survey: 2018 Summary of Results, was lifted from the TABLE.

John Hertel and Brigitte Minard, addressed Committee and provided a PowerPoint presentation respecting Report CM18016, the Our Citizen Survey: 2018 Summary of Results.

The presentation respecting Report CM18016, the Our Citizen Survey: 2018 Summary of Results, was received.

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

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

(iii) Correspondence from PJ Mercanti, CEO, Carmen's Group, respecting the Future Management of Hamilton's Downtown Entertainment Venues (Item 7.3(a))

The correspondence from PJ Mercanti, CEO, Carmen's Group, respecting the Future Management of Hamilton's Downtown Entertainment Venues, was received.

(iv) Downtown Entertainment Assets Operating Agreements (CM18013) (City Wide) (Item 7.3(b))

John Hertel and Ryan McHugh addressed Committee and provided a PowerPoint presentation respecting Report CM18013, Downtown Entertainment Assets Operating Agreements.

The presentation, respecting Report CM18013, Downtown Entertainment Assets Operating Agreements, was received.

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

The Main Motion CARRIED on the following Standing Recorded Vote:

Yeas: D. Conley, M. Pearson, B. Johnson, J. Partridge, F. Eisenberger,
C. Collins, S. Merulla, J. Farr, A. Johnson, L. Ferguson
Total: 10
Nays: M. Green
Total: 1
Absent: R. Pasuta, A. VanderBeek, T. Whitehead, T. Jackson
Total: 4

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

(h) DISCUSSION ITEMS (Item 8)

(i) Funding for Hamilton Heritage Property Grant Program and Extension of Other Financial Incentive Programs (PED18162) (City Wide) (Item 8.4)

Sub-section (e) of Report PED18162, respecting Further Funding of Hamilton Heritage Property Grant Program and Extension of Certain Other Financial Incentive Programs, was deleted in its entirety and replaced to read as follows:

- (e) ~~That funds be transferred as required to the Hamilton Heritage Property Grant Capital Project Account No. 8201641800 to process and fund applications received to-date as well as additional applications anticipated in 2018.~~
- (e) That funds, in an amount not to exceed a total of \$900,000, be transferred, as required, to the Hamilton Heritage Property Grant Capital Project Account No. 8201641800 to process and fund the applications received to-date as well as additional applications anticipated in 2018, to be funded as follows:
- (i) Economic Development Investment Fund Reserve Account No. 112221 in an amount not to exceed \$200,000;
 - (ii) Economic Development Initiatives Capital Project Account No. 3621708900 in an amount not to exceed \$100,000;
 - (iii) Downtown Hamilton Residential Loan Program Reserve Account No. 108036 in an amount not to exceed \$250,000;
 - (iv) Community Heritage Fund Loan Reserve Account No. 102049 in an amount not to exceed \$50,000;

- (v) Barton Kenilworth Rebate Project Account No. 8201703701 in an amount not to exceed \$100,000;
- (vi) King Street West Business Improvement Area (BIA) Gateway Project Account No. 8201703707 in an amount not to exceed \$137,549.59;
- (vii) 2016 Commercial Property Improvement Grant (CPIG) Project Account No. 8201603510 in an amount not to exceed \$46,410; and,
- (viii) Hamilton Technology Centre Capital Project Account No. 8121741301 in an amount not to exceed \$16,040.41.

For disposition of this matter, please refer to Item 7.

(i) PRIVATE & CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – June 20, 2018 (Item 12.1)

- (a) The Closed Session Minutes of the June 20, 2018 General Issues Committee meeting, were approved; and,
- (b) The Closed Session Minutes of the June 20, 2018 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 12.2 to 12.10, 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), (f), (i) and (k) 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; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(ii) Acquisition of 194 First Road West for Extension of Lormont Boulevard (PED18163) (Ward 9) (Item 12.2)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 11.

(iii) Lease Negotiations - Phase 1, Jackson Square Ground Lease (PED18126/LS18036) (Ward 2) (Item 12.3)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 12.

(iv) Expropriation of 55 Queenston Road (City Motor Hotel) - Proposed Partial Settlement (LS12009(d)) (Ward 4) (Item 12.4)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 13.

(v) Property Acquisition to Support the Transit Maintenance and Storage Facility (PW18045(a)) (Ward 3) (Item 12.5(a))

Staff was provided with direction in Closed Session.

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

(vi) Hamilton Tiger-Cats Soccer at Tim Hortons Field (PW18066) (City Wide) (Item 12.6)

(a) The presentation provided in Closed Session, respecting Report PW18066, Hamilton Tiger-Cats Soccer at Tim Hortons Field, was received; and,

(b) The presentation provided in Closed Session, respecting Report PW18066, Hamilton Tiger-Cats Soccer at Tim Hortons Field, shall remain confidential

Staff was provided with direction in Closed Session.

For further disposition of the above matter, please refer to Item 16.

(vii) Parking System Upgrade (PED17224(a)/LS17037(a)) (City Wide) (Item 12.7)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 17.

(viii) Waste Management System Development – Materials Recycling Facility Operations Contract (PW16059(d)) (City Wide) (Item 12.8)

(a) The presentation provided in Closed Session, respecting Report PW16059(d), Waste Management System Development – Materials Recycling Facility Operations Contract, was received; and,

(b) The presentation provided in Closed Session, respecting Report PW16059(d), Waste Management System Development – Materials Recycling Facility Operations Contract, shall remain confidential.

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 18.

(ix) Service Contract (12.10)

There was nothing to report in Open Session respecting the Service Contract matter.

(j) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 4:56 p.m.

Respectfully submitted,

L. Ferguson, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk



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THE BARTON / KENILWORTH COMMERCIAL CORRIDOR BUILDING IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Barton / Kenilworth Commercial Corridor Building Improvement Grant Program (the "Program") was created to support the development of property and the maintenance, functionality, viability, accessibility and aesthetics of existing building stock used for commercial, multi-residential or institutional uses within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

The Program supports the "Barton and Kenilworth Commercial Corridors Final Recommendations Report" received by City Council at its meeting held September 10, 2014.

PROGRAM TERMS

1. Property owners, and tenants authorized in writing by the owner, are eligible to apply for a grant under the Program.
2. Grants will be paid on a matching basis up to a maximum of \$50 K for eligible work under the Program.
3. Grants will be based on one grant per deeded property.
4. Eligibility requirements for the Program relating to the work to be funded will be specifically identified. Two separate cost estimates for the work are to be provided. Please note a contractor licensed with the City of Hamilton may be required to undertake the work. For more information on work that requires a licensed contractor please refer to the Application Form or contact Building Department at (905) 546-2424 Ext. 2720.

An owner may present an estimate based on material only.

In the case where the applicant is the owner of a contracting company and wishes to utilize their company to undertake the improvements, one cost estimate from an arms-length contractor will also be required.

Grants will be calculated based upon lowest cost estimate.

A Building Inspector will review all estimates provided for the purpose of ensuring competitiveness.

5. Applicants will be required to provide a business case that identifies how the development / improvements will improve the marketability of the property for prospective tenants and / or improve the business vitality and / or utilize formerly under-utilized properties.
6. Relative to the proposed improvements, a building inspector will perform an initial and final inspection / investigation to confirm compliance with various Acts, Regulations and City Bylaws including the Ontario Building Code, Property Standards By-Law, Trade Licencing By-Law, Sign By-law etc.
7. Approval of the grant is at the sole discretion of the General Manager of Planning and Economic Development and subject to the availability of funds.
8. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal if an applicant has extenuating circumstances which would warrant an extension.
9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.
10. The Applicant shall provide to the City's Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.
11. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.
12. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
13. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
14. The grant is not transferable upon sale of the property.

15. The Program may also be received by an owner in conjunction with any other available City program in support of the building improvements / development of the property. However grants for specific work will be contingent on the total grants not exceeding 50% of the total cost of the specific work.
16. An application fee of \$406.80 for grants greater than \$12.5 K, or \$259.90 for grants less than or equal to \$12.5 K must be submitted at the time of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.
17. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a corporation any person or entity with an interest in the corporation as determined by the City in its sole, absolute and unfettered discretion.
18. Without limiting the discretion as set out in paragraph seven, herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.
19. Without limiting the discretion as set out in paragraph seven, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.
20. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible;
- Property taxes must be paid current;

- The improvements shall be in accordance with Property Standards and the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals;
- Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk;
- Properties must be located within the boundaries of the Barton Village BIA, the Barton or Kenilworth commercial corridors or, properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law;
- Existing use must be in conformity with the applicable Zoning By-law regulations, and other relevant planning controls; and,
- Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development, in his sole, absolute and unfettered discretion. An applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.

ELIGIBLE IMPROVEMENTS

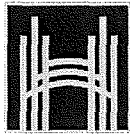
Note: New development and façade improvements are required to be in compliance with the Barton / Kenilworth Urban Design Guidelines that form part of the Application Form.

- Construction of new building;
- Façade improvements;
- Reinforcement of floors, walls, ceilings and foundations;
- Construction or alteration of stairs, guardrails, handrails;
- Roofing;
- Improvements or installation to electrical, ventilation, heating, cooling and plumbing supply systems;
- Installation or alteration of required window openings;
- Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices;
- Improvements for barrier-free accessibility including elevators;

- Installation or improvement of signage (Signage must comply with Sign By-law 10-197); and,
- Trees, shrubs, soil, mulch, grass on private property to improve the street edge conditions (to a maximum of \$3 K per application as part of the total grant awarded).

Fees: Architectural, engineering, lawyer's, BCIN designer, landscape architect, building permit, site plan application, road occupancy permit, street occupancy permits, and encroachment agreement application fees may be eligible for up to 100% of the cost to a maximum of \$3 K per application as part of the total grant awarded for completed construction.

Other improvements deemed health, safety and accessible issues eligible at the sole discretion of the General Manager of Planning and Economic Development.



Hamilton

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BARTON / KENILWORTH TAX INCREMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The intent of the Barton / Kenilworth Tax Increment Grant Program (the Program) is to provide an economic catalyst for developing, redeveloping or renovating residential / commercial lands and buildings located within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

This Program authorizes for each approved grant application, a nine-year grant, the amount of which is subject to Council approval, in an amount not exceeding the increase in municipal realty taxes. The increase in municipal realty taxes (City portion only) will be based on either the year in which the building permit that initiated the development / redevelopment was issued or, for properties where the proposed development / redevelopment does not require a building permit, the year in which City Council approved the grant amount, and, the first full year in which the property is reassessed. The grant shall be an amount which does not exceed 100% of the municipal realty tax increase during the first, second, third, fourth and fifth year, 80% in year six, 60% in year seven, 40% in year eight, and 20% in year nine. For purposes of determining the eligible amount of the increase in municipal realty taxes, special charges including BIA levies shall be excluded from the calculation. The grant would reduce the effect of an increase in municipal realty taxes attributable to the differential between the pre-renovation assessment and the post-renovation assessment.

1. Before any grant is provided to the Applicant for a property for which a satisfactory grant application has been received and approved, realty taxes are required to have been paid as billed each year and, the property shall be in compliance with the Program's requirements and conditions as set out in the Grant Payment Agreement the Applicant will be required to enter into with the City. Conditions in the Agreement include but are not limited to:
 - a) The total value of the eligible grant provided under the Program will be reduced by: (i) the amount by which property taxes have been cancelled or reduced for the subject property pursuant to any other City programs (i.e. vacancy rebates) or tax appeals under Sections 357 and 358 of the *Municipal Act*; (ii) the amount

by which property taxes have been cancelled or reduced for the subject property pursuant to a Request for Reconsideration, and (iii) the amount by which property taxes have been reduced or cancelled for the property pursuant to any relief or reduction permitted under any legislation or order of any court or the Assessment Review Board; and,

- b) If the Applicant, third party or the municipality has appealed the change in the property assessment, the grant will not be advanced until the appeal has been finally determined through the Assessment Review Board or Courts and revised property taxes have been calculated and adjusted.
2. The first year of the grant is payable at the end of the calendar year in the first full year of reassessment, post completion, of the redevelopment / development (subject to taxes being paid in full and no pending appeal or confirmation that the assessment will not be appealed). An Applicant has the option of receiving the grant at the end of the first year of reassessment, however they will forfeit the grant for the months of the year the reassessment does not apply i.e. if reassessment occurs on the 1st of March of a year, the first year of the grant will be based on March-December (ten months) of the year only. (Calculation is based on **actual** taxes, therefore the post development taxes in year one would include the first part of the year at a lower assessment and the remaining part of the year at the higher assessment – which would result in minimal to no grant for the period January 1 to the reassessment date.)
 3. For commercial projects, the first year of the grant is payable at the end of the first full year of reassessment, post completion, of the redevelopment / development regardless of the number of commercial units occupied.
 4. For residential condominium projects, the first year of the grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed, and is calculated on a ratable per unit basis. In years previous to 75% of the residential condominium units being fully assessed within the project, taxes are to be paid as billed and no grants will be payable.
 5. For mixed-use projects (commercial and residential), the first year of the grant is payable by the end of the calendar year in which 75% of the residential condominium units within the project are fully assessed, and is calculated on a ratable per unit basis. In years previous to 75% of the residential condominium units being fully assessed within the project, taxes are to be paid as billed and no grants will be payable.

Exception for residential condominium projects that are fully or partially assigned – the grant will be paid by the end of the first quarter of the following year (i.e. the grant for 2016 will be paid by March 31, 2017). This will allow the City time to verify ownership and appeal status for each condominium unit, prior to issuing the grant. For year one of the grant only, the grant may be paid after the first quarter of the following year, if one-year following the date of registration on title of condominium

status for the project expires after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed.

For residential condominium projects, the units must be assessed as residential condominiums. If the development is assessed as multi-residential or new-multi-residential, no grant will be payable.

6. The grants may be received by an Applicant in conjunction with any other available municipal program (with the exception of the Hamilton Tax Increment Grant Program, the ERASE Redevelopment Grant and the LEED Grant) in support of redevelopment / development, including the municipality's loan and heritage programs. The approved grants are not assignable by the Applicant to anyone except to the initial purchaser of a residential condominium in a residential project, the initial purchaser of a residential or commercial condominium unit within a mixed-use project, or to the City of Hamilton. The total of each property's nine years of approved grants shall not exceed the costs of the property's development / redevelopment.
7. A limited assignment of the grant under the terms of the Program may be made from an Applicant to the initial purchaser of each new residential condominium unit within a residential project or to the initial purchaser of each new residential or commercial condominium unit within a mixed-use project. The assignment of the grant shall not apply to any subsequent re-sale of any such unit. The first year of the grant is the year in which at least 75% of the residential condominium units within the project are fully assessed.

The Applicant must confirm if they are proposing to assign the grant to the first purchasers of residential condominiums within a residential project or the first purchasers of residential or commercial condominium units within a mixed-use project, at the time of application otherwise the grant will not be assignable. Also, the Applicant has one-year following the date of registration on title of condominium status for the project to assign the individual grants to the first purchasers of each unit. The grant for units not assigned within the one-year period will be advanced to the Applicant and will not be assignable in the future.

For grants that are for a project that is fully / partially assigned, the pre-project municipal taxes are apportioned amongst each condominium unit based on, or with reference to, the MPAC's "Condominium Plan Information Form" (CPIF) and in adherence to section 19.1(3) of the *Assessment Act*. The CPIF apportions the pre-development assessment amongst the newly created assessment roll numbers for the units. This allows the annual grant to be calculated on a per unit basis (difference between the post-project municipal taxes of each unit and the pre-project municipal taxes for each respective unit). The grant is further pro-rated based on the closing date of the sale to the first condominium purchaser of each of the fully assessed units (less the administration fee). For partially assigned projects, the grant for the units not assigned by the Applicant is calculated in the same manner, whereby the Applicant's grant will be pro-rated based on the date each unassigned unit was reassessed (less the administration fee).

For residential condominium projects and mixed-use projects that are not assigned, the grant will not be calculated on a per unit basis. The annual grant will be calculated by taking the difference between the sum of the post-project municipal taxes (for each year the grant is payable) and the pre-project municipal taxes.

If one-year following the date of registration on title of condominium status for the project expires after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed, and the Applicant:

- a) has elected to assign the grant to the first purchaser, the unit must be sold to the first purchaser within one-year following the date of registration on title of condominium status. If the unit is sold to the first purchaser after December 31 of the year in which 75% of the residential condominium units within the project are fully assessed, yet still within one-year following the date of registration on title of condominium status, the first year of the grant is forfeited. The first purchaser will be entitled to the remaining years of the annual grant. If the unit is not sold within one-year following the date of registration on title of condominium status, the Applicant can no longer assign the grant and the grant will be deemed not assigned and shall be payable to the Applicant.
- b) has elected not to assign the grant to the first purchaser, the grant will be payable to the Applicant by the end of the first quarter of the year following the year in which 75% of the residential condominium units within the project are fully assessed.

The grant will cease if the first condominium purchaser subsequently sells the condominium unit within the term of the grant (if the grant was assigned) or if the Applicant subsequently sells the condominium unit within the term of the grant (if the grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit). The grant in the year of the sale will be pro-rated based on the date of closing, whereby the first condominium purchaser (if the grant was assigned) or the Applicant (if the grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) will receive a reduced grant based on the number of days the first condominium purchaser (if the grant was assigned) or the Applicant (if the grant was not assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) was the owner in the year of the sale. No grant will be provided to the second or subsequent condominium purchasers.

There is a one-time \$887.05 application fee for grants greater than \$12.5 K or \$259.90 for grants \$12.5 K or less. When Applicants choose to assign grants to the first purchasers of residential condominium units in a residential project, or residential and commercial condominium units in a mixed-use project, there is also a one-time administration fee of \$446.35 per unit and the fee shall be deducted from the initial grant payment. Fees will be authorized through a by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council. The administration fee charged will be the fee in affect in the first year of the

grant, regardless of when the grant is actually paid. Applicants that choose to assign the grant to the first purchasers of each residential or commercial condominium unit will receive the grant for units they continue to own (units that have not been assigned either because the Applicant did not meet the deadline to assign the grant or because the Applicant continues to own the unit) and are subject to the aforementioned one-time application fee being deducted from the initial grant payment.

8. For Applicants who choose not to assign the grant to the initial purchasers of each condominium unit, the grant will be earned by the Applicant if they have met all terms and conditions of the Program including payment of taxes and all building permits having been signed-off by Building Services.

The annual grant to the Applicant will be reduced by 25% if an appeal has been filed with MPAC by any of the condominium unit owners, whether such owner is the initial purchaser or a subsequent purchaser. The 25% hold-back will not be released until the appeals are finally determined through the Assessment Review Board or Courts, and the revised property taxes have been calculated. The first year of the grant is payable during the calendar year in which 75% of the residential condominium units within the project are fully assessed. The grant is calculated by taking the difference between the post and pre-project municipal taxes. The post-project municipal taxes are calculated by taking the sum of the municipal taxes of each of the condo units within the project. The grant is calculated as a whole, and not calculated on a per condominium unit basis (as is the case if it were assigned or partially assigned).

9. An Applicant and any assignees, can assign the grant to the City of Hamilton as payment of their loan under the Hamilton Downtown / West Harbourfront Remediation Loan Program.
10. The Applicant will be required to enter into a Grant Payment Agreement with the City of Hamilton that sets out the conditions of the annual grant. When assigning the grant to the first-purchasers of residential condominium units in a residential project or residential and commercial condominium units in a mixed-use project, the Applicant and the assignee have to enter into an Agreement that would assign the payment of the grant to the assignee and also obligate the Applicant to the terms and conditions contained in the Grant Payment Agreement and, if the Applicant is in default of the Grant Payment Agreement, the grant payment to the assignee ceases.
11. Redevelopment / development will commence no longer than two years following City Council's approval of the grant or the grant will be cancelled. The two year period may be extended by City Council at its absolute discretion.
12. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property (for projects other than residential condominium projects or mixed-use projects), any future grants will be terminated.
13. Change of Corporate Control:

Where the Applicant is a corporation the Applicant covenants and agrees that in the event that:

- a) the Applicant fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require or;
- b) without the written consent of the City first had and obtained:
 - i) the Applicant issues or redeems any of its shares or transfers any of its shares;
 - ii) there is a sale or sales of the shares of the Applicant which result in the transfer of the legal or beneficial interest of any of the shares of the Applicant or;
 - iii) the Applicant amalgamates, merges or consolidates with any other Corporation;

and, the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Applicant, or the requested information is not provided, then future grant payments under the Program shall cease at the absolute discretion of the City.

14. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
15. Without limiting the discretion as set out in paragraph 14 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an Applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the Applicant being involved in litigation with the City. Applicants shall include but not be limited to the following: the Applicant identified on the application form and if a Corporation any person or entity with an interest in the Corporation as determined by the City in its sole, absolute and unfettered discretion.
16. Without limiting the discretion as set out in paragraph 14 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an Applicant where there are property tax arrears owed on the subject property or other properties owned by the Applicant within the City of Hamilton.
17. Without limiting the discretion as set out in paragraph 14, herein, the City Council or its delegate, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there is credible information that an applicant has been involved recently or repeatedly in illegal activity supporting the conclusion that he or she will not conduct himself or herself with honesty and integrity in undertaking the activity, operation or business for which the loan/grant is sought. For corporate applicants, it will be the corporation and the principals of the corporation whose illegal activity will be considered.

18. Works commenced prior to submitting an application are ineligible for funding under the Program. Works commenced after submitting an application but prior to approval of an application may be eligible for funding under the Program and eligibility will be determined by the General Manager of Planning and Economic Development in his sole, absolute and unfettered discretion. An Applicant shall assume the risk of paying for work commenced after an application has been submitted but prior to approval.
19. If an applicant is redeveloping a portion of their property only, the grant will be based on that portion of the property. The Applicant will be required to provide a copy of the annual property assessment valuation from the MPAC for grant calculation purposes.

GRANT CRITERIA

Projects that include developing, redeveloping or renovating residential/ commercial lands and buildings within the boundaries of the Barton Village Business Improvement Area (BIA), the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

Approval of the application and estimated grant amount is subject to City Council approval. Such application shall be submitted and only received if it is prior to the Applicant's commencement of improvements / rehabilitation to their property and shall include plans, estimates, contracts and other details as may be required to satisfy the City as to the cost of the project and as to the conformity of the project with the objectives of the Downtown and Community Renewal Community Improvement Plan.

Such project is also required to be in compliance with the City's Official Plan policies, other by-laws and policies, including but not limited to zoning, site plan approval, design guidelines, heritage matters including preservation of historical buildings. The compliance of each application with the criteria of this Program and the estimated amount of the Property's grants (within the permitted terms of this Program) is at the discretion of and subject to Council approval.

All parking lots and vacant sites are eligible. Properties upon which commercial, residential or industrial buildings are cleared and demolished are eligible, with the exception of designated heritage buildings.

This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment, Correction Facility, Corrections Residence, Emergency Shelter, Lodging House or Residential Care Facility as defined in the Zoning By-law.



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HAMILTON HERITAGE CONSERVATION GRANT PROGRAM

PROGRAM DESCRIPTION

The Hamilton Heritage Conservation Grant Program (HHCGP) is intended to provide financial assistance in the form of matching grants between \$1,000 to \$5,000 for the conservation and restoration of cultural heritage resources. The objective of the Hamilton Heritage Conservation Grant Program is to assist in the on-going conservation of heritage properties designated under the *Ontario Heritage Act* that are not eligible for the Hamilton Heritage Property Grant Program (HHPGP).

TERMS OF THE PROGRAM

1. The grant is contingent on properties being designated under Parts IV or V of the *Ontario Heritage Act*.
2. An application fee of \$96.05 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.
3. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.
4. The grant is conditional upon all required planning and building code approvals.
5. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application, but prior to application approval, are undertaken at the applicant's risk, as funding may be refused.
6. The Urban Renewal Section, in consultation with Planning staff, reserves the right to recommend works that are integral to the preservation of the building required to preserve/conservate the heritage features.
7. The grant amount will total a minimum of \$1,000 to a maximum \$5,000 per municipal address, identifying multiple and separate units and entranceways per year, subject to available funding. The awarded grant amount will total one half the lesser of either the actual eligible project cost (cost as outlined in the final invoices for the completed project) or the estimated eligible project cost

(estimated cost as identified on the Hamilton Heritage Conservation Grant Program application form).

8. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section. City staff will visit the site to ensure that the work has been completed in conformity with the conditions of the grant approval.
9. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
10. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
11. The grant is not transferable upon sale of the property.
12. Properties eligible for the Hamilton Heritage Property Grant Program are not eligible for this grant program.
13. The grant may be received by an owner in conjunction with approval of a loan under the Hamilton Community Heritage Fund Loan Program, provided that funding under these programs will not fund the same work.
14. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
15. Without limiting the discretion as set out in paragraph 14 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals, corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).
16. A successful applicant will enter into an agreement with the City containing, but not limited to, the terms and conditions set out in the program description.

SUBMISSION REQUIREMENTS

Prospective applicants must consult with Planning staff as early as possible in the process of planning a project. This pre-consultation is required to determine eligibility, avoid delays in the processing of an application, and determine if a Heritage Permit is required.

Prospective applicants should also discuss their proposal with representatives from Building Services and the Planning Division to determine if there are regulations that require additional permits or approvals.

Prospective applicants shall then submit a Hamilton Heritage Conservation Grant Program application form, as well as other required information. The types of information required with each grant submission include, but are not limited to:

- A Heritage Permit application form and/or a Heritage Permit approval letter;
- Photographs of the project site and of the features showing what and where the work will take place;
- Copies of any relevant historical documentation, including historical photographs or illustrations;
- Drawings, specifications or descriptions (as necessary) that adequately illustrate the scope, type of work and location as proposed. Depending on the scope of the work, drawings prepared by the property owner may be acceptable. However, should an architect or consultant be retained, detailed drawings are requested;
- A brief summary of the overall project budget, with eligible conservation work clearly itemized;
- At least two (2) competitive cost estimates for all labour and materials involved in the proposed work unless there is only one local specialized supplier of a particular product, trade or service. Although it is not mandatory, applicants are encouraged to select suppliers, contractors and/or trades people with demonstrated experience with heritage properties. Please note a contractor licensed with the City of Hamilton may be required to undertake the works; and,
- A statement detailing other grants or funding sought for the proposed work, where applicable.

FREQUENCY OF GRANT

Funding for eligible applications will be awarded on a first-come-first-served basis. A property owner may receive one grant per municipal address per calendar year. Applications will either be conditionally approved or refused.

COMPLETION OF WORK

Work must be completed within one year of receiving a conditionally approved grant. Invoices for costs of the completed project shall be submitted to Urban Renewal staff to verify the eligible amount of the grant. Invoices must be submitted within one year of receipt of the conditionally approved grant, unless the deadline is extended by Urban Renewal staff. An applicant with a conditionally approved grant who is deemed to have failed to comply with the terms of the Hamilton Heritage Conservation Grant Program shall not be awarded that grant and is prohibited from making a grant application for the same work in the following calendar year.

NOTE: Work that was approved, but done in a poor or defective manner or in a manner contrary to the conditions of the grant approval or the Heritage Permit (if required), will not be funded.

ELIGIBILITY REQUIREMENTS

- The eligible property must not be in arrears or default of any municipal taxes.
- The eligible property must not be the subject to any outstanding Fire Code, Building Code or Property Standards orders. Any outstanding violations on the property for which the grant is sought must be addressed prior to any grant monies being advanced.
- The existing use of the eligible property must be in compliance with applicable Zoning By-law regulations and other relevant planning regulations.
- Owners and tenants of eligible properties may apply for assistance. Tenants are required to provide documentation of the property owner's consent to the improvements with their application.
- Eligible properties owned by any level of government are not eligible for the Program, except in the following cases:
 - a) where the property is under long-term lease to an individual and the tenant or lessee is the applicant; or,
 - b) where a non-profit community group has assumed, by long-term lease or legal agreement, responsibility for the building and the non-profit community group is the applicant.

ELIGIBLE CONSERVATION WORK

Eligible conservation work includes any work that conserves, restores and/or enhances elements identified and described in the relevant heritage designation By-law, Heritage Conservation District Plan and/or Heritage Easement Agreement.

All work must be executed in such a manner as to not detract from or diminish the cultural heritage value of the property or Heritage Conservation District.

All work should conform to relevant municipal heritage policy, such as Heritage Conservation District Plan guidelines, as well as best practices for heritage conservation, including *Eight Guiding Principles in the Conservation of Built Heritage Properties* (Ministry of Culture, 2007) and the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Parks Canada, Second Edition, 2010).

The types of eligible conservation work include, but are not limited to:

- The **conservation** of significant architectural features. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the

Reasons for Designation, the *Statement of Cultural Heritage Value of Interest* or, a description of the *Heritage Attributes* accompanying the designating by-law under the *Ontario Heritage Act*.

- The **reconstruction** of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.).
- The **conservation** or renewal of original siding and roofing materials including repair and replacement, where necessary, of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.
- Cleaning of masonry buildings may be eligible if it is necessary for the building's conservation. **Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Planning staff approval is required as to cleaning method to be employed before work is undertaken.**
- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. **Painting of unpainted masonry is not eligible.**

INELIGIBLE WORK

Ineligible work includes any work or projects of a non-heritage nature, works that focus on non-heritage attributes, new additions, spaces, features and finishes, new construction, or any works that may diminish the cultural heritage value of the property.

Repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance, unless specifically identified and described in the *Reasons for Designation*, the *Statement of Cultural Heritage Value of Interest* or, a description of the *Heritage Attributes*:

- Repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.).
- Landscaping.
- Work on modern additions.
- Work on sheds or outbuildings.
- Installation of modern doors and windows, unless replicas of the original.
- Installation of new storm or screen doors and windows.
- Chimney repairs other than restoration of a significant chimney.

- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure.
- Repairs to or renewal of modern materials.
- Painting previously unpainted masonry.
- Interior Work.
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning.

The final determination of what constitutes eligible and ineligible work is at the discretion of Planning staff.

ELIGIBLE COSTS

Eligible costs shall be the costs of materials, equipment and contracted labour to complete eligible conservation, restoration or preservation work, documented by invoices to the satisfaction of Planning and Urban Renewal staff. Labour provided by the applicant or tenant of the property will not be an eligible cost.

The grant is paid, subject to compliance with these terms and conditions of the Program, upon completion of the conditionally approved work.