



GENERAL ISSUES COMMITTEE REPORT 19-014

9:30 a.m.

Monday, August 12, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor A. VanderBeek (Chair)
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, C. Collins,
T. Jackson, E. Pauls, B. Clark, M. Pearson, B. Johnson, L. Ferguson,
T. Whitehead, J. Partridge

Absent: Mayor F. Eisenberger and Councillor J. P. Danko – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 19-014 AND RESPECTFULLY RECOMMENDS:

1. Revised Board of Management for the Concession Street Business Improvement Area (BIA) (PED19155) (Wards 7 and 8) (Item 7.1)

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

- (i) Julie Noble

2. Revised Board of Management for the Locke Street Business Improvement Area (BIA) (PED19156) (Ward 1) (Item 7.2)

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

- (i) Ryan Furlong
- (ii) Steve Knight

3. Revised Board of Management for the Barton Village Business Improvement Area (BIA) (PED19160) (Wards 2 and 3) (Item 7.3)

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

- (i) Karen Parucha

4. Hamilton-Wentworth District School Board Liaison Committee Report 19-002, June 27, 2019 (Item 10.1)

Parkland Dedication/Cash in Lieu for Schools (PED19143) (City Wide) (Item 10.1)

That Report PED19143, respecting Parkland Dedication/Cash-in-Lieu for Schools, be received.

5. Business Improvement Area Advisory Committee Report 19-007, July 9, 2019 (Item 10.2)

(a) Ancaster Village Business Improvement Area Expenditure Request (Item 11.1)

That the expenditure request from the Ancaster Village Business Improvement Area in the amount of \$5,778.55 for spending on flower planters and baskets to be funded from the Community Improvement Plan (CIP) Contribution Program (BIA Payments Account 815010-56905), be approved.

(b) International Village Business Improvement Area Expenditure Request (Added Item 11.2)

That the expenditure request from the International Village Business Improvement Area in the amount of \$25,298.04 for the following projects, to be funded from the Shared Parking Revenue Program (Parking Revenue Account 815010-45559), be approved:

- (i) \$14,195.65 for Victorian Night in the Village; and,
- (ii) \$11,102.39 for marketing and promotion of the International Village Business Improvement Area.

6. GRIDS 2 and Municipal Comprehensive Review – Work Plan Update (PED17070(d)) (City Wide) (Item 10.3)

That Report PED17070(d), respecting GRIDS 2 and Municipal Comprehensive Review – Work Plan Update, be received.

7. Memorandum of Understanding City of Hamilton and Hamilton100 Commonwealth Games Bid Corporation (PED19108(a)) (City Wide) (Item 10.4)

That the General Manager of Finance and Corporate Services be granted the authority to sign, on behalf of the City of Hamilton, a Memorandum of Understanding with Hamilton100 Commonwealth Games Bid Corporation, attached as Appendix “A”, *as amended*, to Report 19-014, and any other ancillary documents or agreements, each in a form satisfactory to the City Solicitor.

8. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 1160 Main Street East, ERG19-01 (PED19153) (Ward 3) (Item 10.5)

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application - ERG19-01, submitted by Main Street East Ltd., owner of the property at 1160 Main Street East, for an ERASE Redevelopment Grant not to exceed \$1,391,210, the actual cost of the remediation 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 Environmental Remediation and Site Enhancement (ERASE) Redevelopment Agreement together with any ancillary documentation required, to effect Recommendation (a) of Report PED19153, 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, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

9. **Advisory Committee for Persons with Disabilities Report 19-002, July 9, 2019 (Item 10.6)**
 - (a) **Appointment of Chair and Vice-Chair (Item 1)**
 - (i) That A. Mallett be appointed as Chair of the Advisory Committee for Persons with Disabilities for 2019; and,
 - (ii) That J. Cardno be appointed as Vice-Chair of the Advisory Committee for Persons with Disabilities for 2019.
 - (b) **Establishment of Working Group Memberships (deferred from the June 11, 2019 meeting) (Item 10.1)**
 - (i) That a Community Safety Working Group be established on a pilot basis for 2019;
 - (ii) That a Disability Justice and Climate Crisis Working Group be established on a pilot basis for 2019; and,
 - (iii) That a Built Environment Working Group, Housing Issues Working Group, Outreach Working Group, Transportation Working Group, and Wheelchair and Scooter Safety Working Group be established on a pilot basis for 2019.
10. **Policies and Procedures for Hate Mitigation (CM19006) (City Wide) (Item 10.7)**
 - (a) That the City Manager be directed to communicate with the Corporate Security Specialist with respect to who would be available to residents, at City Hall on Saturdays, to advise them how and to whom they should report incidents of hate on City property, and report back to the General Issues Committee; and,
 - (b) That Report CM19006, respecting Policies and Procedures for Hate Mitigation, be received.
11. **Waterfront Lease Update (LS18053(d)) (Ward 2) (Item 14.3)**
 - (a) That the direction provided to staff in Closed Session, respecting Report LS18053(d), regarding the Waterfront Lease Update, be approved; and,

- (b) That Report LS18053(d), respecting the Waterfront Lease Update, including its recommendations, attached confidential appendix and draft minutes of settlement, remain confidential.
- 12. Ombudsman's Preliminary Report respecting the Investigation into Meetings of the City Manager Recruitment Steering Committee (Item 14.4)**
- (a) That the Ombudsman's Preliminary Report, respecting the Investigation into Meetings of the City Manager Recruitment Steering Committee, be received; and,
 - (b) That the Ombudsman's Preliminary Report respecting the Investigation into Meetings of the City Manager Recruitment Steering Committee remain confidential.
- 13. Roadway Sign Support Structures (PW19073) (City Wide) (Item 14.5)**
- (a) That Report PW19073, respecting the Roadway Sign Support Structures, be received;
 - (b) That Report PW19073, respecting the Roadway Sign Support Structures remain confidential; and,
 - (c) That the AECOM report, respecting the Repair Rehabilitation Summary, dated July 6, 2012; and, the AECOM report respecting the 2017 Sign Support Inspections Summary Report, dated November 2017, be released as public documents.
- 14. Potential Litigation – Building Permit Issues (LS19035/PED19179) (Item 14.6)**
- (a) That Report LS19035/PED19179, respecting Potential Litigation – Building Permit Issues, be received; and,
 - (b) That Report LS19035/PED19179, respecting Potential Litigation – Building Permit Issues, remain confidential.

15. Update re: Local Planning Appeal Tribunal appeals of Pier 6, 7 and 8 (LS19033/PED19180) (City Wide) (Item 14.7)

- (a) That Report LS19033/PED19180, respecting an Update regarding the Local Planning Appeal Tribunal Appeals of Piers 6, 7 and 8, be received; and,
- (b) That Report LS19033/PED19180, respecting an Update regarding the Local Planning Appeal Tribunal Appeals of Piers, remain confidential.

16. Personnel Matter (Item 14.8)

That the update respecting a personnel matter, which was provided by staff in Closed Session, be received.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.2 P.J. Mercanti, S. Jasper Kujavsky, Greg Maychak and Mark Wu, Hamilton100 Commonwealth Games Bid Corporation, respecting the Commonwealth Games (For the August 12th GIC)
- 6.3 David Bennett, Hamilton 350, respecting Items 10.3 and 10.4 on the August 12, 2019 GIC Agenda, as they Relate to Climate Change (For the August 12th GIC)

2. PRIVATE & CONFIDENTIAL (Item 14)

14.6 Potential Litigation – Building Permit Issues (LS190035/PED19179)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, 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.

- 14.7 Update re: Local Planning Appeal Tribunal appeals of Pier 6, 7 and 8 (LS19033/PED19180) (City Wide)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, 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.

The agenda for the August 12, 2019 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 4)

(i) July 8, 2019 (Item 4.1)

The Minutes of the July 8, 2019 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

The following delegation requests were approved, as shown below:

- (i) Michael Van Pelt, Cardus, respecting a forthcoming staff report regarding the Balfour House (For the September 4, 2019 GIC) (Item 6.1)
- (ii) P.J. Mercanti, S. Jasper Kujavsky, Greg Maychak and Mark Wu, Hamilton100 Commonwealth Games Bid Corporation, respecting the Commonwealth Games (For the August 12th GIC) (Item 6.2)
- (iii) David Bennett, Hamilton 350, respecting Items 10.3 and 10.4 on the August 12, 2019 GIC Agenda, as they Relate to Climate Change (For the August 12th GIC) (Item 6.3)

(e) CONSENT ITEMS (Item 7)

(i) Advisory Committee for Persons with Disabilities Minutes 19-005, June 11, 2019 (Item 7.4)

The Advisory Committee for Persons with Disabilities Minutes 19-005, June 11, 2019, were received.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) P.J. Mercanti, S. Jasper Kujavsky, Greg Maychak and Mark Wu, Hamilton100 Commonwealth Games Bid Corporation, respecting the Commonwealth Games (Item 8.1)

Jasper Kujavsky, Hamilton100 Commonwealth Games Bid Corporation, addressed Committee respecting the Commonwealth Games.

The presentation provided by Jasper Kujavsky, Hamilton100 Commonwealth Games Bid Corporation, respecting the Commonwealth Games, was received.

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

(ii) David Bennett, Hamilton 350, respecting Items 10.3 and 10.4 on the August 12, 2019 GIC Agenda, as they Relate to Climate Change (Item 8.2)

David Bennett, Hamilton 350, addressed Committee respecting Item 10.3 - GRIDS 2 and Municipal Comprehensive Review – Work Plan Update (PED17070(d)); and, Item 10.4 - Memorandum of Understanding City of Hamilton and Hamilton100 Commonwealth Games Bid Corporation (PED19108(a)), as they relate to climate change.

That the presentation provided by David Bennett, Hamilton 350, respecting Item 10.3 - GRIDS 2 and Municipal Comprehensive Review – Work Plan Update (PED17070(d)); and, Item 10.4 - Memorandum of Understanding City of Hamilton and Hamilton100 Commonwealth Games Bid Corporation (PED19108(a)), as they relate to climate change.

For disposition of these matters, please refer to Items 6 and 7.

(g) DISCUSSION ITEMS (Item 10)

(i) Memorandum of Understanding City of Hamilton and Hamilton100 Commonwealth Games Bid Corporation (PED19108(a)) (City Wide) (Item 10.4)

Section II – Areas of Collaboration of Appendix “A” to Report PED19108(a)), respecting the Memorandum of Understanding City of Hamilton and Hamilton100 Commonwealth Games Bid Corporation, was amended by deleting the words “person or persons” and replacing them with the words “**two elected officials and staff**”, to read as follows:

II. AREAS OF COLLABORATION

It is expressly agreed by the Parties that the City shall assume no liability for any obligations arising out of the preparation, finalization and submission of the Phase Bid. However, the City does agree to provide advice and expertise in various areas including affordable and social housing, community health and wellness, tourism, economic development, sport development, recreation, security, hospitality, and special events. It is further agreed that the City shall have the unfettered right and discretion to designate ~~a person or persons~~ **two elected officials and staff** to serve as the City's representative(s) on the Hamilton100 Committee, with the express understanding that any designated City representative shall assume absolutely no liability for any obligation undertaken by Hamilton100.

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

(ii) Policies and Procedures for Hate Mitigation (CM19006) (City Wide) (Item 10.7)

Report CM19006, respecting Policies and Procedures for Hate Mitigation, was amended by adding a new sub-section (a), to read as follows:

- (a) That the City Manager be directed to communicate with the Corporate Security Specialist with respect to who would be available to residents, at City Hall on Saturdays, to advise them how and to whom they should report incidents of hate on City property, and report back to the General Issues Committee; and,

For disposition of the above matter, please refer to Item 10.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the General Issues Committee's Outstanding Business List were approved:

(a) Items to be referred:

- (i) Benefit Plan Redesign
(Be referred to the Non-Union Compensation Sub-Committee)**

(b) Items to be removed:

- (i) Memorandum of Understanding City of Hamilton and Hamilton100 Commonwealth Games Bid Corporation
(Addressed as Item 10.4 on this agenda – Report PED19108(a))**

(ii) Forthcoming Report respecting a Policy or Protocol to Guarantee the Sharing of Consultants' Reports with Council (Item 13.2)

Councillor Clark inquired about the status of the forthcoming report respecting a policy or protocol to guarantee the sharing of consultants' reports with Council when there are risks to human health and safety. The Councillor also asked if that report would contain a policy or protocol to address when an employee refuses to cooperate with the Corporate Auditor General.

Staff advised that the report coming forward in the Fall of 2019 would address both matters.

A new matter respecting Personnel Matters was added to the Closed Session portion of the meeting, pursuant to Section 8.1, Sub-sections (b) and (d) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (b) and (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees; and, labour relations or employee negotiations.

(j) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – July 8, 2019 (Item 14.1)

- (a) That the Closed Session Minutes of the July 8, 2019 General Issues Committee meeting were approved; and,
- (b) That the Closed Session Minutes of the July 8, 2019 General Issues Committee meeting shall remain confidential.

Committee moved into Closed Session respecting Items 14.2 to 14.8, pursuant to Section 8.1, Sub-sections (b), (c), (d), (e), (f) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (b), (c), (d), (e), (f) and (k); and, Section 239(3)(b), 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; labour relations or employee negotiations; 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 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 City; and, an ongoing investigation respecting the municipality or local board or a municipally-controlled corporation by the Ombudsman, appointed under the *Ombudsman Act*.

(ii) Disposition Strategy – Portion of the Wentworth Lodge Lands (PED19138) (Ward 13) (Item 14.2)

Report PED19138, respecting the Disposition Strategy – Portion of the Wentworth Lodge Lands, was DEFERRED to a future meeting of the General Issues Committee.

(iii) Roadway Sign Support Structures (PW19073) (City Wide) (Item 14.5)

Report PW19073, respecting the Roadway Sign Support Structures, was amended by adding a new sub-section (c), to read as follows:

- (c) That the AECOM report, respecting the Repair Rehabilitation Summary, dated July 6, 2012; and, the ARCOM report respecting the 2017 Sign Support Inspections Summary Report, dated November 2017, be released as public documents.

(k) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 5:35 p.m.

Respectfully submitted,

A. VanderBeek, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

MEMORANDUM OF UNDERSTANDING (the "MOU")

BETWEEN

CITY OF HAMILTON (the "City")

-AND-

HAMILTON100 COMMONWEALTH GAMES BID CORPORATION ("Hamilton100")

Each a "**Party**" and collectively the "**Parties**"

WHEREAS:

- a. the City is a municipal corporation with its offices located in Hamilton, Ontario;
- b. Hamilton100 is a corporation incorporated under the *Canada Not-for-profit Corporations Act* and was created for the purpose of organizing, facilitating, preparing, financing and submitting a bid to secure the rights to host the 2030 Commonwealth Games in Hamilton, Ontario (the "**Bid**");
- c. the City, as the hosting municipality, is required to sanction the Bid;
- d. the City has agreed to support Hamilton100's proposal to submit the first phase of the Bid ("**Phase 1**") on the express condition that the City shall not assume any liability of any kind, be it legal, financial or otherwise, and Hamilton100 has agreed to that condition;
- e. on June 12, 2019, Hamilton City Council authorized and directed staff to negotiate a draft MOU with Hamilton100 for Council's review and consideration; and
- f. on August 16, 2019, Hamilton City Council approved this MOU.

NOW THEREFORE, in consideration of the foregoing, the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both Parties, the City and the Builder agree as follows:

I. PRIMARY OBJECTIVES AND TIMELINES

The primary objective of this MOU is to permit Hamilton100 to prepare, organize, facilitate, coordinate and finance in its entirety, and to the City's satisfaction, Phase 1 of the Bid for the 2030 Commonwealth Games. To the end, Hamilton100 shall submit:

- a. a draft Phase 1 proposal to the City by August 6, 2019;
- b. a final Phase 1 proposal to the City for consideration by City Council at its General Issues Committee meeting scheduled for November 6, 2019; and
- c. its final Phase 1 proposal to Commonwealth Games Canada by November 22, 2019 after obtaining the approval of City Council.

The Parties further agree that the Bid, including Phase 1, shall:

- a. celebrate Hamilton's legacy with the Commonwealth Games and, particularly, the 100th anniversary of the initial British Empire Games held in Hamilton in 1930;
- b. align with the City's vision ("To be the best place to raise a child and age successfully"), plans, values and priorities including, in particular, its:

- i. commitment to equality, diversity, accessibility, tolerance, Green/climate change initiatives, social procurement and social housing; and
 - ii. Strategic Plan and Recreational Indoor/Outdoor Master Plan;
- c. enhance Hamilton's reputation, identity and civic pride;
 - d. maximize investment in Hamilton wherever possible;
 - e. utilize existing facilities in the City of Hamilton where appropriate;
 - f. engage in public/private partnerships where appropriate; and
 - g. identify and create long-term legacy projects that will facilitate serving the needs of the Hamilton community.

II. AREAS OF COLLABORATION

It is expressly agreed by the Parties that the City shall assume no liability for any obligations arising out of the preparation, finalization and submission of the Phase Bid. However, the City does agree to provide advice and expertise in various areas including affordable and social housing, community health and wellness, tourism, economic development, sport development, recreation, security, hospitality, and special events. It is further agreed that the City shall have the unfettered right and discretion to designate *two elected officials and staff* to serve as the City's representative(s) on the Hamilton100 Committee, with the express understanding that any designated City representative shall assume absolutely no liability for any obligation undertaken by Hamilton100.

III. DUE DILIGENCE

At the City's request, Hamilton100 shall provide copies of any relevant documents to ensure that Hamilton100 meets appropriate standards of capacity, competence and financial accountability. These documents include, but are not limited to, the following: a certificate of good standing; a list of the names of all of its directors, committee members and principal officers; and copies of Hamilton100's by-laws and articles of incorporation. Hamilton100 agrees to notify the City immediately of any change in Hamilton100's status or operations, or if any official, judicial, legislative, or administrative proceeding is commenced against Hamilton100.

IV. COMMUNICATIONS

On City Council's approval of Hamilton100's Phase 1 proposal, Hamilton100 may establish a social media and public communications presence in support of the Bid including a website and participation in various platforms such as Facebook, Twitter and Instagram. The City shall have ongoing access to the social media and public communications information posted by Hamilton100 which Hamilton100 will revise as directed by the City.

V. PRINCIPAL CONTACTS

The Principal Contacts for each Party are:

City of Hamilton:

Mike Zegarac
General Manager Finance and Corporate Services
71 Main St W 1st Floor
Hamilton, ON L8P 4Y5
(905) 546-2424 x6150

Hamilton100 Commonwealth Games Bid Corporation:

PJ Mercanti
President
Suite 300 – 77 James Street North
Hamilton, ON L8K 2K3
(905) 383-4100

Each Party shall immediately advise the other Party in writing of any change it in the contact information for its Principal Contacts.

VI. EFFECTIVE DATES

This MOU shall take effect on August 1, 2019 and shall remain in effect until consideration by City Council of the draft Phase 1 Hosting Proposal, at which time City Council will either authorize, or deny authorization, to Hamilton100 to submit its Phase 1 Bid to the Commonwealth Games Canada by its November 22, 2019 deadline.

In the event the City does authorize Hamilton100 to submit the Phase 1 Bid to Commonwealth Games Canada, the Parties undertake to then enter into good-faith discussions and negotiations regarding the terms of a subsequent MOU to govern preparation of phase 2 of the Bid ("**Phase 2**") the submission of which will likely be required in 2020. It is expressly understood and agreed by the Parties that the City will have the unfettered and absolute discretion to authorize submission of Phase 2.

It is agreed and understood by the Parties that the City has the absolute right and discretion to withdraw its permission to allow Hamilton100 to proceed with the Bid at any time and for any reason.

VII. NO JOINT VENTURE

The Parties agree that, notwithstanding this MOU, they are not entering into a partnership, joint venture or other such business arrangement, nor is the intent of the Parties to enter into a commercial undertaking for monetary gain.

EXECUTION PAGE FOLLOWS

IN WITNESS WHEREOF this Agreement has been executed by the authorized representative of each Party.

City of Hamilton

Hamilton100 Commonwealth Bid Corporation

Mike Zegarac
General Manager, Finance & Corporate Services

PJ Mercanti
President

Date

Date