

Discussion of Appendix “A” to this Motion in Closed Session would be pursuant to Section 8.1, Sub-section (j) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (j) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

## **CITY OF HAMILTON**

### **MOTION**

Council: March 27, 2019

**MOVED BY COUNCILLOR E. PAULS.....**

**SECONDED BY MAYOR / COUNCILLOR .....**

Amendments to Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, as amended and Item 7.7 of the September 13, 2017 Council minutes, respecting the Reallocation of the Previously Approved Funding for the Remediation and the Demolition of the Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School

**11. School Board Properties Sub-Committee Report 16-001, January 15, 2016 (Item 8.8)**

**(a) Surplus School Property at 155 East 26<sup>th</sup> Street known as Eastmount Park Elementary School (PED15127(a)) (Ward 7)**

WHEREAS, as per the direction in Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, which was approved by Council on February 10, 2016, the City of Hamilton has purchased and now owns the Surplus School Property at 155 East 26<sup>th</sup> Street, known as Eastmount Park Elementary School;

WHEREAS, staff were authorized and directed to demolish the existing surplus school structure and finish the property with a grassed area, subject to the successful acquisition of the property at 155 East 26<sup>th</sup> Street, known as Eastmount Park Elementary School;

WHEREAS, staff were verbally directed at the November 2, 2016 General Issues Committee (GIC) meeting, to hold off on the demolition of the former Eastmount Park Elementary School building, until such time as staff reported back to GIC in response to the motion put forward at that same November 16, 2016 meeting, respecting the feasibility of a fashion incubator at the Eastmount School site that would include, but not be limited to: fashion and related businesses; opportunities for community groups; operating costs offset by partnerships with the private sector; and, steps to transform the former elementary school into a place for creative people to work, connect with peers, and learn to further their trades;

THEREFORE, BE IT RESOLVED:

- (a) That Private & Confidential Appendix “B” to Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be deleted in its entirety and replaced with Appendix “A”, attached hereto;
- (b) That sub-section (ii) of Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be amended by adding the words “**as amended**”, to read as follows:
  - (ii) That the budget and funding for the property acquisition consisting of the market value of the land, including all Real Estate and Legal Services administrative fees, building condition abatement, demolition, site remediation, contingency and other related costs, as detailed in Private and Confidential Appendix “B” of Report (PED15127(a)), **as amended**, be approved;
- (c) That sub-section (iii) of Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be amended by deleting sections (1) to (5) in their entirety and replacing them with the following in lieu thereof:
  - (iii) That subject to a successful acquisition under Recommendation (a) of Report PED15127(a):
    - ~~(1) That Public Works staff be directed to report to the 2018 budget process (General Issues Committee) with the following, as it relates to the former Eastmount School property, and to include a funding source(s) for each:~~
      - ~~(i) the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements;~~

- ~~(ii) the capital funding required over the next 10 years to maintain the facility; and,~~
- ~~(iii) the required Corporate Facilities operating enhancements and pressures to maintain and operate the facility with full occupancy at 30,000 square feet.~~
- ~~(2). The Recreation Division be directed to complete a recreation needs assessment for Eastmount Park and the subject lands, including engagement of the Ward Councillor, adjacent Community and recreation stakeholders;~~
- ~~(3) Any recommendations from the recreation needs assessment that include new parkland infrastructure will be funded through the Wards 1-8 discretionary funding, other funding sources, or considered in the Open Space Development Capital Program;~~
- ~~(4) The unopened road allowance located north of East 28th Avenue be deemed surplus (if determined feasible as per Recommendation (b) to Report PED15127) and Real Estate staff be authorized and directed to dispose of the surplus unopened road allowance in accordance with the "Sale of Land Policy By-law", being By-law 14-204; and,~~
- ~~(5) Any net proceeds from the sale of the East 28th Avenue unopened road allowance be returned to Parkland Dedication Reserve Account No. 104090;~~
- (1) That staff be authorized and directed to demolish the existing surplus school structure on the property at 155 East 26th Street known as Eastmount Park Elementary School, and finish the property with a grassed area;**
- (2) That staff be directed to complete a recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center) lands, including engagement of the Ward Councillor, adjacent Community and parks and recreation stakeholders, and report back to the Emergency & Community Services Committee;**
- (3) That, if determined feasible through the recreation needs assessment, the unopened road allowance located north of East 28th Avenue be deemed surplus;**

- (4) ***That, should the unopened road allowance located north of East 28th Avenue be deemed surplus, Real Estate staff be authorized and directed to dispose of the surplus unopened road allowance in accordance with the “Sale of Land Policy By-law”, being By-law 14-204;***
- (d) That Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, as amended, be further amended by adding new sub-sections (a), (b), (c) and (d), to read as follows:
- (vi) ***That as part of the recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center), staff to be directed to undertake a Building Condition Assessment and Code Compliance review, during which staff also clean, paint and complete minor repairs of the Eastmount Community Centre at a cost of \$75,000, to be funded from Capital Project Account 2051550502;***
- (vii) ***That staff be authorized to and directed to provide a storage unit for the Mountain Kidz Klub during the time required for the City to have vacant possession of the building to undertake the Building Condition Assessment and Code Compliance review and improvements;***
- (viii) ***That staff be authorized and directed to enter into a renewed standard City rental agreement with Mountain Kidz Klub, on a nominal value basis, to continue their occupancy subsequent to the review/repair process; and,***
- (ix) ***That the matter respecting Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be considered complete and removed from the General Issue Committee’s Outstanding Business List.***
- (e) That Item 7.7 of the September 13, 2017 Council minutes, be deleted in its entirety:
- ~~7.7 Reallocation of the Previously Approved Funding for the Remediation and the Demolition of the Surplus School Property at 155 East 26th Street know as Eastmount Park Elementary School~~**
- ~~(a) That, concurrent with staff reporting to the 2018 budget process (General Issues Committee), as it relates to the former Eastmount School property, the previously approved funding of \$600,000 for the remediation and the demolition, as outlined in Private & Confidential Appendix “B” to Report PED15127(a), respecting the Surplus School Property at~~**

~~155 East 26<sup>th</sup> Street known as Eastmount Park Elementary School, be reallocated to possibly fund all or a portion of the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements; and~~

~~(b) That Tourism & Culture staff be directed to review alternative uses for the property at 155 East 26<sup>th</sup> Street, known as the Eastmount Park Elementary School site, as it would relate to opportunities for not-for-profit community groups and report back to the General Issues Committee.~~

~~(c) That no money be spent until the report coming through the 2018 budget process is completed.~~

With the fully amended resolution to read as follows:

**11. School Board Properties Sub-Committee Report 16-001, January 15, 2016 (Item 8.8)**

**(a) Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School (PED15127(a)) (Ward 7) (Item 12.2)**

- (i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bona-fide offer to purchase the surplus property located at 155 East 26th Street, legally described as Lots D, E, 324 – 330 and 393 – 399, Part Lots 331 and 392, Plan 608 as in HL193448; Part of East 27th Street, Plan 608 as in HL170834 and HL193448, Closed by Order as in HL167453; Part East 27th Street, Plan 608 as in HL240204, Closed by By-law 9904 as in HL219047 except AB24304; City of Hamilton, and further identified as PIN 17058-0027(LT); being 0.683 ha (1.687 acres) in size, more or less, as shown on Appendix “A” attached to Report (PED15127(a)) to the Hamilton-Wentworth District School Board (HWDSB), on terms and conditions acceptable to the General Manager, Planning and Economic Development;
- (ii) That the budget and funding for the property acquisition consisting of the market value of the land, including all Real Estate and Legal Services administrative fees, as detailed in Private and Confidential Appendix “B” to Report (PED15127(a)), **as amended**, be approved;
- (iii) That, subject to a successful acquisition under Recommendation (a) of Report PED15127(a):
  - (1) Staff be authorized and directed to demolish the existing surplus school structure on the property at 155 East 26th Street known as Eastmount Park Elementary School, and finish the property with a grassed area;

- (2) That staff be directed to complete a recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center) lands, including engagement of the Ward Councillor, adjacent Community and parks and recreation stakeholders, and report back to the Emergency & Community Services Committee;
- (3) That, if determined feasible through the recreation needs assessment, the unopened road allowance located north of East 28th Avenue be deemed surplus;
- (4) That, should the unopened road allowance located north of East 28th Avenue be deemed surplus, Real Estate staff be authorized and directed to dispose of the surplus unopened road allowance in accordance with the "Sale of Land Policy By-law", being By-law 14-204;
- (iv) That Report PED15127(a) respecting Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School (PED15127(a)), remain confidential and not be released as a public document until following the completion of a transaction pursuant to an agreement of purchase and sale, and that the financial details outlined in Appendix "B", **as amended**, attached to Report PED15127(a) remain confidential and not be released as a public document;
- (v) That the Mayor and Clerk be authorized and directed to execute all necessary documents for the proposal respecting the surplus school property 155 East 26th Street (PED15127(a)) in a form satisfactory to the City Solicitor.
- (vi) That as part of the recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center), staff to be directed to undertake a Building Condition Assessment and Code Compliance review, during which staff also clean, paint and complete minor repairs of the Eastmount Community Centre at a cost of \$75,000, to be funded from Capital Project 2051550502;
- (vii) That staff be authorized to and directed to provide a storage unit for the Mountain Kidz Klub during the time required for the City to have vacant possession of the building to undertake the Building Condition Assessment and Code Compliance review and improvements;

- (vii) That staff be authorized and directed to enter into a renewed standard City rental agreement with Mountain Kidz Klub, on a nominal value basis, to continue their occupancy subsequent to the review/repair process; and,
- (ix) That the matter respecting Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be considered complete and removed from the General Issue Committee's Outstanding Business List.