



SPECIAL GENERAL ISSUES COMMITTEE MINUTES 20-008

9:30 a.m.

Friday, March 20, 2020

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Councillor J. P. Danko (Chair)
Councillors J. Farr (Deputy Mayor), M. Wilson, N. Nann, S. Merulla,
C. Collins, T. Jackson, B. Clark, M. Pearson, B. Johnson,
T. Whitehead, J. Partridge

Absent: Councillors E. Pauls, L. Ferguson, A. VanderBeek – Self Isolation

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. 2019 Annual Drinking Water Report (PW20020) (City Wide) (Item 10.3)

(Eisenberger/Whitehead)

That Report PW20020, respecting the 2019 Annual Drinking Water Report, be received.

CARRIED

2. Agreement for Continued Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(e)) (Ward 4) (Item 10.4)

(Merulla/Wilson)

That Report FCS18049(e), respecting the Agreement for Continued Supply of Raw Water to 690 Strathearne Avenue North (Hamilton), be received.

CARRIED

3. Ontario Works Funding Update - Employment Services (HSC20005(a)) (City Wide) (Item 10.5)

(Eisenberger/Partridge)

That Report HSC20005(a), respecting the Ontario Works Funding Update - Employment Services, be received.

CARRIED

4. Canada-Ontario Housing Benefit (HSC20013) (City Wide) (Item 10.6)

(Eisenberger/Partridge)

- (a) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer the Canada-Ontario Housing Benefit (COHB) and to execute all ancillary agreements and documents as may be required, with content satisfactory to the General Manager and in a form satisfactory to the City Solicitor;
- (b) That the General Manager of the Healthy and Safe Communities Department be authorized and directed to approve and revise any municipal program guidelines, approve any exceptions to the municipal program guidelines as special or unanticipated circumstances arise, as necessary to deliver and administer the Canada-Ontario Housing Benefit; and,
- (c) That the Outstanding Business List items identified as Opportunities and Flexibility of Existing Housing Programs and Hamilton Housing Benefits be considered complete and removed from the Emergency & Community Services Committee's Outstanding Business List.

CARRIED

5. Electric Vehicle Charging Stations Update (PED18250(b)) (City Wide) (Item 10.7)

(Clark/Pearson)

- (a) That the General Manager, Planning and Economic Development, or their designate, be authorized and directed to execute on behalf of the City a contribution agreement between the City and the Department of Natural Resources Canada (NRCan) with content acceptable to the General Manager, Planning and Economic Development and in a form satisfactory to the City Solicitor;
- (b) That Council approve the locations for the installation of up to 20 Electric Vehicle Chargers as listed in Appendix "A" attached to this Report as the target locations subject to confirmation of installation feasibility;
- (c) That the Director, Transportation Planning and Parking, or their designate, be authorized to make minor substitutions to the locations for installation or number of chargers per location, pending installation feasibility assessments;
- (d) That the estimated cost of \$252 K to purchase and install 20 chargers, after the NRCan rebate, be funded from the Parking Reserve 108021

(\$172 K) and through contributions from Ward Reserves on a pro-rated basis where the chargers are installed with the upset limits as follows; Ward 1 Reserve Account 108051 (\$8 K) , Ward 2 Reserve Account 108052 (\$32 K); Ward 3 Reserve Account 108053 (\$8 K), Ward 4 Reserve Account 108054 (\$8 K); Ward 8 Reserve Account 108058 (\$8 K), and Ward 13 Capital (Reserve) Account 3301609613 (\$16 K);

- (e) That a charge to use the Electric Vehicle stations be set at \$1 per hour for the first four hours, and \$4 for each subsequent hour to off-set the operating costs and to encourage turn-over of spaces;
- (f) That the Director, Transportation Planning and Parking, or their designate, be authorized to implement changes to Electric Vehicle charger pricing in municipal parking lots on an annual basis to reflect inflationary or other operating cost increases; and,
- (g) That the item respecting staff report back to the Planning Committee on locations and pricing structure, including what Hamilton's comparator municipalities are charging for the use of Electric Vehicle chargers be identified as complete and removed from the Planning Committee Outstanding Business List.

CARRIED

6. Waterpark Reserve Funding Request (PW20014) (City Wide) (Item 10.8)

(Whitehead/Pearson)

That the capital works required on the Eazy River Ride at Wild Waterworks to satisfy the Public Health Services order be funded from the Waterpark Operations Reserve (#112224) to an upset limit of \$530,000.

CARRIED

7. Backlog in Processing Apportionment of Land Taxes (FCS20026) (City Wide) (Item 10.9)

(Whitehead/Pearson)

That Report FCS20026, respecting the Backlog in Processing Apportionment of Land Taxes, be received.

CARRIED

8. COVID-19 Emergency Delegated Authority (CM20004) (City Wide) (Item 10.10)

(Eisenberger/Partridge)

- (a) That the Emergency Delegation Authority By-law, attached as Appendix "A", **as amended**, to Report CM20004, be passed; and,

- (b) That the By-law to Impose Late Payment Charges for Non-Payment of Taxes Amendment attached as Appendix “B” to CM20004, be passed; and,
- (c) That By-law No. 19-160 a By-Law to Establish Certain 2019 User Fees and Charges Amendment attached as Appendix “C” to Report CM20004, be passed.

CARRIED

9. A By-law to Amend Section 9 of the Procedural By-Law 18-270 to Allow for Electronic Participation (Item 11.1)

(Eisenberger/Nann)

WHEREAS, the COVID-19 virus has made it necessary for Council to amend Section 9 of the Procedural By-law, respecting Electronic Participation at Council and/or Committee Meetings during an emergency when attending in-person is not possible, to permit the electronic participation of members of Council at Council and/or Committee meetings;

THEREFORE, BE IT RESOLVED:

- (a) That the By-law to Amend By-law No. 18-270, the By-Law to Govern the Proceedings of Council and Committees of Council in the form attached hereto as Appendix “A”, be enacted;
- (b) That the City Clerk be delegated the authority to establish procedures and take all steps necessary to facilitate electronic participation by members of Council in Council and/or Committee meetings held in the Council Chamber; and,
- (c) That staff be directed to install the necessary technology in the Council Chambers in order for members of Council to participate electronically at Council and/or Committee meetings held in the Council Chamber to be funded from Dept. ID 300100.

CARRIED

10. Feasibility of Waiving of Penalties on Property Tax (Item 11.2)

(Clark/Partridge)

That staff be directed to review the feasibility of waiving the penalties on property tax installments for property owners who may default on their April 30, 2020 property tax installment and report back to the General Issues Committee.

11. Approval to Expropriate 70 Brant Street, Hamilton (PED19142(a)) (Ward 3) (Item 14.1)

(Nann/Eisenberger)

- (a) That the Application of the City of Hamilton to expropriate the property known as 70 Brant Street, Hamilton, Part of Lot 9 and 10 and part of Water Lot in Sherman Inlet Con 1 Bar and Reserves 1 and 2 PL 32 Part 1 on 62R18342 (the "Lands"), be approved;
- (b) That the By-law, attached as Appendix "A" to Report PED19142(a), to expropriate the Lands, be enacted; and,
- (c) That Report PED19142(a) respecting the approval of Expropriation of Land by the City, remain confidential until completion of the real estate transaction.

CARRIED

12. Consent and Assignment Agreement – Pier 22 Ground Lease (PED20036) (Ward 4) (Item 14.2)

(Merulla/Nann)

- (a) That a Consent and Assignment of Lease Agreement between the City of Hamilton (City), Hamilton-Oshawa Port Authority (Assignor) and Great Lakes Port Management Inc. (Assignee), based on the existing terms and conditions of the Ground Lease between the City and Assignor, for the approximate five acres of land located on a portion of Pier 22, 1579 Burlington Avenue East, Hamilton, as depicted in Appendix "A" attached to Report PED20036 and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, be approved;
- (b) That the General Manager of Planning and Economic Development Department or designate, be authorized on behalf of the City of Hamilton, to execute the Consent and Assignment of Lease Agreement between the City of Hamilton (City), Hamilton-Oshawa Port Authority (Assignor) and Great Lakes Port Management Inc. (Assignee) for the approximate five acres of land located on a portion of Pier 22, 1579 Burlington Avenue East, Hamilton, as depicted in Appendix "A" attached to Report PED20036 as well as any related agreements, ancillary documents, consents, approvals and notices all in a form satisfactory to the City Solicitor;
- (c) That the City Solicitor be authorized to amend and waive such terms and conditions to the Ground Lease and Consent and Assignment of Lease Agreement, between the City of Hamilton (City), Hamilton-Oshawa Port Authority (Assignor) and Great Lakes Port Management Inc. (Assignee)

for the approximate five acres of land located on a portion of Pier 22, 1579 Burlington Avenue East, Hamilton, as depicted in Appendix "A" attached to Report PED20036 as she considers reasonable to give effect to this authorization and direction;

- (d) That Real Estate and Legal fees of \$1,500 for the Consent and Assignment of Lease Agreement, between the City of Hamilton (City), Hamilton-Oshawa Port Authority (Assignor) and Great Lakes Port Management Inc. (Assignee) for the approximate five acres of land located on a portion of Pier 22, 1579 Burlington Avenue East, Hamilton, as depicted in Appendix "A" attached to Report PED20036 be recovered from the Assignor and be credited to Account No. 53110-3560150200; and,
- (e) That Report PED20036, respecting a Consent and Assignment Agreement – Pier 22 Ground Lease remain confidential and not be released as a public document.

CARRIED

13. Application for Approval to Expropriate Property in Ward 3 (PED20041 / LS20004 / PW20016) (Ward 3) (Item 14.3)

(Nann/Jackson)

- (a) That the direction provided to staff in Closed Session, respecting Report PED20041/LS20004/PW20016, the Application for Approval to Expropriate Property in Ward 3, be approved;
- (b) That staff be directed and authorized to pursue grant and low-interest loans from the Federation of Canadian Municipalities for the purposes of the park development of the project lands including the properties, to allow for more of the existing funding to be used for the purposes of land acquisition;
- (c) That, should the City's submission for grant or low-interest loans from the Federation of Canadian Municipalities be approved, staff be directed to report back to the General Issues Committee to seek approval of a financing strategy, inclusive of future tax supported levy increases;
- (d) That the entirety of this Report PED20041/LS20004/PW20016 remain confidential save and except for any portions that need to be disclosed for the purposes of completing an expropriation at the discretion of the City Solicitor.
- (e) That the By-law to expropriate the Lands, attached as Appendix "A" to Report PED20041 / LS20004 / PW20016, be enacted; and,

- (f) That the complete Report PED19142(a) respecting the approval of Expropriation of Land by the City, remain confidential until completion of the real estate transaction.

CARRIED

14. Canadian Union of Public Employees Union Local 1041, Ratification of Collective Agreement (HUR20006) (City Wide) (Item 14.4)

(Jackson/Eisenberger)

- (a) That the tentative agreement reached on February 19, 2020, between the City of Hamilton and the Canadian Union of Public Employees, Local 1041 (CUPE 1041) representing 330 employees, be ratified by Council; and,
- (b) That Report HUR20006 respecting the Canadian Union of Public Employees, Local 1041, Ratification of Collective Agreement, remain confidential.

CARRIED

15. Waterdown Bay - 392 Dundas Street East (LS20003 / PED20049) (Ward 15) (Item 14.5)

(Partridge/Pearson)

- (a) That the General Manager, Finance and Corporate Services be authorized and directed to release funds of up to \$8 million for any parkland credit owing to the developer(s) for the Mountainview Heights Subdivision (Waterdown Bay);
- (b) That staff be directed to bring an information report back to the Planning Committee following negotiations with the developer and prior to the release of any funds to provide an update; and,
- (c) That Report LS20003/PED20049, respecting Waterdown Bay - 392 Dundas Street East, remain confidential.

CARRIED

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

10. DISCUSSION ITEMS

- 10.10 COVID-19 Emergency Delegated Authority (CM20004) (City Wide)

12. NOTICES OF MOTION

- 12.1 To Amend Section 9 of the Procedural By-Law 18-270 to Allow for Electronic Participation

(Johnson/Nann)

That the agenda for the March 20, 2020 General Issues Committee meeting, be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor M. Wilson declared an interest to Item 14.5, respecting Report LS20003 / PED20049 – Waterdown Bay – 392 Dundas Street East, due to her spouse’s involvement in the project.

(c) DISCUSSION ITEMS (Item 10)

- (i) Amendment to Sub-section (a) to Report PED20053, respecting the Enbridge Gas Inc. Leave to Construct Application for the 2021 Dawn to Parkway Extension and Integrated Resource Planning Proposal (DEFERRED from the February 19, 2020 General Issues Committee)**

(Danko/Whitehead)

That the Amendment to Sub-section (a) to Report PED20053, respecting the Enbridge Gas Inc. Leave to Construct Application for the 2021 Dawn to Parkway Extension and Integrated Resource Planning Proposal, be DEFERRED to a future General Issues Committee meeting.

CARRIED

- (ii) COVID-19 Emergency Delegated Authority (CM20004) (City Wide) (Item 10.10)**

(Clark/Johnson)

Section 8 to Appendix “A” to Report CM20004, respecting COVID-19 Emergency Delegated Authority was amended by deleting the words “and to approve settlement” and “to the City Solicitor and Chief Planner” and replacing them with the words “**except**” and “**/Ontario Municipal Board**”, to read as follows:

8. Council delegates its authority to approve any legal settlements to the City Solicitor and the City Manager ~~and to approve settlement~~ **except** matters currently before the Local Planning Appeal Tribunal/**Ontario Municipal Board**.

The Motion above was **DEFEATED** on the following Standing Recorded Vote:

Yeas: Clark, Johnson, Whitehead, Pearson, Partridge
Total: 5
Nays: Collins, Nann, Eisenberger, Wilson Jackson, Merulla, Danko
Total: 7
Absent: Ferguson, VanderBeek, Farr, Pauls
Total: 4

(Partridge/Clark)

Section 6(b) to Appendix “A” to Report CM20004, respecting COVID-19 Emergency Delegated Authority was amended by adding the words “**up to a maximum of \$500,000**”, to read as follows:

6. Delegation

- (b) Approval Authority to the City Manager to incur any expenditures or liabilities over \$250,000 **up to a maximum of \$500,000**.

The Motion above was **DEFEATED** on the following Standing Recorded Vote:

Yeas: Partridge, Clark, Whitehead, Pearson, Jackson, Merulla
Total: 6
Nays: Collins, Johnson, Nann, Eisenberger, Wilson, Danko
Total: 6
Absent: Ferguson, VanderBeek, Farr, Pauls
Total: 4

(Eisenberger/Clark)

Section 6(d) to Appendix “A” to Report CM20004, respecting COVID-19 Emergency Delegated Authority was amended by adding the words “**only when Committee or Council is unable to meet**”, to read as follows:

- (d) to exercise any discretionary corporate actions in response to unforeseen circumstances that arise due to the COVID-19 (Novel Coronavirus) pandemic and to exercise delegated authority where such authority has not already been provided by Council until the end of the COVID-19 (Novel Coronavirus) pandemic, **only when Committee or Council is unable to meet**.

AMENDMENT CARRIED

(d) NOTICES OF MOTION (Item 12)

Mayor Eisenberger introduced a Notice of Motion respecting a By-law to Amend Section 9 of the Procedural By-Law 18-270, as amended, to Allow for Electronic Participation.

(i) A By-law to Amend Section 9 of the Procedural By-Law 18-270 to Allow for Electronic Participation (Item 12.1)

(Eisenberger/Jackson)

That the Rules of Order be waived to allow for the introduction of a Motion to Amend Section 9 of the Procedural By-law 18-270, as amended, to Allow for Electronic Participation.

CARRIED

(Eisenberger/Nann)

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice, requires that public notice is required to advise of a Committee meeting to consider the enactment of a procedure by-law in the form of one notice published in a newspaper a minimum of 14 days prior to the Committee meeting; and,

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice also notes that Council may direct that other notice is to be given as Council considers adequate and when the City Manager determines that an emergency situation exists;

THEREFORE, BE IT RESOLVED:

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to Section 9 of the Procedural By-law, effective immediately.

CARRIED

For disposition of this matter, please refer to Item 9.

(e) PRIVATE & CONFIDENTIAL (Item 14)

(Clark/Pearson)

That Committee move into Closed Session respecting Items 14.1 to 14.5, pursuant to Section 8.1, Sub-sections (c), (d), (e), (f), (g) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (b), (c), (d), (e), (f), (g) and (k) of the *Ontario Municipal Act*, 2001; as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of

land by the municipality or local board; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a matter in respect of which a council, board committee or other body may hold a closed meeting under another Act; 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.

CARRIED

(f) ADJOURNMENT (Item 15)

(Pearson/Nann)

That there being no further business, the General Issues Committee be adjourned at 1:34 p.m.

CARRIED

Respectfully submitted,

Councillor J. P. Danko
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk