



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE MINUTES 21-001

9:30 a.m.

January 14, 2021
Council Chambers
Hamilton City Hall

Present: Councillors B. Clark (Chair), C. Collins, L. Ferguson, B. Johnson, M. Pearson, A. VanderBeek, and M. Wilson

Absent: Councillor J. Partridge – Personal

Also Present: Councillor J.P. Danko

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Development Charge (DC) Demolition Credit Extension Request, 651-677 Upper James Street (Mountain Plaza Mall) (FCS17008(a)) (City Wide) (Item 9.1)**

(Pearson/Collins)

- (a) **That the City Development Charges (DC) demolition credits for the Mountain Plaza Mall (651-677 Upper James Street), *be extended for an additional two years and funded by \$106,579.73 from the Water Reserve, \$212,263.84 from the Wastewater Reserve, and \$521,255.50 from the Unallocated Capital Reserve; with the following conditions:***

- (i) ***That the site plan be submitted within 9 months; and,***

- (ii) ***That no further extensions will be granted to this property;***

- (b) That the subject matter respecting the “Delegation from Kevin Rachman, SmartCentres REIT, regarding an Extension to a Development Charges Credit”, be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

Result: Main Motion As Amended CARRIED by a vote of 4 to 3, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
NO - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

NO - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
NO - Ward 1 Councillor Maureen Wilson

2. 2020 City of Hamilton External Audit Plan (FCS21002) (City Wide) (Item 9.2)

(Pearson/Collins)

That Appendix "A" to Report FCS21002, respecting the 2020 City of Hamilton External Audit Plan prepared by KPMG, be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

3. City of Hamilton / Ministry of Transportation Municipal Transit Enhanced Cleaning Transfer Payment Agreement (FCS21005) (City Wide) (Item 9.3)

(Johnson/Pearson)

- (a) That the Mayor and the City Clerk be authorized and directed to enter into a Transfer Payment Agreement attached as Appendix "A" to Report FCS21005 between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the municipality regarding Municipal Transit Enhanced Cleaning funding in a form satisfactory to the City Solicitor;
- (b) That, upon being passed, a certified copy of the authorizing By-law and resolution, together with the signed Transfer Payment Agreement for the Municipal Transit Enhanced Cleaning be forwarded to the Ministry of Transportation.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

4. Protection of Privacy Policy (FCS21003) (City Wide) (Added Item 9.4)

(Pearson/Wilson)

- (a) That Report FCS21003, respecting the Protection of Privacy Policy, be received;
- (b) That the Protection of Privacy Policy, attached as Appendix "A" to Report FSC21003, be approved; and,
- (c) That the request for 1 FTE to support the administration of the privacy policy, be referred to 2021 budget deliberations for consideration.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

5. Waiving of the 'False Alarm' Fee for Famee Furlane (Added Item 11.1)

(Johnson/Pearson)

WHEREAS, the Famee Furlane of Hamilton is the social and cultural centre for Italians from the FRIULI, the northeastern most region of Italy and a non-profit community-based organization with membership comprised mostly of people of FRIULAN origin;

WHEREAS, Famee Furlane of Hamilton's revenues have been significantly impacted by the Coronavirus pandemic;

WHEREAS, the organization is comprised of volunteers;

WHEREAS, on November 30, 2020 Famee Furlane of Hamilton had a new volunteer testing their fire alarm and he was unaware that the Fire Department needed to be contacted first; and

WHEREAS, Famee Furlane of Hamilton was therefore issued a "false alarm" fee as per the City of Hamilton's User Fee bylaw;

THEREFORE, BE IT RESOLVED:

That staff be directed to waive the "false alarm" fee of \$753.50 for Famee Furlane's false alarm on November 30, 2020, as compassionate relief, and that staff communicate to Famee Furlane of Hamilton that this is a one-time waiving of the 2021 fee only.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

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

5. DELEGATION REQUESTS

5.3 Robert Ridley, on behalf of Olympia Gerl, respecting a Water Billing Charging Anomaly (For a future meeting)

9. DISCUSSION ITEMS

9.4 Protection of Privacy Policy (FCS21003) (City Wide)

11. NOTICES OF MOTION

11.1 Waiving of the 'False Alarm' Fee for Famee Furlane

(Pearson/Johnson)

That the agenda for the January 14, 2021 Audit, Finance and Administration Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
NOT PRESENT - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) December 10, 2020 (Item 3.1)

(Ferguson/Pearson)

That the Minutes of the December 10, 2020 meeting of the Audit, Finance and Administration Committee be approved, as presented.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(d) DELEGATION REQUESTS (Item 5)

(i) Sanaullah Chaudhry, respecting a water bill totaling \$2,193.34 (for October 18 - Dec. 18th through Alectra-Bill) (For a future meeting) (Item 5.1)

(Wilson/Ferguson)

That the Delegation Request from Sanaullah Chaudhry, respecting a water bill totaling \$2,193.34 (for October 18 - Dec. 18th through Alectra-Bill), be approved for a future meeting.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(ii) Kevin Rachman, SmartCentres REIT, respecting staff Report FCS17008(a) (Item 9.1 on today's agenda) on a request made, on behalf of SmartCentres (For today's meeting) (Item 5.2)

(Johnson/Collins)

That the Delegation Request from Kevin Rachman, SmartCentres REIT, respecting Item 9.1 - Development Charge (DC) Demolition Credit Extension Request, 651-677 Upper James Street (Mountain Plaza Mall) (FCS17008(a)), be approved for a today's meeting.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(iii) Robert Ridley, on behalf of Olympia Gerl respecting a Water Billing Charging Anomaly (For a future meeting) (Added Item 5.3)

(Wilson/Ferguson)

That the Delegation Request from Robert Ridley, on behalf of Olympia Gerl respecting a Water Billing Charging Anomaly, be approved for a future meeting.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

**(e) PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS
(Item 7)**

(i) Kevin Rachman, SmartCentres REIT, respecting staff Report FCS17008(a) (Item 9.1 on today's agenda) on a request made, on behalf of SmartCentres (Added Item 7.1)

Kevin Rachman, SmartCentres REIT, addressed the Committee respecting Item 9.1 - Development Charge (DC) Demolition Credit Extension Request, 651-677 Upper James Street (Mountain Plaza Mall) (FCS17008(a)).

(Johnson/Pearson)

That the delegation from Kevin Rachman, SmartCentres REIT, respecting Item 9.1 - Development Charge (DC) Demolition Credit Extension Request, 651-677 Upper James Street (Mountain Plaza Mall) (FCS17008(a)), be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge

YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(f) DISCUSSION ITEMS (Item 9)

(i) Development Charge (DC) Demolition Credit Extension Request, 651-677 Upper James Street (Mountain Plaza Mall) (FCS17008(a)) (City Wide) (Item 9.1)

(Pearson/Collins)

That sub-section (a) *be amended* as follows:

(a) That the City Development Charges (DC) demolition credits for the Mountain Plaza Mall (651-677 Upper James Street) ~~for an additional five years, to January 12, 2025, be denied;~~ ***be extended for an additional two years and funded by \$106,579.73 from the Water Reserve, \$212,263.84 from the Wastewater Reserve, and \$521,255.50 from the Unallocated Capital Reserve; with the following conditions:***

- (i) That the site plan be submitted within 9 months; and,***
- (ii) That no further extensions will be granted to this property;***

Result: Amendment CARRIED by a vote of 4 to 3, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
NO - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
NO - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, refer to Item 1.

(g) NOTICES OF MOTION (Item 11)

(i) Waiving of the 'False Alarm' Fee for Famee Furlane (Added item 11.1)

(Johnson/Pearson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Waiving of the 'False Alarm' Fee for Famee Furlane.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, refer to Item 5.

(h) PRIVATE AND CONFIDENTIAL (Item 13)

(i) December 10, 2020 – Closed Minutes (Item 13.1)

(Collins/VanderBeek)

- (a) That the Closed Session Minutes of the December 10, 2020 Audit, Finance and Administration Committee meeting, be approved as presented; and,
- (b) That the Closed Session Minutes of the December 10, 2020 Audit, Finance and Administration Committee meeting, remain confidential.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

(i) ADJOURNMENT (Item 14)

(Pearson/Johnson)

That, there being no further business, the Audit, Finance and Administration Committee, be adjourned at 11:24 a.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark
YES - Ward 5 Councillor Chad Collins
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Councillor Clark, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk