



General Issues Committee

REPORT 11-006

9:30 a.m.

Monday, February 14, 2011

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor C. Collins (Chair)
Mayor B. Bratina
Councillors B. Clark, J. Farr, L. Ferguson, T. Jackson,
B. Johnson, B. McHattie, S. Merulla, B. Morelli, J. Partridge,
R. Pasuta, M. Pearson, R. Powers, T. Whitehead

Absent with Regrets: Councillor S. Duvall – Vacation

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Economic Development & Planning
J. A. Priel, General Manager, Social & Community Services
H. Hale Tomasik, Executive Director, Human Resources & Organizational Development
D. Cunliffe, Director, Fire Operations/Deputy Chief, HES
B. Browett, Director, EMS/Deputy, HES
P. Barkwell, City Solicitor
A. Zuidema, Director, Corporate Initiatives
N. Everson, Director, Economic Development & Real Estate
C. Biggs, Co-ordinator, Committee Services/Council/Budgets

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 11-006 AND RESPECTFULLY RECOMMENDS:

1. Dundas Business Improvement Area (B.I.A.) Appointment of the 2011-2014 Board of Management (PED11032) (Ward 13) (Item 5.1)

That the following individuals be appointed to the Dundas B.I.A.'s Board of Management for a four (4) year term:

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Councillor R. Powers, Ward 13
Jim Watson
Darlyne Mills
Angelo Morgante
Kevin Small
David Anderson
Padraic McGuire
Phyllis Kraem

Evelyn Cruikshank
Kim Adams
Crystal Asher
Fred Vermeulen
Leah Brouwers
Bandon Thurley
Lisa Picone

2. Locke Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2011 (PED11033) (Ward 1) (Item 5.2)

- (a) That the 2011 operating budget for the Locke Street B.I.A. (attached as Appendix 'A' to Report PED11033) be approved in the amount of \$10,250.00.
- (b) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2011 budget as referenced in sub-section (a) above.
- (c) That the following schedule of payments for 2011 be approved:

February	\$2,562.50
April	\$2,562.50
July	\$2,562.50
October	\$2,562.50

and that Assessment appeals may be deducted from the levy payments.

3. Locke Street Business Improvement Area (B.I.A. Appointment of the 2011-2014 Board of Management (PED11034) (Ward 1) (Item 5.3)

That the following individuals be appointed to the Locke Street B.I.A.'s Board of Management for a four (4) year term:

Councillor B. McHattie, Ward 1
Tony Greco
Zena Dalton
Diana McClure
Don Cameron

4. Hess Village Community Liaison Review (PED09127(e)) (Ward 2) (Item 5.4)

That the continuation of the Hess Village Community Liaison Committee through to the end of the current term of Council in 2014, be endorsed, in accordance with the Terms of Reference for the Hess Village Community Liaison Committee (2011-2014), as amended, attached as Appendix "A" hereto.

5. Ontario Realty Corporation (ORC) Surplus Land – Project 8193 – located at 560 Grays Road, described as Parts 1 and 2, Plan 62R015557, Former Township of Saltfleet, now City of Hamilton (PED11018) (Ward 5) (Item 5.5)

- (a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring their land located at 560 Grays Road, legally described as Parts 1 and 2, Plan 62R-15557, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" attached to Report PED11018;
- (b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) of the City of Hamilton requirements to the development of the site as contained in the "Relevant Consultation" Section of Report PED11018.

6. Ontario Realty Corporation (ORC) Surplus Land – Project 8192 located at 84 Lakeview Drive, described as Part of Lots 18, 19, 20 and 21, Plan 673, Former Township of Saltfleet, now City of Hamilton (PED11019) (Ward 10) (Item 5.6)

- (a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring their land located at 84 Lakeview Drive, described as Part of Lots 18, 19, 20 and 21, Plan 673, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" attached to Report PED11019;
- (b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) of the City of Hamilton requirements to the development of the site as contained in the "Relevant Consultation" Section of Report PED11019.

- 7. Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 360 Frances Avenue, described as Lot 15, Plan M-1010, former Township of Saltfleet, now City of Hamilton (PED11028) (Ward 10) (Item 5.7)**
- (a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring their land located at 360 Frances Avenue, legally described as Lot 15, Plan M-101, former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" to Report PED11028 attached;
 - (b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City's requirements to the development of the site as contained in the "Relevant Consultation" Section of Report PED11028.
- 8. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-11-01, 10NC Inc., 685 Queenston Road, Hamilton (PED11024) (Ward 5) (Item 5.8)**
- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-11-01, submitted by 10NC Inc., future owner of the property at 685 Queenston Road, Hamilton for an ERASE Redevelopment Grant not to exceed \$962,250, payable to 10NC Inc. over a maximum of ten (10) 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, on behalf of the City, the ERASE Redevelopment Agreement with 10NC Inc. referred to in sub-section (a) with respect to the redevelopment of 685 Queenston Road, and all such necessary associated documents, all in a form satisfactory to the City Solicitor.
- 9. Capital Projects Status and Closing Report as of September 30, 2010 (FCS10073(a)) (City Wide) (Item 5.9)**
- (a) That the September 30th, 2010, Capital Projects' Status and Projects' Closing Report and the attached Appendices A, B, C, D, and E to Report FCS10073(a) for the tax levy and the rate supported capital projects be received for information;

- (b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to Report FCS10073(a) in accordance with the Capital Closing Policy and that the net transfers be applied as listed below and as detailed by project in Appendix B to Report FCS10073(a):

Summary of Transfers:

Transfers to/(from) Reserves

From the Unallocated Capital Levy -108020 (221,217)

10. Terms of Reference for Stormwater Rate Review Sub-Committee (PW10085(a)) (City Wide) (Item 8.2)

- (a) That Report PW10085a respecting the Terms of Reference for the Stormwater Rate Review Sub-Committee, be received;
- (b) That the Storm Water Rate Review Sub-Committee be cancelled.

11. Hamilton International Airport Staffing Changes – Potential Implications (CM11001) (City Wide) (Item 8.3)

That Report CM11001 respecting Hamilton International Airport Staffing Changes – Potential Implications, be received.

12. Opposing the Elimination of the Census Long Form Questionnaire (CS11021) (City Wide) (Item 8.4)

- (a) That correspondence be forwarded to the Prime Minister to advise him that the City of Hamilton strongly opposes the decision to eliminate the mandatory Census long form questionnaire on the basis that it will compromise the City's ability to effectively plan for its communities, and to request that the Honourable Tony Clement, Minister of Industry, reinstate the mandatory Census long form questionnaire for the upcoming 2011 Census;
- (b) That the correspondence sent to the Prime Minister regarding the Census long form questionnaire be forwarded to all local Members of Parliament, local Members of Provincial Parliament, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities;

- (c) That the item regarding the resolution from the City of Kingston regarding the Mandatory Census Long Form questionnaire for the upcoming 2011 census be identified as complete and removed from the General Issues Committee's Outstanding Business List.

13. Independent External Audit Review of HECFI Operations (CM11002) (City Wide) (Item 12.5)

- (a) That Phase One of the Independent External Audit Review of HECFI Operations be approved and funded from the HECFI Reserve in an amount to not exceed \$90,000;
- (b) That the Terms of Reference for the Independent External Audit Review of HECFI Operations, as amended, attached as Appendix "A" hereto, be approved;
- (c) That the requirements of the Purchasing Policy Bylaw be waived in the interests of rapid completion of the Review;
- (d) That staff be directed to seek responses from no less than three major accounting firms or their consulting subsidiaries including a Scope of Work and a budget for completion of the tasks set out in the Terms of Reference. That value for money rather than lowest price be part of the evaluation criteria.
- (e) That following receipt and evaluation of the responses, the City Manager be authorized to negotiate with one, or more of the firms, and retain a firm to complete the review and to execute a contract for the work in a form satisfactory to the City Solicitor.

14. Request for Funding for Archaeological Dig at Smith Knoll (Item 9.1)

That the Mayor be requested to forward a letter to the Federal Government requesting \$200,000 to support the archaeological dig at Smith Knoll in Stoney Creek.

FOR THE INFORMATION OF COUNCIL:**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes:

DELEGATION REQUESTS

- (i) Delegation Request from Gudelia Morency, Office of the Independent Police Review Director (OIPRD), respecting the OIPRD mandate, outreach and education program (Added as Item 4.2)

PUBLIC HEARINGS/DELEGATIONS

The following requests to appear have been withdrawn:

- (ii) Dr. Margaret Denton, on behalf of the Hamilton Council on Aging (Item 6.2)
- (iii) Belma Diamonte, on behalf of The Canadian Ballet Youth Ensemble, respecting service and costs at HECFI (Item 6.5)

GENERAL INFORMATION/OTHER BUSINESS

- (iv) Correspondence from Murray Martin, President and CEO, Hamilton Health Sciences, in response to concerns expressed at the October 7, 2009 meeting of the Emergency and Community Services Committee (Added as Item 11.2)

PRIVATE & CONFIDENTIAL

- (vi) Collective Bargaining Strategy – Update as a result of direction provided to staff In Camera on January 10, 2011 (Added as Item 12.7)

On a motion (Morelli/Farr) the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES

On a motion (Bratina/Pasuta) the Minutes of the January 10 and January 24 and 27, 2011 meetings of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

On a motion (Pearson/Clark) the delegation requests from the following, be approved:

- (i) Request from Deb Murphy, Glanbrook Wind Action Group, to appear before the Committee to request a moratorium on the erection of industrial wind turbine farms (Item 4.1)
- (ii) Gudelia Morency, Office of the Independent Police Review Director (OIPRD), respecting the OIPRD mandate, outreach and education program (Added Item 4.2)

(e) CONSENT AGENDA**(i) Hess Village Community Liaison Committee Review (PED09127(e)) (Ward 12) (Item 5.4)**

On a motion (Farr/McHattie) the paragraph before “Meetings, Term, Agenda and Minutes” in the Terms of Reference (Page 3 of 7) was amended by deleting the words, “funding the facilitator, including”, to read as follows:

The City will cover costs associated with booking meeting facilities, providing simple refreshments for the meetings and the recording, copying and distribution of minutes and agenda.

The Main Motion, as amended, CARRIED.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)**(i) Mark Chamberlain on behalf of the Jobs Prosperity Collaborative, to present the 2010 Activity Summary and 2011 Budget Forecast and Work Plan Overview (Item 6.1)**

Mark Chamberlain appeared before the Committee to provide a summary of the 2010 activities of the Jobs Prosperity Collaborative and the go forward activities. He also thanked the participation of Tim McCabe and Neil Everson for their time and efforts on the Collaborative, stating that a strong relationship with City staff has been developed. The JPC is also very well linked with the Division, its initiatives and directives of City staff, from the City Manager and also through the Committee and Department.

Councillor McHattie commented that some of the initiatives being undertaken by the JPC can be tied in with the work of the Hamilton Centre for Civic Inclusion.

The Committee requested that additional information be provided by the JPC on the following:

- Governance model and how the Board of Governors operates
- Accountability of their funds
- Review of the Ambassador Program i.e., scope and terms of reference
- How to deal with City policies in terms of MFIPPA
- Formula used to calculate value of volunteer hours
- Plans on fundraising, specifically with respect to the Innovation Factory.

On a motion (Pearson/Ferguson) the presentation from Mark Chamberlain, Chair of the Jobs Prosperity Collaborative, was received.

(ii) Charles Bonnaffon respecting the Hamilton Pan Am Velodrome Project (Item 6.2)

Mr. Bonnaffon, who is an advocate for cycling facilities, appeared before the Committee to express his issues concerning the decisions with respect to the Pan Am Velodrome and to offer alternatives for a modest, sustainable facility that would be appropriate for a sport that is not developed in this part of the world.

The Committee requested Mr. Bonnaffon to submit his speaker's notes to the Clerk for distribution for their information and review.

The Committee also requested that staff report back with respect to the consultation process and the status of the decision-making process.

A copy of Mr. Bonnaffon's speaking notes was submitted to the Office of the City Clerk which were distributed to the Committee and also retained for the public record.

On a motion (Clark/Powers) the presentation provided by Mr. Charles Bonnaffon with respect to the Hamilton Pan Am Velodrome Project, be received.

(iii) Pat Wright, Hamilton Centre for Civic Inclusion, respecting funding for 2011 (Item 6.4)

Mile Komlen, Co-Chair, Pat Wright, Interim Executive Director and Gerals Fisher, Treasurer, Hamilton Centre for Civic Inclusion (HCCI), appeared before the Committee to provide an overview of the services and programs that the HCCI provides in the community and how this organization forms a crucial part of the City of Hamilton.

HCCI has reduced its budget from \$350,000 to \$250,000, and is requesting a reduced funding commitment over the next three years i.e., \$100,000 for this year, \$75,000 for 2012 and \$50,000 for 2013. Any differential will be made up through their fees-for-services. Audited statements are available for review upon request.

Chair Collins advised the Committee that Community Services has included a budget enhancement which will be considered by the Emergency and Community Services Committee during their budget deliberations.

On a motion (Whitehead/Clark) the presentation from Mike Komlen, Co-Chair of the Hamilton Centre for Civic Inclusion, was received.

(iv) Commodore Russ Perry, on behalf of Rotary Mobility Cup 2011, respecting support for holding the Rotary Mobility Cup in Hamilton Harbour in 2011 (Item 6.6)

Commodore Russ Perry appeared before the Committee on behalf of the Rotary Mobility Cup 2011 respecting financial support to hold the Rotary Mobility Cup in Hamilton Harbour in August, 2011.

Commodore Perry provided a power point presentation which included the following:

- Introduction
- Disabilities and Able Sail Programs
- Mobility Cup History
- The Rotary Mobility Cup 2011
- City of Hamilton Involvement and Legacy.

Commodore Perry spoke to how the City of Hamilton can benefit by partnering in hosting this world-class event, and requested that the City of Hamilton match the City of Burlington's \$20,000 with cash and gifts in kind.

A copy of the power point presentation and speaking notes have been submitted to the Office of the City Clerk to be retained for the public record.

On a motion (Clark/Pearson) the presentation by Commodore Russ Perry respecting the Rotary Mobility Cup, was received.

On a motion (Clark/Powers) the request for \$20,000 was referred to the grants process and staff was directed to report back with opportunities to assist the event through the 2011 budget process.

(v) Lorna Zaremba, on behalf of Theatre Aquarius, respecting request for Capital Funding to complete Sustainable Prosperity Project: Theatre Aquarius Renewal with Energy Efficiency (Item 6.7)

Lorna Zaremba appeared before the Committee, on behalf of Theatre Aquarius, to request capital funding to complete their Sustainable Prosperity Project: Theatre Aquarius Renewal with Energy Efficiency.

Ms. Zaremba provided a power point presentation which outlined the following:

- various occasions in the past where the City has partnered with Theatre Aquarius toward achieving their success,
- return on investment
- economic engine
- invest in the creative brainpower of our children
- new partnerships for the future
- time for renewal
- capital project – expected results and project goal
- a high impact investment.

Theatre Aquarius' request is for a capital grant of \$380,000 to cover the unfunded portion of the renovation costs, which includes removal and replacement of the roof system, replacement of 8 Trane rooftop HVAC units with high efficiency units and rehabilitating the curtain wall structure and replacing out of date glazing units in the wall of windows that front the Dofasco Centre for the Arts.

Chair Collins stated that the City needs to develop a policy which would determine why some groups receive capital funding from the City, while others do not. The policy should also include requests for operating funds.

A copy of the power presentation and Ms. Zaremba's speaking notes were submitted to the Office of the City Clerk for the public record.

On a motion (Powers/Partridge) the presentation was received. Staff was directed to to investigate all options, including loans, for consideration during the strategic initiatives discussions of the 2011 budget process.

On a motion (Partridge/Johnson) staff was directed to report back on a process that deals with requests for capital and operating funds, as well as developing parameters around operating grants that are provided, including those outside of the grants process, and synergies with the City's purchasing policy.

(g) STAFF PRESENTATIONS**(i) City Manager Performance Review (Item 7.1)**

Chris Murray, City Manager, provided a power point presentation with respect to his 2010 performance review, including the following achievements:

- New structure for City Manager's Office
- Bringing corporate planning functions together
- Pan Am, downtown revitalization, progress on the waterfront, transit initiatives
- City's website (citizens' perspective)
- Council accomplishments report
- Employee recognition
- Build relationships
- Provide support to economic development.

In the presentation, Mr. Murray also outlined the political landscape (what members of Council want, how to achieve and the target); operating budget principle approved by Council on February 3, 2011; the relationship between City Council, Civic Administration and the Community; 2011 Community Prosperity, 2011 Sustainable Services and what is required to get it right, 2011 Alignment, Conditions for Success, and the City's Vision (to be the best place to raise a child, promote innovation, engage citizens and provide diverse economic opportunities).

In relation to concerns expressed respecting how to better utilize staff's time, Mr. Murray indicated that SMT will provide a list of projects with deadlines, what is required to get items off the list of "to do's" and the investment in terms of time and resources that are required.

On a motion (Pearson/Johnson) the presentation provided by Chris Murray respecting the City Manager's Performance Review, was received.

(h) DISCUSSION AGENDA**(i) City of Hamilton Policy for Hamilton Renewable Power Inc. (HRPI) Dividends (FCS11002) (City Wide) (Item 8.1)**

On a motion (McHattie/Whitehead) Report FCS11002 respecting City of Hamilton Policy for Hamilton Renewable Power Inc. (HRPI) Dividends was referred to the 2011 Budget process.

The Committee requested that additional information be provided in terms of a breakdown of individual amounts of liability on each of the landfill sites that comprises the approximate \$27 million in liability to date.

The Committee also discussed setting aside \$500,000 to work on energy retrofits, with the possibility of partnering with federal dollars and reinvesting in energy conservation.

(ii) Terms of Reference for Stormwater Rate Review Sub-Committee (PW10085(a)) (City Wide) (Item 8.2)

The Motion CARRIED on the following recorded vote:

Yeas:	Bratina, Clark, Collins, Farr, Ferguson, Jackson, Johnson, Morelli, Partridge, Pasuta, Pearson
Total Yeas:	11
Nays:	McHattie, Powers, Whitehead
Total Nays:	3
Absent:	Duvall, Merulla
Total Absent:	2

(iii) Hamilton International Airport Staffing Changes – Potential Implications (CM11001) (City Wide)

Staff was requested to extend an invitation to airport representatives to attend a future meeting of the General Issues Committee to provide a presentation and respond to questions with respect to staffing changes and potential implications at Hamilton International Airport.

The invitation will be extended through the City Clerk's Office and scheduled accordingly.

(iv) Independent External Audit Review of HECFI Operations (CM11002) (City Wide) (Item 8.5/Item 12.5)

On a motion (Ferguson/Clark) the first bullet of the HECFI Review Terms of Reference was amended by adding the words, "including the marketing plan" after the word "practices", to read as follows:

- Evaluation of the economy and effectiveness of the current structure and organization, as well as the efficiency of key processes and management practices, including the marketing plan.

On a motion (Clark/Bratina) the Terms of Reference were amended to include a review of Human Resources Policies.

The Main Motion, as amended, CARRIED.

(i) NOTICE OF MOTION**(i) Stormwater Management Rate**

Councillor T. Whitehead put forward the following Notice of Motion:

That staff be directed to report back to the General Issues Committee on the inequity of the stormwater management rate in terms of the larger users e.g., big box stores, not paying their fair share.

(j) GENERAL INFORMATION/OTHER BUSINESS**(i) Outstanding Business List (Item 11.1)**

The Committee was advised that the Outstanding Business List is currently being updated and will be provided in the March 22 Committee agenda.

(ii) Correspondence from Murray Martin, President and CEO, Hamilton Health Sciences, in response to concerns expressed at the October 7, 2009 meeting of the Emergency and Community Services Committee (Added as Item 11.2)

On a motion (Farr/Morelli) the correspondence from Murray Martin was received and forwarded to the Emergency & Community Services Committee for discussion during budget deliberations.

(iii) Incident at 155 Park Street South

Due to a number of inquiries from Councillors, Councillor Farr provided an update on an incident that occurred recently at 155 Park Street South and assured members of Council that proper steps had been and are being taken to handle the matter.

(k) PRIVATE & CONFIDENTIAL**(i) Closed Session Minutes – January 10 and 27, 2011 (Items 12.1 and 12.2)**

On a motion (Bratina/Ferguson) the Closed Session Minutes of the General Issues Committee meetings held on January 10 and 27, 2011, were approved as presented. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemption provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion (Jackson/Ferguson) the Committee moved In Camera at 4:50 p.m. pursuant to the following sections of the City's Procedural By-law and the Municipal Act:

- 8.1(b) personal matters about an identifiable individual, including City employees
- 8.1(c) a proposed or pending disposition of land for City purposes;
- 8.1(d) labour relations or employee negotiations.

Item 12.3 is the Collective Bargaining and Labour Relations Status Update – The City of Hamilton and the United Brotherhood of Carpenters and Joiners (UBJCA), Local 18 (HUR11001) (City Wide)

Item 12.4 is the Hamilton-Wentworth District School Board Interest in the West Harbour Site and Other Related Land Transactions – Verbal Report

Item 12.6 is the Performance Review of the City Manager Performance Review

Added Item 12.7 is an update on the Collective Bargaining Strategy.

On a motion (Ferguson/Pearson) the Committee reconvened in Open Session at 5:45 p.m.

12.4 Hamilton-Wentworth District School Board Interest in the West Harbour Site and Other Related Land Transactions (CM11003) (City Wide)

Direction provided to staff In Camera.

Due to loss of quorum, the following items will be deferred to a special meeting of the General Issues Committee:

12.3 Collective Bargaining and Labour Relations Status Update – The City of Hamilton and the United Brotherhood of Carpenters and Joiners (UBJCA) Local 18 (HUR11001) (City Wide)

12.7 Collective Bargaining Strategy.

The following item was deferred to the March 22, 2011 meeting of the General Issues Committee:

12.6 City Manager Performance Review.

There being no further business, the Committee adjourned at 5:50 p.m.

Respectfully submitted

Councillor C. Collins, Deputy Mayor
General Issues Committee

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
February 14, 2011

**City of Hamilton
Hess Village Community Liaison Committee (CLC)
Terms of Reference 2011-2014
(as amended by General Issues Committee on February 14, 2011)**

PURPOSE OF THE COMMUNITY LIAISON COMMITTEE:

The Hess Village Community Liaison Committee (CLC) was established in 2009 to provide stakeholders with an ongoing role in monitoring the implementation and effectiveness of the strategy for addressing issues relative to Hess Village, as outlined by the Hess Village Review (PED09127), including the document prepared by Hamilton Police Services titled “2009 Policing Strategies at Hess Village” attached as Appendix F to Report PED09127. The CLC will continue to meet for this purpose and will also continue to be used as a forum to establish ongoing dialogue between City representatives, the Hess Village bar owner/operators, property owners and neighbouring residents.

SCOPE OF ISSUES:

The recommendations approved through the Hess Village Review are intended to create opportunities to improve Hess Village and the effect on the surrounding residential areas. The issues that the CLC may discuss and address include, but are not limited to:

- stakeholder concerns regarding the existing and potential impacts of Hess Village on properties, businesses, and overall well-being;
- strategies to control and minimize the occurrence of inappropriate behaviour, nuisance and noise, including the Public Nuisance By-law;
- implementation and effectiveness of strategies to address licensing issues, including the new Bars and Nightclubs business licence category and liquor licence review process;
- implementation and effectiveness of safety and policing enhancements, including additional closing time street lighting, fixed garbage containers, additional police officers and perimeter patrols, and closed circuit television cameras (CCTV);
- implementation and effectiveness of parking and taxi lane strategies.

COMMITTEE COMPOSITION:

Members will be invited to reflect area stakeholders, including a balanced representation of the following groups:

- Four (4) residents, including one (1) to represent each of the adjacent neighbourhoods (Central, Durand, Kirkendall and Strathcona);
- Two (2) members of City Council representing Wards 1 and 2;
- Three (3) Hess Village property owners, including a representative of the Hess Village Pedestrian Mall Authority;
- Three (3) Hess Village bar owner/operators;
- One (1) representative of Hamilton Police Services.

Staff from the Downtown and Community Renewal Division will act as primary support and facilitate the meetings. Additional resource staff, including but not limited to those who comprised the Hess Village Review team, will attend meetings of the CLC as needed to address issues. They may include representatives of Parking and By-law Services, Zoning By-law Reform, Building Services, Public Works, Legal Services, Economic Development and Real Estate, Public Health Services, and Emergency Services (Fire Prevention Bureau).

ROLES AND RESPONSIBILITIES:

Upon accepting membership in the Committee, CLC members will:

- Agree to this Terms of Reference established to guide the CLC;
- Attend CLC meetings;
- Review all documents, agenda and minutes presented to them before attending CLC meetings to provide informed discussion that is accurately documented;
- Receive information from, and provide input and advice to, the City regarding various initiatives and strategies related to Hess Village;
- Suggest agenda items for meetings, with the assistance of City staff;
- Strive to operate in consensus, where CLC members listen to others and openly discuss their respective views and opinions;
- Communicate accurate information to and from the community and/or, for CLC members who represent groups, to and from their groups.

The Committee will be led by two (2) co-Chairs elected by the CLC members. Two (2) vice-Chairs will also be elected to act in the absence a corresponding co-Chair. The co-Chairs have the responsibility of leading the meeting and providing a safe and neutral space for members. All questions, comments and responses will be directed through the co-Chairs.

Staff will contribute technical information, as well as professional perspectives and knowledge to assist the CLC in formulating its advice and recommendations. They will also:

- Assist in the development of meeting agenda and other support materials as may be required;
- Ensure that appropriate Hess Village Review team members, are available for CLC discussions;
- Synthesize and summarize information and discussion from CLC meetings and prepare meeting minutes;
- Assist in the resolution of issues as required;
- Ensure that CLC advice and recommendations are considered in decisions made by the City of Hamilton in relation to Hess Village initiatives.

The City will cover costs associated with booking meeting facilities, providing simple refreshments for the meetings, ~~funding the facilitator, including~~ and the recording, copying and distribution of minutes and agenda. Copies of reports and monitoring information relevant to issues being considered by the CLC shall be made available to CLC members.

MEETINGS, TERM, AGENDA AND MINUTES

- The CLC shall meet twice a year – once in May and once in October – before and after the Hess Village patio season. Additional meetings may be scheduled at the call of the co-Chairs.
- CLC meetings will be scheduled through to the end of the current term of City Council in 2014.
- Meetings will be held at Hamilton City Hall, generally during the evening hours to facilitate citizen participation. Meetings may be held at alternate times provided that all CLC members and staff can confirm their attendance.

- Meeting agendas will be set by the co-Chairs in consultation with City staff. A draft agenda and any related information (e.g. previous meeting minutes) will be circulated to CLC members and staff one week in advance of a meeting. The co-Chairs may grant requests for discussion of items not on the agenda.
- The set of indicators/measures prepared by the CLC during the course of meetings held in 2009-2010 will form the basis for discussion at future meetings. These indicators are appended to this Terms of Reference. Staff will co-ordinate the gathering of this information prior to the May and October meetings.
- Decision-making will be based on the principle that everyone has a right to express his or her opinion. Decisions should be reached on a consensus basis, but when required will be made by a vote of greater than 50% of CLC members in attendance at the meeting.
- The meetings shall be open to the public, providing the public-at-large with an opportunity to participate in CLC meetings. Observers who are not CLC members will be provided with an opportunity to ask questions and/or provide comments during meetings.
- The minutes of each CLC meeting shall be prepared by City staff and distributed to CLC members. Amendments to the minutes, if required, shall be brought to the attention of City staff no later than two weeks after distribution. Once finalized, the minutes shall be forwarded to the City’s General Issues Committee for information.

Hess Village Indicators/Measures

As per the Hess Village Community Liaison Committee (CLC) Terms of Reference (2011-2014), the purpose of the CLC is to provide stakeholders with an ongoing role in monitoring the implementation and effectiveness of strategies for addressing issues relative to Hess Village. To assist the CLC in this role, a series of indicators/measures is provided. These indicators/measures will provide information needed to track progress, and can be used by the CLC to measure the success of various initiatives. They can be both quantitative and qualitative.

The Hess Village Entertainment District (HVED) includes the lands contained by Queen Street, King Street, Caroline Street and Main Street. The influence area is generally within 400 m of the boundaries of the HVED (e.g. north to York Boulevard, west to Locke Street, and south to Bold Street).

Indicator/Measure (what)	Location/Frequency (where, when)	Data Source (how, who)	Purpose (why) Other Issues/Considerations
<i>How is Safety and Well-Being Improving?</i>			
Number of noise/nuisance/crime/ vandalism/tail gate party incidents (e.g. Liquor License Act, public urination, breach of peace, cause disturbance, criminal code, other)	- within the HVED and influence area - seasonal (May thru September)	Hamilton Police Service (HPS) statistics	- to indicate if the desired outcome of decreased incidents is being achieved - an increased number of incidents may be due to increased level of policing - some incidents may not be due to HVED patrons
Number of severe or more serious incidents of violence			
Number of Police/security staff on patrol	- within the HVED and influence area - seasonal	- HPS - bars (number of security staff/bouncers)	- increased security may add to feeling of safety and act as a deterrent - this indicator may help explain findings of the first indicator
Number of establishment infractions (e.g. overcrowding, serving underage/intoxicated patrons)	- as they occur within the HVED	HPS, Municipal Law Enforcement (MLE), Alcohol and Gaming Commission of Ontario (AGCO)	- infractions are related to conditions that cause negative impact

Indicator/Meure (what)	Location/Frequency (where, when)	Data Source (how, who)	Purpose (why) Other Issues/Considerations
Number of complaints received by Ward 1 and 2 Councillors	- as they occur within the influence area	Offices of Councillors McHattie and Farr	- fewer complaints suggest issues are being addressed
Number of establishments with comprehensive safe practice policies/crowd control and noise plans in place	- within the HVED	Hess Village establishments, MLE	- to determine what “safe bar” practices are being used
<i>How is Parking/Traffic Improving?</i>			
Number of public parking spaces available to HVED patrons	- within the HVED	City, Hamilton Municipal Parking System (HMPS)	- parking available within HVED should lessen patron parking in peripheral areas
Number of Highway Traffic Act offences issued	- within the HVED and influence area - seasonal	HPS, MLE, HMPS	- increased number of infractions may be due to increased enforcement - some may not be due to HVED patrons
Number of tickets issued for parking infractions			
Results of RIDE programs in relation to the RIDE programs in Hess Village	- within the HVED and influence area	HPS	- to indicate if the desired outcome of decreased incidents is being achieved - an increased number of incidents may be due to increased level of policing - some incidents may not be due to HVED patrons
<i>What are the positive changes in Capacity/Patronage?</i>			
Number of licensed seats (indoor and outdoor)	- within the HVED	City, MLE, AGCO	- helps to monitor growth of the HVED
Number of outdoor patios			
Customer demographics (e.g. number of customers, age profile, where they come from)	- within the HVED	Observations of Hess Village establishments, HPS	- qualitative assessment based on observations
CLC members are aware of applications for new development and/or liquor licence applications	- within the HVED	City to advise CLC members	- to confirm that notice and sharing of information has improved

Indicator/Measure (what)	Location/Frequency (where, when)	Data Source (how, who)	Purpose (why) Other Issues/Considerations
<i>How are Land Use and Economics Contributing to Well Being?</i>			
Number of businesses and vacancies	- within the HVED	City	- indicates if there is a balanced mix of uses in the HVED
Land use mix (% by type of use)			
Type of establishments (bar vs. restaurant)	- within the HVED	MLE/Business licensing	- indicates if there is a balanced mix of uses in the HVED
Number of employees	- within the HVED	Hess Village establishments, City	- to indicate economic contribution of the HVED
Property Taxes Paid	- by HVED properties	City	- to indicate economic contribution of the HVED - aggregate data to ensure confidentiality
Number of residents	- within HVED and influence area	City, census data	- indicates if there is a balanced mix of uses in the HVED
<i>How are Community Relations Improving?</i>			
Number of community based events involving Hess Village establishments	- as they occur	Hess Village CLC members to report	- events may improve community relations and image
Number of positive and negative news stories relating to the Hess Village Entertainment District	- as they occur	Hamilton Spectator, community papers, neighbourhood association newsletters	- an increase in positive press may indicate an improving image

HECFI REVIEW TERMS OF REFERENCE
(as amended by General Issues Committee on February 14, 2011)

PHASE ONE – FINANCIAL REVIEW

A Financial Review of HECFI shall be conducted and consist of the following:

- Evaluation of the economy and effectiveness of the current structure and organization as well as the efficiency of key processes and management practices **including the marketing plan.**
- A review of major Board decisions (over the last # years).
- A review of the decision making authority of staff and Board and interaction thereof.
- A five year review and comparison of all revenues with explanations of material variances from budget.
- A five year review and comparison of all net costs and thus profitability for each area of business (cost centres), with explanations of material variances.
- Development and calculation of key financial indicators to measure HECFI performance over the past five years.
- A review of the strategic plan (goal setting), its effectiveness and achievements over the last five years.
- A review and assessment of the impacts of an /all restrictions imposed by City.
- Review impacts of City Cost Allocations including costs not currently charged (i.e. utilities).
- A financial outlook (pro forma) outlining the requirements for a break even business case if possible (no restrictions).
- Review alternate operating options including but not limited to the sale of all or parts of HECFI facilities, lease of all or parts of the HECFI Facilities.
- Assess other similar facilities to determine other operating arrangements.
- **A review of Human Resources policies.**

Report to GIC – Decision point, proceed or stop

PHASE TWO – ALTERNATE OPERATING SCENARIOS

- Prepare and issue a Request for Interest (RFI) or Expression of Interest for the purchase or lease of all or parts of HECFI facilities.
- Summarize options in a report to the GIC.

Report to GIC – Decision point, proceed or stop

- Based on GIC discussions and direction, negotiate a tentative agreement with respect to the future operation of HECFI facilities for approval of City Council.