



General Issues Committee

REPORT 12-008

9:30 a.m.

Wednesday, April 4, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor R. Pasuta – 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, Planning and Economic
Development
N. Everson, Director, Economic Development and Real
Estate
R. Sabo, Acting City Solicitor
C. Biggs, Legislative Co-ordinator

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-008 AND RESPECTFULLY RECOMMENDS:

1. Collective Bargaining Agreement (Item 12.3)

That the Collective Agreement between the City of Hamilton and the Ontario Nurses' Association Local 50 (Public Health) be ratified for the term of January 1, 2011 to December 31, 2014.

2. **Hamilton Downtown Multi-Residential Property Investment Program – 275 King Street West – HDMRPIP 02/11 (PED12032) (Ward 2) (Item 5.1)**
 - (a) That a conditional loan commitment totaling \$932,500 for the Hess Village Real Estate Corporation, the registered owner of the property at 275 King Street West, be authorized and approved in accordance with the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program;
 - (b) That the Mayor and City Clerk be authorized and directed to execute a loan agreement together with any ancillary documentation required to effect recommendation (a) above, in a form satisfactory to the City Solicitor;
 - (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program, as approved by City Council, are maintained.

3. **Hamilton Downtown Property Improvement Grant Program – 275 King Street West – HEPIGP 02-12 (PED12033) (Ward 2) (Item 5.2)**
 - (a) That a grant in the estimated amount of \$333,652.84 under the Hamilton Downtown Property Improvement Grant Program (HDPIGP) for the Hess Village Real Estate Corporation, owner of the property at 275 King Street West, be authorized and approved in accordance with the terms and conditions of the Program;
 - (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix “A” to Report PED12033, in a form satisfactory to the City Solicitor.

4. **Lease Renewal Agreement: Lessee – 852850 Ontario Inc. (Barangas on the Beach), 380 Van Wagner’s Beach Road, Hamilton; Lessor – City of Hamilton (PW12020/PED12049) (Ward 5) (Item 5.4)**
 - (a) That a Lease Renewal Agreement with 852850 Ontario Inc. (Barangas on the Beach), be approved subject to the following terms and conditions:
 - (i) **Term:** 15 years that commenced May 1, 2008 and terminates on April 30, 2023;

- (ii) **Property:** 380 Van Wagner's Beach Road, Hamilton, known as Barangas on the Beach Restaurant, as shown on Appendix "A" attached to Report PW12020 / PED12049, comprising a gross rentable area of 7,000 square feet of ground floor space including 2,500 square feet of exterior deck space;
 - (iii) **Rental Amount:** From the date of commencement, being May 1, 2008, the lessee shall pay a base rent at \$60,000 per year net, plus G.S.T. or applicable H.S.T., throughout the 15 year term. Rent will be paid in four (4) equal installments from July 1 to October 1 each year. Rental revenue will be credited to the Confederation Park budget administered by the Hamilton Region Conservation Authority;
 - (iv) **Percentage Rent:** The lessee agrees to pay a percentage rent equal to 6% of all gross sales, less the amount of base rent already paid each year;
 - (v) **Parking:** Lease provides for a surface parking lot on the south side of Van Wagner's Beach Road that comprises 30,660 square feet;
 - (vi) **Operating Costs:** The tenant is responsible for all operating costs, including property taxes, insurance maintenance and utilities; and,
- (b) That the Mayor, General Manager of Finance and Corporate Services, and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor.

5. Downtown Hamilton Business Improvement Area (B.I.A.) Resignation from the Board of Management (PED10252(a)) (Ward 2) (Item 5.5)

That Report PED10252(a) respecting Downtown Hamilton Business Improvement Area (B.I.A.) Resignation from the Board of Management, be received.

6. James Street North Merchants and Business Association Correspondence (PED12051) (Ward 2) (Outstanding Business List Item) (Item 5.6)

That Report PED12051 respecting James Street North Merchants and Business Association Correspondence, be received.

7. Update on Business Retention and Expansion Program – Hamilton Calling (PED12055) (City Wide) (Item 5.7)

That Report PED12055 respecting Update on Business Retention and Expansion Program – Hamilton Calling, be received.

8. Presentation – Matthew Gravina, Invisible Children McMaster (Item 6.1)

- (a) That the presentation from Matthew Gravina, Invisible Children McMaster, respecting the child soldier atrocities in South Africa, be received;
- (b) That the initiative of the Invisible Children McMaster to raise awareness of the child soldier atrocities occurring in South Central Africa in conjunction with “Kony 2012, be supported;
- (c) That representatives from the City of Hamilton, the Hamilton Police Service and other relevant staff meet with the organizers to ensure that a safe and respectful event occurs on the night of April 20, 2012.

9. Earl Basse, Integrity Commissioner, to provide clarification with respect to the policy on Conflict of Interest (Item 7.1)

- (a) That the presentation from Earl Basse, Integrity Commissioner, respecting the City’s Policy on Conflict of Interest, be received.
- (b) That legal staff be directed to report to the Governance Review sub-Committee the effects of the Conflict of Interest Act if a quorum is lost at Committee meetings.

10. Lynwood Charlton Centre (CM12005) (Ward 2) (Item 7.2)

- (a) That Report CM12005 respecting Lynwood Charlton Centre, be received.
- (b) That staff be directed to investigate and develop a list of those facilities that would fall under the radial separation by-law to be used as a reference tool on a go-forward basis.

11. Correspondence from Barbara Hall, Chief Commissioner, Ontario Human Rights Commission (Item 7.2.1)

That the correspondence from Barbara Hall, Chief Commissioner, Ontario Human Rights Commission, expressing concerns about the human rights implications raised by the zoning application by the Lynwood Charlton Centre, be received.

12. 2010 Ward 11 Budget Deficit (FCS11052(a)) (City Wide) (Item 8.2)

That Report FCS11052(a) respecting 2010 Ward 11 Budget Deficit, be received.

13. Report 12-001 of the Joint City of Hamilton/Hamilton-Wentworth District School Board Task Force – March 28, 2012 (Item 8.3)**(a) Appointment of Chair and Vice Chair**

- (i) That Councillor Brian McHattie be appointed Chair of the Joint City of Hamilton/ Hamilton-Wentworth District School Board Task Force.
- (ii) That School Board Trustee T. Simmons be appointed Vice Chair of the Joint City of Hamilton/Hamilton-Wentworth District School Board Task Force.

(b) Terms of Reference

That the Terms of Reference for the Joint City of Hamilton/ Hamilton-Wentworth District School Board Task Force, as amended, attached hereto as Appendix "A", be approved.

14. Cost of Ice Time for All-Ontario Championship for "The Renwick Cup" – J. L. Grighmire Arena, Dundas (Item 9.2)

That the cost of the required tournament ice time (3 days @ \$951.74 = \$2,855.22) be waived at the J. L. Grighmire Arena for the purpose of holding the best of three, All-Ontario Championship for "The Renwick Cup" between the Dundas Real McCoy's Senior A Hockey Club and the Kenora Thistles.

15. City of Hamilton v Attorney General of Canada et al, Ontario Superior Court Action No. C-383/04 (LS040421(d)) (City Wide) Item 12.5)

- (a) That Report LS04021(d) respecting City of Hamilton v Attorney General of Canada et al, Ontario Superior Court Action No. C-383/04, be received;
- (b) That the contents of Report LS04021(d) remain confidential.

- 16. Security of the Property of the Municipality or Local Board respecting Fare Box Media (PW12035) (Item 12.6)**
- (a) That Report PW12035 respecting Security of the Property of the Municipality or Local Board respecting Fare Box Media be received;
 - (b) That the contents of Report PW12035 remain confidential.
- 17. Hamilton-Wentworth Catholic District School Board surplus land located at 220 Cranbrook Drive/20 Gemini Drive, described as Block F, Plan M-66, former Township of Barton, now City of Hamilton (Item 12.2) (PED12053/PW12022)**
- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth Catholic District School Board (HWCD SB) that the City of Hamilton has an interest in acquiring land over which municipal assets exist, being the westerly 9.5m (31ft) at 220 Cranbrook Drive / 20 Gemini Drive, legally described as Block F, Plan M-66, former Township of Barton, now City of Hamilton, as shown on Appendix "A" attached to Report PED12053/PW12022;
 - (b) That the funding for the property purchase described in Recommendation (a) come from the Parkland Dedication Fee Reserve Account 104090;
 - (c) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bonafide offer to the Hamilton-Wentworth Catholic District School Board (HWCD SB) for the land described in Recommendation (a);
 - (d) That the financial details outlined in Appendix "C" attached to Report PED12053/PW12022 respecting the surplus Hamilton-Wentworth Catholic District School Board (HWCD SB) land located at 220 Cranbrook Drive/20 Gemini Drive remain confidential until the completion of the transaction and that the balance of Report PED12053/PW12022 not be released as a public document, following approval by City Council;
 - (e) That the Mayor and City Clerk be authorized to execute all necessary documents in a form satisfactory to the City Solicitor pursuant to Recommendation (b) in Report PED12053/PW12022 upon direction of Council; and,

- (f) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Hamilton-Wentworth Catholic District School Board (HWCDSB) of the City's requirements for development of the remaining land, as contained in the "Relevant Consultation" Section of Report PED12053/PW12022.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

CEREMONIAL ACTIVITIES

- (i) Presentation of Royalty Cheque from Newalta Industries

DELEGATION REQUEST

- (ii) Wahed Al-Jabry, Hamilton Downtown Mosque, requesting support for "our plan if we get the land behind the mosque" (Added Item 4.1)

ADDED PUBLIC HEARING/DELEGATION

- (iii) Matthew Gravina, Public Relations, Invisible Children McMaster, McMaster University, respecting ending child soldier atrocities in South Central Africa (Referred from Council on March 28, 2012) (Added Item 6.1)

PRESENTATIONS

- (iv) Correspondence from Barbara Hall, Chief Commissioner, Ontario Human Rights Commission, respecting Information Report on the Lynwood Charlton Centre (CM12005) (Item 7.2) (Added Item 7.2.1)

ADDED DISCUSSION ITEM

- (v) 2010 Ward 11 Budget Deficit (FCS11052(a)) (Added Item 8.2)
- (vi) Report 12-001 of the Joint City of Hamilton/Hamilton-Wentworth District School Board Task Force (Added Item 8.3)

ADDED PRIVATE & CONFIDENTIAL

- (vii) Red Hill Valley Parkway Litigation (LS04021(d)) (Added Item 12.5)
- (viii) Security of the Property of the Municipality respecting Fare Box Media (PW12035) (City Wide) (Added Item 12.6)

On a motion, the agenda was approved, as amended.

CEREMONIAL ACTIVITY

Chair Collins called upon Councillor B. Clark and Newalta representatives Lorenzo Alfano, Senior Branch Manager, Greg Jones, Director of Corporate Communications and Corporate Relations, and Michael Jovanovic, General Manager, Ontario Facilities, to join him at the podium for the presentation of a royalty cheque from Newalta to the City of Hamilton.

Greg Jones addressed the Committee noting that the cheque, “just shy of \$875,000”, represents royalties generated in 2011, which was a record year for operations at the Stoney Creek landfill. Over the course of the 15-year history, royalty funds have totaled \$8 million, with an equal amount going to the Heritage Green Community Trust. Newalta is looks forward to continuing its strong relationship with the City and the community of Stoney Creek.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES

On a motion, the March 21, 2012 Minutes of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS

- (i) Delegation Request from Wahed Al-Jabry, Hamilton Downtown Mosque, requesting support for “our plan if we get the land behind the mosque” (Added Item 4.1)**

On a motion, the request from Wahed Al-Jabry, Hamilton Downtown Mosque, requesting support for “our plan if we get the land behind the mosque”, was approved.

(e) CONSENT ITEMS

- (i) Hamilton-Wentworth District School Board (HWDSB) Surplus Land Located at 401 Rymal Road West, described as Part of Lot 2, Concession 2, former Township of Glanford, now City of Hamilton (PED12034) (Ward 8) (Item 5.3)**

Report PED12034 respecting Hamilton-Wentworth District School Board (HWDSB) Surplus Land Located at 401 Rymal Road West, described as Part of Lot 2, Concession 2, former Township of Glanford, now City of Hamilton was tabled to the April 18 meeting of the Committee to permit additional opportunity for discussions.

(f) PUBLIC HEARING/DELEGATION

- (i) Matthew Gravina, Public Relations, Invisible Children McMaster, McMaster University, respecting ending child soldier atrocities in South Central Africa (Referred from Council on March 28, 2012) (Added Item 6.1)**

Matthew Gravina appeared before the Committee on behalf of Invisible Children McMaster, a non-profit organization, to speak to the child soldier atrocities occurring in South Central Africa, and responded to questions of the Committee with respect to the event that is planned for April 20, 2012 (Kony 2012).

See Item 8 for the disposition of this item.

(g) STAFF PRESENTATIONS

- (i) Earl Basse, Integrity Commissioner – Clarification with respect to the Policy on Conflict of Interest (Item 7.1)**

Earle Basse, Integrity Commissioner, appeared before the Committee to respond to questions with respect to the Policy on Conflict of Interest.

In circumstances where a member of Council has a conflict with a portion/section of a larger issue, and depending on how the issue is written, those portions/section can be separated for purposes of discussion and voting. Mr. Basse indicated that the issue is more with format rather than content.

See Item 9 for the disposition of this item.

Chair Collins indicated that the Committee would break for lunch from 12:25 p.m. and reconvene at 1:00 p.m.

(ii) Lynwood Charlton Centre (CM12005) (Ward 2) (Item 7.2)

Paul Johnson, Director of Neighbourhood Development Strategies, provided a power point presentation in response to the direction provided by Council on January 25, 2012. Mr. Johnson spoke to the following:

- Context of the presentation
- Alternative Site Parameters
- Approach taken
- Options and Conclusions
 - Separating uses
 - Alternative properties
 - Alternative location
 - Renovating Charlton Hall
- Summary

Alex Thomson from Lynwood Charlton Centre was in attendance to respond to questions of the Committee.

See Item 10 for the disposition of this item.

Sub-section (b) **CARRIED** on the following recorded vote:

Yeas:	Clark, Johnson, Ferguson, Powers, Partridge, Bratina, Collins, Duvall, Jackson, Merulla, Morelli, Farr, McHattie
Total Yeas:	13
Nays:	Whitehead, Pearson
Total Nays:	2
Absent:	Pasuta
Total Absent:	1

(h) DISCUSSION ITEMS**(i) Financial Incentive Programs Administered through the Urban Renewal Section – Due diligence and Expansion of Delegated Authority (PED12035) (Wards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 15) (Item 8.1)**

On a motion, Report PED12035 respecting Financial Incentive Programs Administered through the Urban Renewal Section – Due diligence and Expansion of Delegated Authority was amended by adding the following as sub-section (g):

- (g) That the affected Ward Councillor be advised of a grant/loan application at the time an application is received, and be advised of the final decision of the General Manager of Planning and Economic Development prior to communication with the applicant.

The Amendment **CARRIED.**

On a motion, Report PED12035 respecting Financial Incentive Programs Administered through the Urban Renewal Section – Due diligence and Expansion of Delegated Authority, as amended, was referred back to staff with the following direction and report back to the General Issues Committee:

- (i) That the issue of delegated authority be re-visited in its entirety;
- (ii) That the applicant must have all municipal taxes paid in full prior to consideration of the grant/loan application, or options thereof.

The Motion to Refer **CARRIED.**

(ii) Delegated Authority of Council during a Municipal Election (New Business)

On a motion, it was directed that the Governance Review Sub-Committee be requested to consider and review the issue of the delegation of authority of Council during a municipal election and prior to a specified period to the municipal election, and report back to the General Issues Committee.

(i) MOTIONS

21 Weir's Lane, Dundas – Connection to Municipal Water System.

Councillor R. Powers indicated that he is withdrawing the Motion respecting 21 Weir's Lane, Dundas – Connection to Municipal Water System.

(j) NOTICES OF MOTION

Councillor R. Powers introduced the following Notice of Motion:

**Cost of Ice Time for All-Ontario Championship for "The Renwick Cup"
– J. L. Grighmire Arena, Dundas**

Whereas the Dundas Real McCoy's Senior A Hockey Club has won their Division and will now host for three days, at the J. L. Grighmire Arena, Market Street South, Dundas, the North Ontario representatives, Kenora Thistles, for the best of three, All-Ontario Championship for "The Renwick Cup", with the inner going to Lloydminster, Saskatchewan, in mid-April, for the Canadian championships for "The Allan Cup".

Therefore Be It Resolved:

That the cost of the required tournament ice time (3 days @ \$951.74 = \$2,855.22) be waived at the J. L. Grighmire Arena for the purpose of holding the best of three, All-Ontario Championship for "The Renwick Cup" between the Dundas Real McCoy's Senior A Hockey Club and the Kenora Thistles.

On a motion, the rules of order were waived in order to allow for the introduction of a motion respecting Cost of Ice Time for All-Ontario Championship for "The Renwick Cup" – J. L. Grighmire Arena, Dundas.

See Item 14 for the disposition of this item.

(k) OTHER BUSINESS/GENERAL INFORMATION

(i) Outstanding Business List

On a motion, the following revised due dates were approved:

(aa) Item K: Water/Waste Water Rate Structure Review
Due Date: July 9, 2012
Revised Due Date: August 13, 2012

(bb) Item R: Hamilton Waterfront Priorities
Due Date: March 21, 2012
Revised Due Date: April 18, 2012.

(l) PRIVATE & CONFIDENTIAL

On a motion, the Committee moved into closed session at 9:48 a.m. pursuant to Sub-sections 8.1(d), (e) and (f) of the City's Procedural By-law and Section 239.2(d), (e) and (f) of the Municipal Act as the subject matters pertain to:

(d) labour relations or employee negotiations

respecting Collective Bargaining Update – Ontario Nurses' Association (Item 12.3); and

- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, and
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

respecting Red Hill Valley Parkway Litigation (Item 12.5).

The Committee reconvened in Open Session at 11:30 a.m.

12.3 Collective Bargaining Update – Ontario Nurses Association

See Item 1 for the disposition of this item.

12.5 City of Hamilton v Attorney General of Canada et al, Ontario Superior Court Action No. C-383/04 (LS040421(d)) (City Wide)

Direction provided to staff In Camera.

12.1 Minutes of Closed Session Meetings – January 30, February 3, 7 and March 21, 22, 2012

On a motion, the Minutes of the Closed Session Meetings of the General Issues Committee held on January 30, February 3, 7 and March 21, 22, 2012 be approved. These Minutes remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion, the Committee moved into closed session at 3:00 p.m. pursuant to sub-sections 8.1(a), (b) and (c) of the City's Procedural By-law and Section 239.2(a), (b) and (c) of the Municipal Act as the subject matters pertain to:

- (a) the security of the property of the municipality or local board

respecting fare box media (Item 12.6);

- (b) personal matters about an identifiable individual, including municipal or local board employees

respecting City Manager Performance Review (Item 12.4); and

- (c) the proposed or pending acquisition of land by the municipality or local board

respecting Hamilton-Wentworth Catholic District School Board surplus land located at 220 Cranbrook Drive/20 Gemini Drive, described as Block F, Plan M-66, former Township of Barton, now City of Hamilton (Item 12.2).

The Committee reconvened in Open Session at 3:20 p.m.

12.6 Security of the Property of the Municipality or Local Board respecting Fare Box Media (PW12035)

See Item 16 for the disposition of this item.

12.5 City Manager's Performance Review

Direction provided to staff in camera.

12.2 Hamilton-Wentworth Catholic District School Board surplus land located at 220 Cranbrook Drive/20 Gemini Drive, described as Block F, Plan M-66, former Township of Barton, now City of Hamilton (Item 12.2) (PED12053/PW12022)

See Item 17 for the disposition of this item.

There being no further business, the Committee adjourned at 3:23 p.m.

Respectfully submitted

Councillor C. Collins
Deputy Mayor

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
April 4, 2012

TERMS OF REFERENCE (TOR)
Joint City of Hamilton and Hamilton-Wentworth District School Board
Task Force (JTF)

(as approved by the JTF on March 28, 2012)

Committee Name

The name of the Committee shall be the "Joint City of Hamilton and Hamilton-Wentworth District School Board Task Force."(JTF)

Mandate/Objectives

The mandate/objectives of the JTF are to:

- a) consistent with City Council's resolutions of February 8, 2012 and March 7, 2012, attached as Appendices A and B respectively, explore downtown locations, including a City Hall Tower Two site, as an alternative to Crestwood (Ward 7) for the Hamilton-Wentworth District School Board (HWDSB) Board of Education Headquarters;
- b) consistent with the Hamilton-Wentworth District School Board of Trustees' motion passed on March 5, 2012, Resolution #12-36, stating that a task force be created to discuss the feasibility of staying downtown for the new Education Centre and report back to the Board within a month;
- c) have due regard in furthering the mandate and objectives of the JTF, to the HWDSB's Education centre Vision Statement, Education Centre Project Objectives and Key Elements of the Education Centre Project (all attached to this TOR as Appendix C);
- d) review options/scenarios, such as those set out in Appendix D, that might allow for all or part of the Board's Education Headquarters to be located in downtown Hamilton; and
- e) complete the work of the JTF in an expeditious fashion in keeping with these terms of reference.

Reporting Function

The JTF will be a recommending body to The City of Hamilton and the Hamilton-Wentworth District School Board Trustees.

The JTF shall seek to achieve consensus on recommendations prior to presentation to the School Board Trustees and the General Issues Committee.

Composition/Membership

The JTF shall be comprised of Hamilton City Councillors Jason Farr and Brian McHattie and Hamilton-Wentworth District School Board Trustees Tim Simmons and Karen Turkstra.

Duration

TBD

**Chair/Vice Chair
(Co-Chairs)**

Councillor B. McHattie (Chair)
School Board Trustee T. Simmons (Vice Chair)

Meetings and Meeting Schedule

Either of the Co-Chairs of the JTF shall convene meetings.

Minutes

Minutes of the JTF will be documented.

Quorum

Quorum for the JTF shall be three (3).

Role and Responsibility of Staff

The staff/administrative co-leads for the JTF shall be Chris Murray, City Manager and John Malloy, Director of Education, with support from the respective co-leads, Senior Management Teams and other senior staff, where appropriate.

The JTF will be supported by legislative staff from the City Clerk's Office.

Costs

Any costs associated with the mandate/objectives of the JTF will be funded equally from the Wards 1 and 2 Area Rating Reserve.

As approved by the JTF
on March 28, 2012