



## **GENERAL ISSUES COMMITTEE**

### **MINUTES 12-022**

**9:30 a.m.**

**Thursday, September 6, 2012**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with Regrets:** Councillors S. Duvall, R. Powers – City Business  
Councillor R. Pasuta – Personal

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#### **THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:**

- 1. Delegation Request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH's Dustbusters Initiative (Item 4.1)**

**(Clark/Jackson)**

That the delegation request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH's Dustbusters Initiative be referred to the Board of Health. **CARRIED**

- 2. New Public Art Installation on York Boulevard (PED12148) (Ward 2) (Outstanding Business List) (Item 5.3)**

**(Pearson/Whitehead)**

- (a)** That \$50,000 from the Public Art – James and Hunter Capital Account 7101058700 be reallocated to the Public Art Capital Account 7101058705 to be used for the completion of a public art project to be located on the York Boulevard sidewalk in the area outside the easterly entrance to the Hamilton Farmers' Market;

- (b) That \$50,000 from the Public Art – Main and Queen Capital Account 7101058701 be reallocated to the Public Art Capital Account 7101058705 to be used for the completion of a public art project to be located on the York Boulevard sidewalk in the area outside the easterly entrance to the Hamilton Farmers' Market;
- (c) That the Public Art – Main and Queen Capital Account 7101058701 be closed. **CARRIED**

**3. Accessibility for Ontarians Disability Act (AODA) Built Environment Standard (FCS12073) (City Wide) (Item 5.4)**

**(Pearson/Whitehead)**

That Report FCS12073 respecting Accessibility for Ontarians Disability Act (AODA) Build Environment Standard, be received. **CARRIED**

**4. Distribution and Sale of Contraband Tobacco (Item 6.1)**

**(Whitehead/Clark)**

Whereas Contraband tobacco has negative public consequences and impacts such as unrestricted youth access to tobacco products, and an increase in criminal activity;

And Whereas contraband tobacco products are easily accessible in our community;

And Whereas small businesses are sometimes forced to close because of the sale of contraband tobacco;

And Whereas small business in our community and government, in general, stand to benefit from the institution of tougher restrictions on contraband tobacco.

Therefore Be It Resolved:

- (a) That the Mayor be authorized to write a letter to the Ontario Minister of Finance in support of the Ontario Government's most recent Budget commitments to eradicate contraband tobacco through the implementation of additional regulatory, enforcement and other provisions in Bill 186 and amendments to the Tobacco Tax Act, particularly in support of measures such as:
  - (i) increased fines for those convicted of offences related to contraband tobacco;
  - (ii) more authority for law enforcement officials with respect to forfeiture of items seized and impounding of vehicles;

- (iii) drawing on the best practices of other jurisdictions and working collaboratively with the federal government and other jurisdictions to enhance contraband tobacco control through joint enforcement efforts;
- (b) That the Provincial Government be encouraged to continue to strengthen their strategies to address the manufacture and supply of contraband tobacco and maintain their commitment to introduce amendments this Fall to implement these measures;
- (c) That surrounding municipalities be made aware of the actions taken by this Council to address the concerns presented by contraband tobacco;
- (d) That a copy of this resolution be forwarded to the Association of Municipalities of Ontario and to the Local M.P.P.s. **CARRIED**

**5. Emerald Ash Borer (EAB) Action Plan (PW10088(a)) (City Wide) (Item 7.1)**

**(McHattie/Collins)**

- (a) That Report PW10088a be received;
- (b) That Option 3 – Proactive Management, 1:1 planting for the City of Hamilton’s Emerald Ash Borer Action Plan, be selected based on the options presented in Table 1 of Report PW10088(a);
- (c) That the \$26.2 million for Option 3 be referred to the 2013 Capital Budget process for further consideration;
- (d) That the implementation of Option 3 include an option for homeowners with healthy ash trees to be able to retain such City trees and/or park trees until they are in decline or are dead, or be afforded the flexibility to pay for inoculation for trees on City-owned property, and in consultation with the Ward Councillor and City staff;
- (e) That staff be directed to implement an Emerald Ash Borer Action Plan based on Council’s preferred option selected in recommendation (b) of Report PW10088a, subject to Council approval of a capital funding plan;
- (f) That staff be requested to consider using the existing Street Tree Planting Program to offset some of the costs of implementing Option 3 and report back during the 2013 capital budget process;
- (g) That staff be directed to provide an annual update to the General Issues Committee on the implementation of the Emerald Ash Borer Action Plan;

- (h) That correspondence be sent to the Canadian Food Inspection Agency, the Federal Minister of Natural Resources Canada, the Ontario Minister of Natural Resources, local M.P.'s and M.P.P.'s, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities to advocate for increased Emerald Ash Borer research funding and for the provision of financial assistance to affected municipalities in Ontario;
- (g) That the municipalities in the EAB-Regulated areas in Ontario be requested to support Hamilton's request to the senior levels of government. **CARRIED as amended**

**6. Tourism Advisory Committee (PED12159) (City Wide) (Item 8.1)**

**(Clark/Johnson)**

- (a) That the membership of a Tourism Advisory Committee be established as follows:
  - (i) A minimum of 7 and up to 12 citizen members who have a demonstrated interest in and knowledge of the tourism sector;
  - (ii) A minimum of 1 and up to 3 members of Council;
- (b) That the Tourism Advisory Committee Terms of Reference, attached as Appendix "A" to Report PED12159, be approved.
- (c) That the City's Selection Process be initiated to appoint the citizen members.
- (d) That staff be directed to prepare a budget submission for the newly created Tourism Advisory Committee as part of the Planning and Economic Development submission for the 2013 budget process;
- (e) That Councillors. L. Ferguson, B. Clark, B. Morelli be appointed to sit on the Tourism Advisory Committee. **CARRIED as amended**

**7. Grand River/Lake Erie Region Source Water Protection Plan (Draft) – Comments from the City of Hamilton (PW12065/PED12168) (Ward 14) (Item 8.2)**

**(Johnson/Morelli)**

- (a) That the General Manager of Public Works inform the Lake Erie Source Protection Authority that the City of Hamilton supports the draft Source Water Protection Plan policies for the Lake Erie Region, dated August 2012, attached as Appendix "A" to Report PW12065/PED12168;

- (b) That the City Clerk be requested to forward the recommendations and staff report on the draft Lake Erie Region Source Protection Plan to the Lake Erie Source Protection Authority. **CARRIED**

**8. Casino Approval Process, Bill 76, being an Act to Amend the Ontario Lottery and Gaming Corporation Act of 1999 (LS12023) (City Wide) (Item 8.3)**

**(Whitehead/Johnson)**

- (a) That Report LS12023 respecting Casino Approval Process, Bill 76, being an Act to Amend the Ontario Lottery and Gaming Corporation Act of 1999, be received;
- (b) That the correspondence from Monte McNaughton, M.P.P., Lampton-Kent-Middlesex respecting Private Members Bill, Bill 76, an Act to Amend the Ontario Lottery and Gaming Act of 1999, be received and that Mr. McNaughton be advised accordingly. **CARRIED**

**9. Report 12-001 of the Open for Business Sub-Committee – August 16, 2012 (Item 8.4)**

- (a) **Business Licensing Process and Wall/Ground Sign (PED12150) (City Wide) (OBL 1 & 2) (Item 4.1)**

**(Collins/Whitehead)**

That Report PED12150 respecting Business Licensing Process and Wall/Ground Sign, be received. **CARRIED**

- (b) **Recognition of Legally Established Business Uses Where Property Records are Non-Existent (PED12161) (City Wide)**

**(Collins/Whitehead)**

That Report PED12161 respecting Recognition of Legally Established Business Uses Where Property Records are Non-Existent, be received. **CARRIED**

- (c) **Legal Non-Conforming Status (PED12162) (City Wide)**

**(Collins/Whitehead)**

That Report PED12162, respecting Legal Non-Conforming Status, be received. **CARRIED**

- (d) **Application for Temporary Occupancy (PED12151) (City Wide)**

**(Collins/Whitehead)**

- (i) That the process outlined in Report PED12151, "Application for Temporary Occupancy" be received;

- (ii) That the City of Hamilton User Fees and Charges By-law be amended to add a fee of \$750.00 for an Application for Temporary Occupancy. **CARRIED**

**(e) Comprehensive Development Guidelines and Financial Policies Review (City Wide) (PED12165)**

**(Collins/Whitehead)**

- (i) That the General Manager of Planning and Economic Development Department be directed to complete an updating/review of the City's Comprehensive Development Guidelines and Financial Policies at a cost of approximately \$80,000;
- (ii) That the funding for this project come from the Administrative Studies Development Charge Reserves #110324 (\$30,000), #110325 (\$30,000) and Capital Account #8121155101 (User Fee Review - \$20,000);
- (iii) That the General Manager of Planning and Economic Development Department be directed to conduct a Bi-Annual Comprehensive Development Guidelines and Financial Policies Workshop, to inform, discuss, review, and relay issues and propose solutions to Development Guidelines and Financial Policy issues. **CARRIED**

**10. Correspondence from Individuals and Organizations respecting Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Implementation Team (Added Items 9.1.1 to 9.1.85)**

**(Johnson/Morelli)**

That the correspondence from the following individuals and organizations respecting the Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Implementation Team, be received:

- |                       |                        |
|-----------------------|------------------------|
| (a) Tina Fetner       | (b) William de Ruijter |
| (c) Crystle Numan     | (d) Anne Cibola        |
| (e) John Neary        | (f) Andrew Maas        |
| (g) Nicholas Kevlahan | (h) Jon Davey          |
| (i) Brandon Nelson    | (j) Julie Twyford      |
| (k) Frances Murray    | (l) Craig Burley       |
| (m) Robert DeRosa     | (n) Maria Topalovic    |
| (o) David Couture     | (p) Simon Geoghegan    |
| (q) Aadrian Duyzer    | (r) Ryan McGreal       |
| (s) Lauren Bennett    | (t) Jason Leach        |
| (u) Keanin Loomis     | (v) Suzanne Mills      |
| (w) Cathern Ahern     | (x) Shawn Selway       |
| (y) Sean Burak        | (z) Jennifer Calder    |

(aa)	Matt Jelly	(bb)	William Mehlenbacher
(cc)	Cathy Swenson	(dd)	Stephanie Ross
(ee)	Sean Roberts	(ff)	Jason Allen
(gg)	Noelle Allen	(hh)	Lori-Anne Cunningham
(ii)	Steve McKay	(jj)	Michael Hampson
(kk)	Ned Nolan	(ll)	Leslie Szamosvari
(mm)	Valerie VanLandschoot	(nn)	Helmut Axthelm
(oo)	Dave Kuruc, Mixed Media	(pp)	Seema Narula
(qq)	Bob Berberick	(rr)	Jon Dalton
(ss)	Durand H/H Association	(tt)	Donna Reid
(uu)	Keith Stinson	(vv)	Drew Hauser
(ww)	Chris Horrocks	(xx)	Dave Miller
(yy)	Steve Newberry	(zz)	Shirley Molinaro
(aaa)	Tim and Tanya Ritchie	(bbb)	Carolyn Veldstra
(ccc)	Don Grunsten	(ddd)	Ania Szado
(eee)	Karen Walker	(fff)	Darren Kaulback
(ggg)	Jen Hsieh	(hhh)	Laura Parker
(iii)	Ryan Price	j(jj)	Kari Dalnoki-Veress
(kkk)	Christopher Cutler	(lll)	Dan Jelly
(mmm)	Michelle Martin	(nnn)	Kyle Slote
(ooo)	Michael Borrelli	(ppp)	Peter Scott
(qqq)	Robin Yee	(rrr)	Kelly Foyle
(sss)	Maggie Hughes	(ttt)	Ryan Bukoski
(uuu)	Tim Potocic	(vvv)	Jane LaBatte
(www)	Robert Iszkula	(xxx)	Justin Jones
(yyy)	Jeremy Greenspan	(zzz)	Peter Graefe
(aaa)	Dwayne Ali	(bbb)	Kieran Dickson
(ccc)	Graham Crawford	(ddd)	Sara Mayo, SPRC
(eee)	Bob Manojvich	(fff)	Kevin Makins

**CARRIED**

**11. Establishment of a Ward 1, Ward 2 and Ward 3 One-Way to Two-Way Street Study Group (Item 9.1)**

**(McHattie/Farr)**

Whereas there are over 100 one-way streets remaining in Hamilton;

And Whereas increasingly, there appears to be a strong convergence of public opinion in Hamilton in favour of converting one way street conversion to benefit adjacent retail businesses, slow traffic, improve pedestrian movements, and generally increase liveability in neighbourhoods, especially in Downtown Hamilton;

And whereas the 2008 City of Hamilton Transportation Master Plan included recommendations on a number of one-way street conversions, which have not yet taken place;

And Whereas the one-way street conversions that have taken place (James/John, York/Wilson, Caroline, Hess and Park to be completed soon) have been successful;

And Whereas City staff is generally supportive of one-way conversions, but require strong and unequivocal political support to move ahead with adequate financial resources;

And Whereas, the majority of one-way streets exist in Wards 1 and 2.

Therefore be it resolved:

- (a) That a Ward 1, Ward 2 and Ward 3 – One-Way to Two-Way Street Study Group be established to study and report on possible one-way street conversions in the downtown area, specifically Cannon Street and Queen Street, to inform the requisite environmental assessments;
- (b) That staff be directed to prepare a budget for the Study for consideration during the 2013 budget process;
- (c) That membership of the Study Group consist of the Ward 1, Ward 2 and Ward 3 Councillors and appropriate Public Works staff, and include public consultation with interested individuals and groups including neighbourhood associations, affected residents, Business Improvement Areas and other commercial users, and other interested City Councillors;
- (d) That staff be directed to investigate and report back on a reverse flow model. **CARRIED as amended**

**12. Amendment to Area Rating Capital Re-Investment Reserves – 2012 Projects**

**(McHattie/Merulla)**

- (a) That Appendix "B" to Report FCS12024(a) respecting Area Rating Capital Re-Investment Reserves - 2012 Projects, approved by Council on August 16, 2012 as Item 13 of General Issues Committee Report 12-021, be amended by adding the following Capital projects attached hereto as Appendices B-ii to B-xiv, and listed below;



Project	Cost (\$000s)	Multi-Year Project	Start Date	Completion Date	Project Manager	Prior Approval	Appendix Reference
John St. N/Robert St. - Pedestrian Signal	80.0	No	2012	2013	R. Gallo	N/A	B-ii
Herkimer St./Caroline St. S - Pedestrian Signal	80.0	No	2012	2013	R. Gallo	N/A	B-iii
School Nutrition Program	80.0	No	2012	2013	P. Johnson	N/A	B-iv
Strachan Open Space Free Run Leash free area	15.0	No	2012	2012	R. Martin	N/A	B-v
Sidewalk Replacements - various locations	300.0	No	2012	2013	P. McShane	N/A	B-vi
Renew Hamilton Grant	20.0	No	2012	2012	G. Norton	N/A	B-vii
Gore Park Speakers Grant	25.0	No	2012	2012	M. Hazell	N/A	B-viii
Central School - Flashing 40s	15.0	No	2012	2013	S. Parker	N/A	B-ix
Dr. J.E. Davey School - Flashing 40s	15.0	No	2012	2013	S. Parker	N/A	B-x
Promenade Staging	0.5	No	2012	2012	N/A	N/A	B-xi
Beasley Banners Installation	8.0	No	2012	2013	TBD	N/A	B-xii
Park St. 2-way conversion	6.0	No	2012	2013	S. Russell	N/A	B-xiii
Downtown Pop-Up Concert	6.0	No	2012	2012	N/A	N/A	B-xiv
<b>TOTAL</b>	<b>650.5</b>						

- (b) That subject to approval of (a), that the capital projects outlined in Appendices B-ii to B-xiii be funded by the Ward 2 Area Capital Special Re-Investment Reserve # 108052;
- (c) That subject to approval of (a) and (b), that the operating impacts of the Area Rating Special Capital Re-investment Reserves 2012 Projects as listed in Appendices B-ii, B-iii, B-ix and B-x, amounting to \$12,000 annually when fully implemented, be approved and incorporated into future Tax-Supported Operating Budgets;
- (d) That subject to approval of (a) and (b), the Capital projects, as outlined in Appendices B-ii to B-xiv, be approved and subsequently created;
- (e) That subject to the approval of (a) and (b), that the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the works approved in Appendices B-ii to B-xiv;
- (f) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215, relating to projects outlined in Appendices B-ix and B-x, be passed. **CARRIED**

**13. Red Hill Valley Parkway Litigation (LS04021(e)) (City Wide) (Item 12.2)**

**(Clark/Ferguson)**

- (a) That Report LS04021(e) respecting Red Hill Valley Parkway Litigation, be received;
- (b) That the contents of Report LS04021(e) remain confidential for the reasons for which it was received as confidential. **CARRIED**

**14. Cancellation of School Bus Service – Upper Mount Albion Road (New Business – No Copy)**

**(Clark/Whitehead)**

That Councillors B. Clark and B. Johnson be authorized to meet with representatives of the Hamilton-Wentworth District School Board to find a solution to ensure the safety of children that are now required to walk on Upper Mount Albion Road due to the cancellation of school bus service. **CARRIED**

**15. Hamilton-Wentworth District School Board – Surplus Property – 50 Albright Road, Hamilton (New Business – No Copy)**

**(Collins/Jackson)**

That the Hamilton-Wentworth District School Board be requested to extend the deadline to negotiate the purchase of lands located at 50 Albright Road, Hamilton, for an additional sixty (60) to ninety (90) days from the October 6, 2012 deadline to allow the City to submit a formal expression of the City's interest. **CARRIED**

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**ADDED DELEGATION REQUESTS**

- (i) Delegation Request from John McGreal respecting Enbridge Pipelines Inc.: Pipeline 9A Sarnia Westover Pipeline 10 Westover, Binbrook/ Buffalo, N.Y. (Added Item 4.3)
- (ii) Delegation Request from Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue (Added Item 4.4)
- (iii) Delegation Request from Ken Stone, on behalf of Hamilton 350 Committee/Environment Hamilton, respecting Enbridge Pipelines (Added Item 4.5)
- (iv) Delegation Request from Janet Chafe, on behalf of H.E.A.T., respecting the Enbridge Pipeline (Added Item 4.6)

## CORRESPONDENCE

- (v) Correspondence from 85 individuals and organizations respecting motion on the Establishment of a Ward 1 and Ward 2 One-way to Two-way Street Implementation Team (Agenda Item 9.1) (Distributed under separate cover)  
(Added Items 9.1.1 to 9.1.85)

## NOTICE OF MOTION

- (vi) Amendment to Area Rating Capital Re-Investment Reserves – 2012 Projects (Added Item 10.1)

## REPORT WITHDRAWN

- (vii) Item 12.5 respecting Litigation – Development Charges By-law Appeals (LS12025) (City Wide)

## TYPOGRAPHICAL ERROR

- (viii) Item 12.6 – Aeropark Industrial Lands – Waiver of Commencement and Completion of Construction Dates (PED05136(b)) (Ward 11 and City Wide)

Date in sub-section (a)(i) of the recommendations should read May 2, **2002**, not 2012

### (Pearson/Farr)

That the agenda be approved, as amended.

**CARRIED**

## (b) DECLARATIONS OF INTEREST (Item 2)

**Item 8.3 Casino Approval Process, Bill 76, being an Act to Amend the Ontario Lottery and Gaming Corporation Act of 1999 (LS12023) (City Wide)**

Councillor B. Clark declared a conflict as a member of his immediate family member is employed by the OLG.

**Item 4.1 Delegation Request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH's Dust-busters Initiative**

Councillor B. McHattie declared a conflict as the requestor is a family member.

**(c) APPROVAL OF PREVIOUS MINUTES**

**(Whitehead/Ferguson)**

That the July 9 and July 18 (special), 2012 minutes of the General Issues Committee meetings be approved, as presented. **CARRIED**

**(d) DELEGATION REQUESTS**

- (i) Delegation Request from Ryan Moran, Hamilton HIVE – Hamilton Chamber of Commerce, to provide an update and progress of the Hamilton HIVE since its inception at the Hamilton Economic Summit in 2010 (Item 4.2)**

**(Farr/Whitehead)**

That the Delegation Request from Ryan Moran, Hamilton HIVE – Hamilton Chamber of Commerce, to provide an update and progress of the Hamilton HIVE since its inception at the Hamilton Economic Summit in 2010, be approved. **CARRIED**

- (ii) Delegation Requests respecting Enbridge Pipelines Inc.**

**(Whitehead/Clark)**

That the following delegations be approved to present to the General Issues Committee at the appropriate meeting where Enbridge Pipelines Inc. will also be presenting to the Committee:

- (aa) John McGreal respecting Enbridge Pipelines Inc.: Pipeline 9A Sarnia Westover Pipeline 10 Westover, Binbrook/ Buffalo, N.Y. (Item 4.3)
- (bb) Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue Item 4.4)
- (cc) Ken Stone, on behalf of Hamilton 350 Committee/Environment Hamilton, respecting Enbridge Pipelines (Item 4.5)
- (dd) Janet Chafe, on behalf of H.E.A.T., respecting the Enbridge Pipeline (Item 4.6)

**(e) CONSENT ITEMS**

- (i) Minutes of Sub-Committees:**

**(Pearson/Whitehead)**

That the following Sub-Committee Minutes be received:

- (aa) Minutes of the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) (Item 5.1)
  - (a) May 8, 2012
  - (b) June 12, 2012
- (bb) Minutes of the Open for Business Sub-Committee – June 13, 2012 (Item 5.2)

**(f) PUBLIC DELEGATIONS/HEARINGS**

- (i) Dave Bryans, on behalf of the Ontario Convenience Stores Association (OCSA), respecting the distribution and sale of contraband tobacco (Item 6.1)**

Dave Bryans, spoke on behalf of approximately 7,500 small business operators of convenience stores in Ontario to express concerns with respect to the distribution and sale of contraband tobacco. The Committee was distributed with his presentation, which included:

- Contraband Tobacco Usage
- What is Contraband
- Effects of Contraband Tobacco
- Contraband Tobacco in Hamilton
- Proposed Motion for Adoption by Hamilton City Council

Mr. Bryans indicated that several large and smaller municipalities in Ontario have adopted the motion that he is presenting.

A copy of the presentation is available for viewing on the City's website.

**(Jackson/Ferguson)**

That the presentation from Dave Bryans, on behalf of the Ontario Convenience Stores Association (OCSA), respecting the distribution and sale of contraband tobacco, be received. **CARRIED**

See Item 4 for the disposition of this item.

- (ii) Delegation Request from Gary Santucci, on behalf of concerned citizens, respecting alleged operational and financial issues of The Waterfront Trust raised by the Bay Observer and the Hamiltonian**

With the assistance of a power point presentation, Mr. Santucci provided concerns respecting Waterfront Trust Financial and Operations Issues, which included the following:

- Point 1 – Failed Audit 2007
- Point 2 – Loss of Charitable Status
- Point 3 – Failure to provide requested financial information
- Point 4 – Failed G.S.T. Audit
- Point 5 – Continuous Losses
- Point 6 – Accounting Irregularities
- Point 7 – Failure to Report
- Point 8 – Failure to Insure
- Points 9 and 10- – Unanswered Questions
- Point 11 – Charitable Status
- Point 12 – Fiduciary Trust
- Point 13 – Forensic Audit

A copy of the power point presentation was distributed to the Committee and is available for viewing on the City's website.

**(Ferguson/Pearson)**

That the presentation by Gary Santucci, on behalf of concerned citizens, respecting alleged operational and financial issues of The Waterfront Trust raised by the Bay Observer and the Hamiltonian, be received.

**CARRIED**

**(Merulla/Collins)**

(a) That staff be authorized and directed to investigate and report back to the General Issues Committee with clarification respecting the following issues as noted in the presentation provided by Gary Santucci with respect to the Hamilton Waterfront Trust:

- (i) Point #4 – Alleged Failed G.S.T. Audit – audit performed by the Canada Revenue Agency which resulted in the Trust owing approximately \$500,000;
- (ii) Point #5 – Continuous Losses – four years of continuous losses were sustained on most operations from 2008 to 2011, totalling \$1,942,000;
- (iii) Point #9 – Unanswered Questions – In 2011, a General Issues Committee (G.I.C.) received a delegation from the Waterfront Trust. The following resulted:
  - (aa) Councillor Ferguson rightfully asked of the GST audit, what had happened and what were the details;
  - (bb) Councillor Pearson supported his request and asked for the distribution to all of Council of the response.

- (b) That the Hamilton Waterfront Trust be requested to release the reason for the Canada Revenue Agency's denial of the appeal.

**CARRIED**

**(iii) Hamilton Waterfront Trust Financial Statements as of December 31, 2011 (Item 6.3)**

Werner Plessl, Executive Director of the Hamilton Waterfront Trust, provided a power point presentation to the Committee which outlined the mandate and goals. The presentation also included several photos of attractions, activities and events that are located and take place on Hamilton's waterfront.

**(Farr/Jackson)**

That the presentation from Werner Plessl respecting the Hamilton Waterfront Trust Financial Statements as of December 31, 2011, be received.

**CARRIED**

**(g) PRESENTATIONS**

**(i) Emerald Ash Borer (EAB) Action Plan (PW10088(a)) (City Wide) (Item 7.1)**

Craig Murdoch, Director of Environmental Services, advised the Committee that the presentation is a follow up to the one-on-one meetings held with Councillors. Mr. Murdoch also introduced Philip van Wassenaer, Consultant with Schollen & Company Inc. and Urban Forest Innovations.

With the assistance of power point, the Emerald Ash Borer Action Plan presentation included:

- Introduction/outline of the presentation
- The EAB Report;
- EAB facts
- EAB Regulated Areas in Ontario
- Ash Trees in Hamilton
- Hamilton Forestry Program Review, including Enlargement Plan – Ash Tree Diameter Class
- Photo of progression of ash tree decline from EAB
- EAB management strategies
- EAB control methods
- Management options for the City
- Comparison of Management options – total cost/annual cost
- What other municipalities are doing

- EAB detection methods
- EAB management – Federal and Provincial Government
- EAB Action Plan Options
- Review of recommendations in Report PW10088(a).

Mr. Murdoch advised the Committee that Table 1 required a correction to read “400 trees” in Options 1 to 5, not 200 trees.

Beth Goodger, Senior Director, Operations and Waste Management, and Mike McNamara, Manager of Forestry and Horticulture, were in attendance to respond to questions.

**(Pearson/Johnson)**

That the staff presentation respecting the Emerald Ash Borer Action Plan be received. **CARRIED**

**(McHattie/Collins)**

That sub-section (b) be amended by deleting the words, “a preferred option” and replacing them with the words, “Option 3 – Proactive Management, 1:1 planting”, to read as follows:

- (b) That Option 3 – Proactive Management, 1:1 planting for the City of Hamilton’s Emerald Ash Borer Action Plan be selected based on the options presented in Table 1 of Report PW10088(a).

**Amendment CARRIED**

**(Whitehead/Merulla)**

That the following sub-sections be added:

That correspondence be sent to the Canadian Food Inspection Agency, the Federal Minister of Natural Resources Canada, the Ontario Minister of Natural Resources, local M.P.’s and M.P.P.’s, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities to advocate for increased Emerald Ash Borer research funding and for the provision of financial assistance to affected municipalities in Ontario;

That the municipalities in the EAB-Regulated areas in Ontario be requested to support Hamilton's request to the senior levels of government.

**Amendment CARRIED**  
**Motion as amended CARRIED**

**(Jackson/Collins)**

That the Main Motion, as amended, be further amended by adding the following sub-section:



That the implementation of Option 3 include an option for homeowners with healthy ash trees to be able to retain such City trees and/or park trees until they are in decline or are dead, or be afforded the flexibility to pay for inoculation for trees on City-owned property, and in consultation with the Ward Councillor and City staff **Amendment CARRIED**

**(Ferguson/Clark)**

That the Main Motion, as amended, be further amended by adding the following sub-section:

That staff be requested to consider using the existing Street Tree Planting Program to offset some of the costs of implementing Option 3 and report back during the 2013 capital budget process.

The Amendment **CARRIED** on the following recorded vote:

Yeas:	Clark, Pearson, Johnson, Ferguson, Partridge, Whitehead, Jackson Collins, Merulla, Morelli, Farr
Total Yeas:	11
Nays:	McHattie
Total Nays:	1
Absent:	Powers, Pasuta, Bratina, Duvall
Total Absent:	4

The Main Motion, as further amended, **CARRIED**.

**(h) DISCUSSION ITEMS**

**(i) Tourism Advisory Committee (PED12159) (City Wide) (Item 8.1)**

**(Jackson/Farr)**

That the following be added as sub-section (e):

- (e) That Councillors L. Ferguson, B. Clark and B. Morelli be appointed to sit on the Tourism Advisory Committee. **Amendment CARRIED Motion as amended CARRIED**

**(i) MOTIONS**

**(i) Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Implementation Team (Item 9.1)**

Councillor B. McHattie introduced a motion respecting the Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Implementation Team.

**(McHattie/Farr)**

That sub-sections (a) and (b) be amended to include the Ward 3 Councillor on the Implementation Team. **Amendment CARRIED**

**(Clark/Pearson)**

That sub-sections (a) and (b) be amended as follows:

- (a) By deleting the words, "Implementation Team", and replacing them with the words, "Study Group", in lieu thereof;
- (b) By deleting the words, "systematically plan and implement" in sub-section (a), and replacing them with the words, "study and report on possible";
- (c) By deleting the words, "beginning with a project submission to the 2013 budget process for conversation of Cannon Street and Queen Street to two-way streets" in sub-section (a), and replacing it with the words, "specifically Cannon Street and Queen Street, to form the requisite environmental assessments".

**Amendment CARRIED**

**Motion as amended CARRIED**

**(Merulla/Jackson)**

That the Main Motion, as amended, be further amended by adding the following sub-sections:

That staff be directed to prepare a budget for the Study for consideration during the 2013 budget process.

That staff be directed to investigate and report back on a reverse flow model.

**Amendment CARRIED**

**Motion as further amended CARRIED**

See Item 11 for the disposition of this item.

**(j) NOTICES OF MOTION**

Councillor J. Farr introduced the following Notice of Motion:

**Amendment to Area Rating Capital Re-Investment Reserves – 2012 Projects**

- (a) That Appendix "B" to Report FCS12024(a) respecting Area Rating Capital Re-Investment Reserves - 2012 Projects, approved by Council on August 16, 2012 as Item 13 of General Issues Committee Report 12-021, be amended by adding the following Capital projects attached hereto as Appendices B-ii to B-xiv, and listed below;

Project	Cost (\$000s)	Multi-Year Project	Start Date	Completion Date	Project Manager	Prior Approval	Appendix Reference
John St. N/Robert St. - Pedestrian Signal	80.0	No	2012	2013	R. Gallo	N/A	B-ii
Herkimer St./Caroline St. S - Pedestrian Signal	80.0	No	2012	2013	R. Gallo	N/A	B-iii
School Nutrition Program	80.0	No	2012	2013	P. Johnson	N/A	B-iv
Strachan Open Space Free Run Leash free area	15.0	No	2012	2012	R. Martin	N/A	B-v
Sidewalk Replacements - various locations	300.0	No	2012	2013	P. McShane	N/A	B-vi
Renew Hamilton Grant	20.0	No	2012	2012	G. Norton	N/A	B-vii
Gore Park Speakers Grant	25.0	No	2012	2012	M. Hazell	N/A	B-viii
Central School - Flashing 40s	15.0	No	2012	2013	S. Parker	N/A	B-ix
Dr. J.E. Davey School - Flashing 40s	15.0	No	2012	2013	S. Parker	N/A	B-x
Promenade Staging	0.5	No	2012	2012	N/A	N/A	B-xi
Beasley Banners Installation	8.0	No	2012	2013	TBD	N/A	B-xii
Park St. 2-way conversion	6.0	No	2012	2013	S. Russell	N/A	B-xiii
Downtown Pop-Up Concert	6.0	No	2012	2012	N/A	N/A	B-xiv
<b>TOTAL</b>	<b>650.5</b>						

- (b) That subject to approval of (a), that the capital projects outlined in Appendices B-ii to B-xiii be funded by the Ward 2 Area Capital Special Re-Investment Reserve # 108052;
- (c) That subject to approval of (a) and (b), that the operating impacts of the Area Rating Special Capital Re-investment Reserves 2012 Projects as listed in Appendices B-ii, B-iii, B-ix and B-x, amounting to \$12,000 annually when fully implemented, be approved and incorporated into future Tax-Supported Operating Budgets;
- (d) That subject to approval of (a) and (b), the Capital projects, as outlined in Appendices B-ii to B-xiv, be approved and subsequently created;
- (e) That subject to the approval of (a) and (b), that the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the works approved in Appendices B-ii to B-xiv;
- (f) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215, relating to projects outlined in Appendices B-ix and B-x, be passed.

**(McHattie/Merulla)**

That the Rules of Order be suspended in order to allow for the introduction of a motion respecting Amendments to Area Rating Capital Re-Investment Reserves – 2012 Projects.

**CARRIED**

See Item 12 for the disposition of this item.

**(k) OTHER BUSINESS**

**(i) Outstanding Business List (Item 11.1)**

**(Jackson/Pearson)**

- (a) That the revised due date for the following item on the Outstanding Business List be approved:

**Corporate Services**

Item E: 2012 Ontario Municipal Partnership Fund Allocations

Due Date: September 19, 2012

Revised Due Date: November 20, 2012

**CARRIED**

**(Jackson/Pearson)**

- (b) That the following item be removed from the Outstanding Business List:

**Planning**

Item S: Tourism Advisory Committee (Reference Item 8.2)

**CARRIED**

**(ii) Cancellation of School Bus Service – Upper Mount Albion Road**

Councillor B. Clark provided information to the Committee with respect to the cancellation of school bus service on Upper Mount Albion Road.

**(Johnson/Whitehead)**

That the Rules of Order be waived in order to allow for the introduction of a motion respecting the Cancellation of School Bus Service on Upper Mount Albion Road.

See Item 14 for the disposition of this item.

**(iii) Surplus School Board Property – 50 Albright Road, Hamilton**

Councillor C. Collins informed the Committee with respect to the status of surplus lands owned by the Hamilton-Wentworth District School Board located at 50 Albright Road.

**(Whitehead/Jackson)**

That the Rules of Order be waived in order to allow for the introduction of a motion respecting property located at 50 Albright Road, Hamilton.

See Item 15 for the disposition of this item.

**(I) PRIVATE & CONFIDENTIAL**

**(Clark/Jackson)**

That the Committee move into closed session at 12:28 p.m. pursuant to sub-sections (e) and (f) of the City's Procedural By-law and Sections 239.3(e) and (f) of the Municipal Act as the subject matter pertains to (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 the Red Hill Valley Parkway Litigation. **CARRIED**

The Committee reconvened in Open Session at 1:40 p.m.

**12.2 Red Hill Valley Parkway Litigation (LS04021(e)) (City Wide)**

David Estrin, outside legal counsel, appeared before the Committee to provide an update with respect to the Red Hill Valley Parkway Litigation.

Direction was provided to staff In Camera.

**Private and Confidential Items 12.3, 12.4 and 12.6**

**(Jackson/Collins)**

That the following Private and Confidential items be referred to the September 12, 2012 Council meeting for consideration:

- (i) Ratification of Contract with the United Food and Commercial Workers (UFCW) Local 102 (Item 12.3)
- (ii) Ratification of Contract with the International Union of Operating Engineers Local 722 (HECFI and Lodges) (No Copy) (Item 12.4)
- (iii) Aeropark Industrial Lands – Waiver of Commencement and Completion of Construction Dates (PED05136(b)) (Ward 11 and City Wide) (Item 12.6)

**(m) ADJOURNMENT**

**(Merulla/Jackson)**

There being no further business, the Committee adjourned at 5:35 p.m.

Respectfully submitted

Councillor J. Partridge  
Deputy Mayor

Carolyn Biggs  
Legislative Co-ordinator  
September 6, 2012