



GENERAL ISSUES COMMITTEE

MINUTES 13-005

9:30 a.m.

Wednesday, February 20, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor B. Clark – Personal Business
Councillor S. Merulla – Illness

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-12-04) – 135-137 King Street East and 42 Passmore Street, Stoney Creek (PED13010) (Ward 9) (Item 5.2)

(Pearson/Bratina)

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-12-04, submitted by 1507939 Ontario Limited (Bernard Dejonge, Marinus Dejonge Jr. and Lorne Goldstein), owner of the property at 135–137 King Street East, and Alex Kepecs, owner of the property at 42 Passmore Street in Stoney Creek, for an ERASE Redevelopment Grant, not to exceed the amount of \$853,000, 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 the ERASE Redevelopment 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 grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental

Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

CARRIED

- 2. 161 Meadowlands Boulevard, Part of Lot 51, Concession 3, Town-ship of Ancaster (PW13009) (Ward 12) (Outstanding Business List Item) (Item 5.3)**

(Pearson/Bratina)

That Report PW13009, respecting 161 Meadowlands Boulevard, Part of Lot 51, Concession 3, Township of Ancaster, be received.

CARRIED

- 3. Events Strategy Update (PED13038) (City Wide) (Item 5.4)**

(Pearson/Bratina)

That Report PED13038, respecting Events Strategy Update, be received.

CARRIED

- 4. LEED Certification and LEED Grant Program Participation (PED13024) (City Wide) (Item 8.1)**

(McHattie/Ferguson)

That Report PED13024, respecting LEED Certification and LEED Grant Program Participation, be received.

CARRIED

- 5. Funding from the Ontario Ministry of Citizenship & Immigration to Continue Development of the Hamilton Immigration Portal (CM13004) (City Wide) (Item 8.2)**

(Pearson/Jackson)

(a) That the City of Hamilton accept \$110,000 from the Ontario Ministry of Citizenship and Immigration to significantly increase the content and quality of the Hamilton Immigration Portal and align the content with the immigrant attraction strategy currently underway;

(b) That the City Manager be authorized to execute an agreement between the City and the Ontario Ministry of Citizenship and Immigration, in a form satisfactory to the City Solicitor, to implement the above recommendation.

CARRIED

- 6. Neighborhood Development Strategy Initiative – Ontario Job Creation Program – Hamilton Home Renovation Partnership (CM13001) (City Wide) (Item 8.3)**

(Jackson/Farr)

- (a) That the City of Hamilton enter into a partnership with the Ministry of Training, Colleges and Universities (MTCU), Threshold School of Building and the Hamilton Community Foundation, to provide work experience for unemployed job seekers residing in the priority of neighbourhoods identified in the Neighbourhood Development Strategy through on-site work experience that will assist home owners in these neighbourhoods with small renovation projects;
- (b) That \$35,000 of the Neighbourhood Strategy Fund be provided to the Threshold School of Building to assist in the delivery of this initiative;
- (c) That the City Manager be authorized to execute an agreement between the City of Hamilton and the Threshold School of Building, in a form satisfactory to the City Solicitor, to implement the above recommendations.

CARRIED

7. 55 Queenston Road – City Motor Hotel – Offers of Compensation (LS12009(b)/PED12076(b)) (Ward 4) (item 8.4)

(Collins/Jackson)

- (a) That the Offers of Compensation, based on an appraisal received, for Part of Lot 34, Concession 2, geographic Township of Saltfleet, designated as Part 1 on Reference Plan 62R-19362 and as expropriated by City of Hamilton By-law No. 12-202, registered as Part 1 on Expropriation Plan No. WE866275, registered on November 2, 2012 having a total area of 5241 m², be made as follows:
 - (i) Jointly to KMTC-Key Management Technology Corporation, Corporations Canada, Public Works and Government Services Canada – Ontario Region, 1284342 Ontario Inc., Patrick Di Monte, Harmeet Chauhan, Sivabatham Visvalingam, Her Majesty The Queen in Right of Ontario as Represented by the Minister of Finance, Her Majesty The Queen in Right of Canada as Represented by the Minister of National Revenue, and Workplace Safety and Insurance Board, in the amount of One Million and Nine Hundred and Sixty Thousand (\$1,960,000.00) Dollars, for the fee simple interest in the subject lands, subject to an adjustment of +5 percent to reflect changes (if any) to the market value as of the Owner's statutory date for the election of compensation;
 - (ii) Spouse of Patrick Di Monte, \$1.00;
 - (iii) Spouse of Harmeet Chauhan, \$1.00;
 - (iv) Spouse of Sivabatham Visvalingam, \$1.00;

- (v) Pattison Outdoor Advertising Ltd., \$1.00;
- (vi) The Lord's Ministry House, \$1.00.
- (b) That should the Owner(s) jointly accept the Offer and sign and execute the required Agreement by Owner to Accept Compensation, that the Mayor and the City Clerk be authorized and directed to sign and execute the said Agreement on behalf of the City of Hamilton;
- (c) That in the event that the Owner(s) do not jointly execute the required Agreement by Owner to Accept Compensation that the City Solicitor be authorized and directed to pay the Offer into the Office of the Accountant of the Superior Court of Justice together with a sum equal to the interest thereon at the rate of 6 percent a year for six months;
- (d) That the City Clerk, City Solicitor, and all other required officials be authorized and directed to prepare, sign and serve the Notice of Possession and any other notices or documents required to finalize this transaction;
- (e) That in the event that resistance or opposition is made to the City, or any person authorized by the City, in entering upon, using or taking possession of the land when it is entitled so to do, the City Solicitor, or their designate, be authorized to apply to a judge for a warrant directing the sheriff to put down the resistance or opposition;
- (f) That the City Solicitor, or their designate, be authorized to apply to the Courts to abridge the time for vacant possession, if deemed necessary;
- (g) That all expenditures associated with this transaction be charged to Capital Budget Account No. 3301250231 and be funded from Reserve No. 108054 (Ward 4 Capital Re-investment).

CARRIED

8. Hamilton Future Fund Board of Governors Report 13-001 (Item 8.6)

- (a) **Hamilton Future Fund Reserve Status and Project Funding as of December 31, 2012 (FCS13013) (City Wide) (Item 7.1)**

(Pearson/McHattie)

That Report FCS13013 respecting Hamilton Future Fund Reserve Status and Project Funding as of December 31, 2012, attached to Report 13-001 as Appendix A, be received.

CARRIED

- (b) **Reallocation of Future Fund Grant (PED13026) (Ward 3 and 8) (Item 8.1) (Report Attached as Appendix B to Report 13-001)**

(Pearson/McHattie)

- (a) That a portion of the unused funds previously committed to the Heritage Curatorial Centre, estimated to be in the amount of \$800,000, be reallocated towards the repair of the stone walls at Auchmar Estate;
- (b) That the remaining funds of approximately \$400,000 be used to upgrade the existing Artifact Storage Facility on Burlington Street East, to be renovated to conservation standards, as the Curatorial Centre.

CARRIED

(c) Requested for updates on Outstanding Projects (Added Item 9.1)

That the appropriate staff be directed to attend an upcoming Hamilton Future Fund Board of Governors meeting in order to provide updates on the following outstanding projects:

(Pearson/McHattie)

- (a) The Hamilton Affordable Housing Partnership Initiative
- (b) Urban Development Bank

CARRIED

9. Advisory Committee for People with Disabilities Report 13-002 (Item 8.7)

(Ferguson/Powers)

That the Advisory Committee for People with Disabilities Report 13-002 be referred to the General Manager of Public Works for a report back to the Public Works Committee

CARRIED

10. Construction of a Multi-Use Building at Sam Manson Park (Item 9.1)

(Collins/Farr)

- (a) That a multi-use building be constructed in Sam Manson Park, adjacent to the existing storage facility, and that the building include a barrier free washroom & kitchenette;
- (b) That the existing building at Sam Manson Park be upgraded for use by the soccer club including but not limited to painting, security improvements through door and window replacements, and sanitary system upgrades;

- (c) That subject to the approval of (a) and (b), the estimated cost of approximately \$550,000 be funded by the Ward 5 Area Rating Special Capital Re-Investment Reserve #108055;
- (d) That subject to the approval of (a) and (b), the operating impacts, amounting to approximately \$5,000 annually when fully implemented, be approved and incorporated into the 2014 Tax-Supported Operating Budget;
- (e) That subject to the approval of (a), (b), (c) and (d), the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the works approved in (a) and (b).

CARRIED

11. 2013 Mountable Curb Program in Ward 5 (Item 9.3)

(Collins/Jackson)

- (a) That twenty-eight (28) mountable curbs within Ward 5 be reconstructed;
- (b) That the reconstruction cost for the 28 mountable curbs in the amount of \$72,000 be funded from the Ward 5 Area Rating Special Capital Re-Investment Reserve Account No. 108055;
- (c) That the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the above-noted works.

CARRIED

12. Sale of Land Arkledun Avenue (Item 9.4)

(Farr/McHattie)

WHEREAS before selling any land, the Council of the City of Hamilton shall by by-law or resolution declare the land(s) surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;

AND WHEREAS interest has been expressed by owners residing at 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, more particularly described as Parts 4, 5, 8 & 9 on Plan No. RC-H-767, attached hereto as Appendix "A" for a nominal sum of \$2;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land(s);

AND WHEREAS the sum of \$ 2 for the subject property is below the range of the estimated fair market value as determined through an in-house appraisal being in the range of \$5,000 - \$9,000;

AND WHEREAS, due to the differential in grade elevation from St. Joseph's Drive to the private residents of approximately 4 feet, the grade elevation is delineated by an old, deteriorating, concrete retaining wall, wherein the property owners have constructed stairways to access their motor vehicles which are also established within the said Parts, being the only means of parking and access to their homes;

AND WHEREAS divestiture of the said Parts will absolve the City from potential Risk and Liability due to several staircases encroaching upon said Parts and providing a means of access to their motor vehicles;

AND WHEREAS the registered owner of 1 Arkledun Avenue had constructed a new second storey stairwell and landing onto adjacent City owned lands; divestiture of Part 4 on Plan RC-H-767 would dispense with this encroachment and a related minor variance application currently before the City of Hamilton;

AND WHEREAS Council deems the sale of Parts 4, 5, 8 and 9 on Plan No. RC-H-767 to the registered property owners of 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, for the nominal sum of \$2 to be in the best public interest;

AND WHEREAS Council deems that the City owned vacant parcel identified as Parts 6 and 7 on Plan RC-H-767 as surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299 and that the sale proceeds be allocated to another project within Ward 2;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- a) That the lands described as Parts 4, 5, 6, 7, 8 and 9 on Plan No. RC-H-767 be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;
- b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to dispose of Parts 4, 5, 8 and 9 on Plan RC-H-767 to the adjoining registered property owners of 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, for a nominal sum of \$2, subject to the respective owners being responsible for the maintenance of the the retaining wall;
- c) That the sale proceeds from the sale of Parts 6 and 7 on Plan RC-H-767 be allocated to another project within Ward 2;
- d) That the City Solicitor be authorized and directed to complete the real estate transaction on the terms and conditions set out herein.
- e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

CARRIED

13. **City v. Attorney General of Canada Superior Court Action C383/04 – Litigation (LS04021(f)) (City Wide) (to be distributed) (Item 12.1)**

(Ferguson/Collins)

That direction be given in accordance with LS04021(f)

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED ADOPTION OF MINUTES (Item 3)

3.2 February 14, 2013

2. ADDED DISCUSSION ITEMS (Item 8)

8.7 Advisory Committee for Persons with Disabilities Report 13-002

(Pearson/Powers)

That the agenda be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

(i) February 6, 2013 (Item 3.1)

(Pearson/Collins)

That the February 6, 2013 minutes of the General Issues Committee Meeting be approved as presented.

CARRIED

(ii) February 14, 2013 (Item 3.2)

(Pearson/Collins)

That the February 14, 2013 minutes of the General Issues Committee Meeting be approved as presented.

CARRIED

(d) CONSENT ITEMS

(i) Minutes from Various Sub-Committees (for information purposes only):

(a) Hamilton Association of Business Improvement Areas (H.A.B.I.A.) – December 11, 2012

(Pearson/Bratina)

That the minutes of the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) – December 11, 2012, be received.

CARRIED

(e) PUBLIC HEARINGS/DELEGATIONS

(i) Ryan P. Moran, Hamilton Hive, to provide an update respecting 2nd Annual Hive X Young Professionals Conference (Item 6.1)

Ryan Moran gave a presentation to the Committee. A copy of the presentation was retained by the Clerk.

Mr. Moran's presentation spoke of the work done by the Hamilton Hive, explaining their workshop directives, policy initiatives, and steps moving forward.

(Farr/Partridge)

That the delegation by Ryan P. Moran, representing the Hamilton Hive, to provide an update respecting 2nd Annual Hive X Young Professionals Conference, be received.

CARRIED

(f) PRESENTATIONS (Item 7)

(i) City Manager's Annual Update (2012) (No copy) (Item 7.1)

Chris Murray, City Manager, gave a presentation respecting the City Manager's Annual Update to the Committee. A copy of the presentation was retained by the Clerk.

Mr. Murray spoke to the focus of the City Manager's position and conditions for success. The key accomplishments for 2012 were

discussed with emphasis given to the areas of strategic planning, finance, people focused and citizen focused, public engagement and service delivery.

(Partridge/Pearson)

That the presentation respecting the City Manager's Annual Update, be received.

CARRIED

(g) DISCUSSION ITEMS (Item 8)

(i) Historical Review of Wage Increases and Provincial Comparison (HUR13002) (City Wide) (Outstanding Business List) (Item 8.5)

(Ferguson/Farr)

That Report HUR13002, be referred back to staff to for further investigation.

CARRIED

(h) MOTIONS (Item 9)

(i) Funding for Victoria Park – Outdoor Adult Area (Item 9.2)

Councillor McHattie withdrew his motion respecting Funding for Victoria Park – Outdoor Adult Area

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business Items List

(Ferguson/Whitehead)

That the revised due dates for the following items on the Outstanding Business List be approved:

Public Works

Item D: Conventional, Rapid and Inter-Regional Transit
(Metrolinx)

Due Date: February 2013

Revised Due Date: March 20, 2013

CARRIED

(ii) Removal of Items from the Outstanding Business List

(Ferguson/Whitehead)

That the following item be removed from the Outstanding Business List:

Planning

Item D: Hamilton LEEDing the Way (Item 8.1)

Public Health

Item A: City of Hamilton Food Strategy (presented to Board of Health on February 4, 2013)

CARRIED

(j) PRIVATE & CONFIDENTIAL

- (i) City v. Attorney General of Canada Superior Court Action C383/04 – Litigation (LS04021(f)) (City Wide) (to be distributed) (Item 12.1)**

(Pearson/Morelli)

That Committee move into closed session at 12:00 p.m. pursuant to Section 8.1, sub-sections (b), (e), and (f) of the City's Procedural By-law and Section 239.1, subsection (b), (e), and (f) of the Ontario Municipal Act as the subject matters pertain to personal matters about an identifiable individual, including City employees. Litigation or potential litigation, including matters before administrative tribunals, affecting the City. The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

The Committee reconvened in Open Session at 1:15 p.m.

(Ferguson/Collins)

That Report LS04021(f) remain confidential.

CARRIED

Please refer to item 13 for disposition.

- (ii) City Manager Performance Review (Item 12.2)**

(Powers/Jackson)

That Committee move into closed session at 2:30 p.m. pursuant to Section 8.1, sub-sections (b) of the City's Procedural By-law and Section 239.1, subsection (b) of the Ontario Municipal Act as the subject matters

pertain to personal matters about an identifiable individual, including City employees.

CARRIED

The Committee reconvened in Open Session at 2:57 p.m.

No action to report.

(k) ADJOURNMENT

(Partridge/Farr)

There being no further business, the Committee adjourned at 3:00 p.m.

Respectfully submitted

Councillor R. Pasuta
Deputy Mayor

Christopher Newman
Legislative Coordinator
Office of the City Clerk