



GENERAL ISSUES COMMITTEE

MINUTES 13-026

9:30 a.m.

Wednesday, December 4 and

Friday, December 6, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

December 4, 2013

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

Absent with Regrets: Councillor B. Morelli – Illness

December 6, 2013

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

Absent with Regrets: Councillor B. Morelli – Illness

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Tax Increment Grant Program – 193-197 James Street North – HTIGP 09/02 (PED13190) (Ward 2) (Item 5.2)

(Farr/McHattie)

- (a) That a grant in the amount of \$23,739.85 be approved under the terms and conditions of the Hamilton Tax Increment Grant Program (HTIGP) for the application submitted by 2206066 Ontario Inc. (Glen Norton, Robert Scott Smith) as the redevelopment of the property is complete;

- (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix "A" to Report PED13190, in a form satisfactory to the City Solicitor. **CARRIED**

2. Employee Conflict of Interest (New Business)

(Ferguson/Whitehead)

That the issue of actual or perceived conflict of interest of employees of the City of Hamilton relative to their personal involvement in City matters be referred to the Governance Review Sub-Committee for a report back to the General Issues Committee. **CARRIED**

3. Ancaster Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13191) (Ward 12) (Item 5.3)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the Ancaster Business Improvement Area (BIA) (attached as Appendix "A" to Report PED13191), in the amount of \$108,300, be approved;
- (b) That the levy portion of the Operating Budget for the Ancaster Business Improvement Area (BIA), in the amount of \$93,300, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget, as referenced in sub-section (b), above;
- (d) That the following schedule of payments for 2014 be approved:

January	\$46,650
June	\$46,650

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

4. Concession Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13192) (Wards 6 and 7) (Item 5.4)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the Concession Street Business Improvement Area (BIA) (attached as Appendix "A" to Report PED13192), in the amount of \$80,750, be approved;

- (b) That the levy portion of the Operating Budget for the Concession Street Business Improvement Area (BIA), in the amount of \$80,750, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in recommendation (b), above;
- (d) That the following schedule of payments for 2014 be approved:

January	\$40,375
June	\$40,375

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

5. Barton Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13193) (Wards 2 and 3) (Item 5.5)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the Barton Village Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13193) in the amount of \$53,970, be approved.
- (b) That the levy portion of the Operating Budget for the Barton Village Business Improvement Area (BIA) in the amount of \$53,970.00 be approved.
- (c) 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 2014 Budget as referenced in sub-section (b) above.
- (d) That the following schedule of payments for 2014 be approved:

January	\$26,985
June	\$26,985

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

6. Downtown Hamilton Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13194) (Ward 2) (Item 5.6)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the Downtown Hamilton Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13194), in the amount of \$375,100, be approved;
- (b) That the levy portion of the Operating Budget for the Downtown Hamilton Business Improvement Area (BIA), in the amount of \$300,000, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b), above;
- (d) That the following schedule of payments for 2014 be approved:

January	\$150,000
June	\$150,000

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

7. International Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13196) (Wards 2 and 3) (Item 5.7)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the International Village Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13196) be approved in the amount of \$140,000.
- (b) That the levy portion of the Operating Budget for the International Village Business Improvement Area (BIA) in the amount of \$140,000, be approved.
- (c) 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 2014 Budget as referenced in sub-section (b) above.
- (d) That the following schedule of payments for 2014 be approved:

January	\$70,000
June	\$70,000

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

8. Ottawa Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13198) (Wards 3 and 4) (Item 5.8)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the Ottawa Street Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13198), in the amount of \$179,825, be approved;
- (b) That the levy portion of the Operating Budget for the Ottawa Street Business Improvement Area (BIA), in the amount of \$133,000, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in recommendation (b) above;
- (d) That the following schedule of payments for 2014 be approved:

January	\$66,500
June	\$66,500

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

9. Waterdown Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13199) (Ward 15) (Item 5.9)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the Waterdown Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13199) be approved in the amount of \$151,200.
- (b) That the levy portion of the Operating Budget for the Waterdown BIA in the amount of \$151,200.00 be approved.
- (c) 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 20141 Budget as referenced in sub-section (b) above.

- (d) That the following schedule of payments for 2014 be approved:

January	\$75,600.00
June	\$75,600.00

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

10. Dundas Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13195) (Ward 13) (Item 5.10)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the Dundas Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13195) be approved in the amount of \$162,000.
- (b) That the levy portion of the Operating Budget for the Dundas Business Improvement Area (BIA) in the amount of \$116,699, be approved.
- (c) 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 2014 Budget as referenced in sub-section (b) above.
- (d) That the following schedule of payments for 2014 be approved:

January	\$58,349.50
June	\$58,349.50

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

11. King Street West Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13197) (Ward 2) (Item 5.11)

(Ferguson/Duvall)

- (a) That the 2014 Operating Budget for the King Street West Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13197) be approved in the amount of \$6,373.88.
- (b) That the levy portion of the Operating Budget for the King Street West Business Improvement Area (BIA) in the amount of \$5,000.00, be approved.

(c) 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 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

January	\$2,500.00
June	\$2,500.00

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

12. Stoney Creek Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED13213) (Wards 9 and 10) (Item 5.12)

(Ferguson/Duvall)

(a) That the 2014 Operating Budget for the Stoney Creek Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13213) be approved in the amount of \$25,100.

(b) That the levy portion of the Operating Budget for the Stoney Creek Business Improvement Area (BIA) in the amount of \$12,944, be approved.

(c) 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 2014 Budget as referenced in sub-section (b) above.

(d) That the following schedule of payments for 2014 be approved:

January	\$6,472
June	\$6,472

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

13. Arts Advisory Commission 2014 Volunteer Committee Budget Submission (PED13200) (City Wide) (Item 5.13)

(Jackson/McHattie)

That the Arts Advisory Commission’s base budget submission in the amount of \$9,000, attached as Appendix “A” to Report PED13200, be approved and forwarded to the 2014 budget process.

CARRIED

14. 18-28 King Street East – Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program (PED13208) (Ward 2) (Item 5.15)

(Farr/Merulla)

- (a) That a grant commitment to an upset limit of \$850,000 be approved under the Hamilton Heritage Property Improvement Grant Program for Hughson Business Space Corporation (Marvin Barnett, David Blanchard, Ronald Quinn, William Rogan) owner of 18, 20, 22, 24 and 28 King Street East, conditional upon all terms and conditions of the Program being met and subject to complete program applications being submitted no later than December 31, 2014;
- (b) That a grant commitment to an upset limit of \$250,000 be approved under the GORE Building Improvement Grant Program for Hughson Business Space Corporation (Marvin Barnett, David Blanchard, Ronald Quinn, William Rogan) owner of 18, 20, 22, 24 and 28 King Street East, conditional upon all terms and conditions of the program being met.

CARRIED

15. Hamilton Police Services Forensic Lab – Initiation of Design Process (CM13018) (City Wide) (Item 5.17)

(Ferguson/Jackson)

That Report CM13018 respecting “Hamilton Police Services Forensic Lab – Initiation of Design Process” be received.

CARRIED

16. Arts Advisory Commission Annual Report (No Copy) (Item 7.1)

(Farr/Pearson)

That the Arts Advisory Commission Annual Report, as presented by Patricia LeClaire, Chair of the Arts Advisory Commission, be received.

CARRIED

17. Strategic Municipal Arts Investment (PED13202) (City Wide) (Outstanding Business List Item) (Item 8.3)

(Farr/Pearson)

That Report PED13202 respecting “Strategic Municipal Arts Investment” be received.

CARRIED

**18. Strategic Municipal Arts Investment (PED13202(a)) (City Wide)
(Outstanding Business List Item) (Item 8.3(a))**

(Farr/Pearson)

That Report PED13202(a) respecting "Strategic Municipal Arts Investment" be received. **CARRIED**

**19. Establishment of a Citizens' Task Force to Study the Issue of Fluoridation
of the City's Water Supply**

(Jackson/Whitehead)

That the Medical Officer of Health be directed to report back to the Board of Health with respect to the feasibility of establishing of a Citizens' Task Force to study the issue of fluoridation of the City's water supply, such report to include what costs, if any, would be required for the Task Force, the eligibility criteria, etc.. **CARRIED**

20. 2014 Tax-Supported User Fees – Hamilton Farmers' Market – Stall Fees

(Collins/Jackson)

(a) That a zero percent increase in the 2014 User Fees for the Hamilton Farmers' Market – Stall Fees be approved;

(b) That the 2014 User Fees for the Hamilton Farmers' Market – Stall Fees, as listed in Appendix "A" to Report FCS13079, be amended accordingly. **CARRIED**

**21. North End Traffic Management Plan (PW08094(b)) (Ward 2) (Outstanding
Business List Item) (Item 8.1)**

(Farr/Collins)

That Report PW08094(b) respecting "North End Traffic Management Plan" be received. **CARRIED**

22. Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc. (PED13207) (Ward 8) (Item 5.14)

(Whitehead/Pearson)

- (a) That an Option to Purchase with Authority to Enter, executed by LPF Realty Retail Inc. on November 7, 2013, and scheduled to close on February 14, 2014, identified as Part of Lot 15, Concession 8, in the City of Hamilton, comprising an area of 1.95 acres, subject to an easement described as Part 2 on Expropriation Plan WE424570, being part of PIN 16912-0017(LT), forming part of the property municipally known as 1400 Upper James Street, as shown on Appendix "A" and Appendix "B" attached to Report PED13207, be approved and completed at a purchase price of \$717,656.60, subject to adjustments and subject to:
- (i) Satisfactory environmental review at the sole and absolute discretion of the City of Hamilton, failing which the Option to Purchase shall be null and void;
 - (ii) The owner providing the City of Hamilton with a copy of a Phase 1 environmental report on or before December 13, 2013;
 - (iii) The owner obtaining approval of an Official Plan Amendment and Zoning By-law Amendment filed as OPA-12-012 and ZAC-12-029, to permit the expansion of the existing commercial development, which have been appealed to the Ontario Municipal Board for non-decision, failing which the Option to Purchase shall be null and void;
 - (iv) The owner obtaining site plan approval and satisfaction of pre-approval conditions, failing which the Option to Purchase shall be null and void;
 - (v) The City withdrawing its Planning Application(s) appeal, being OMB Case No. PL130601 with the Ontario Municipal Board, and written confirmation received from the Ontario Municipal Board on or before closing; and
 - (vi) The sanitary easement described as Part 2 on Expropriation Plan WE424570 being amended to include additional infrastructure for the installation, maintenance, etc. of storm sewers and water.
- (b) That the purchase price of \$717,656.60, subject to adjustments be funded from Capital Account 5181180090 (Annual Stormwater Management Program);
- (c) That the Mayor and Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor.

CARRIED

23. **Report 13-002 of the School Board Properties Sub-Committee – October 29, 2013 (Item 8.6)**

(Farr/Ferguson)

(i) Hamilton-Wentworth District School Board (HWDSB) Land – 1287 Centre Road, Part of Lot 9, Concession 7, former Township of Flamborough, now City of Hamilton (PED13176) (Ward 15) (Item 6.1)

(aa) 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 District School Board that the City of Hamilton has no interest in acquiring their land located at 1287 Centre Road, legally described as Part of Lot 9, Concession 7, former Township of Flamborough, now City of Hamilton, forming all of PIN 17582-0083, as shown on Appendix “A” attached to Report PED13176 (attached hereto as Appendix “A”);

(bb) 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 District School Board of the City of Hamilton’s site development requirements as identified in Appendix “B” attached to Report PED13176 (attached hereto as Appendix “A”). **CARRIED**

24. **Report 13-001 of the Steel Committee – November 7, 2013 (Item 8.7)**

(a) Appointment of Chair for the Steel Committee

(Whitehead/Pasuta)

That Councillor Scott Duvall be named Chair of the Steel Committee for the 2010 – 2014 term of Hamilton City Council. **CARRIED**

(b) Appointment of Vice Chair for the Steel Committee.

(Whitehead/Pasuta)

That Councillor Sam Merulla be named Vice Chair of the Steel Committee for the 2010 – 2014 term of Hamilton City Council. **CARRIED**

(c) Request for Action Respecting the U.S. Steel Announcement

(Whitehead/Pasuta)

Whereas U.S. Steel signed an agreement with the Province of Ontario and the Federal Government of Canada to continue operating in Hamilton with conditional incentives;

Whereas the terms of the agreement are confidential and,

Where as the details of the agreements are essential in protecting U.S. Steel pensioners and the City of Hamilton.

Therefore Be It Resolved:

That the City of Hamilton seek action from the Provincial Government of Ontario, the Federal Government of Canada and U.S. Steel accordingly.

CARRIED

25. Request for Third Party Audit to Review Impacts of the Province's Funding of Social Services and the Ontario Municipal Partnership Fund (OMPF) (Item 9.3)

(Clark/Merulla)

Whereas the Province of Ontario has just released the 2014 Ontario Municipal Partnership Fund allocations (OMPF), and the City of Hamilton is not eligible for any OMPF funding;

And Whereas the Province of Ontario has provided the City of Hamilton with an "Upload Notice" which identifies, base on provincial calculations, the net cumulative benefit received by the City of Hamilton is estimated at \$89 million, up about \$10.3 million from 2013;

And Whereas the City of Hamilton is currently forecasting the 2014 upload benefit at \$3.9 million versus the Province's estimated benefit of \$10.3 million;

And Whereas there is a difference between the Province's reported cumulative benefits up to 2013 of \$78.9 million versus the City of Hamilton Finance staff's reported benefit of only \$11.7 million, resulting in a difference of \$67.2 million;

And Whereas the Municipal Act 2001 requires that all municipalities submit Financial Information Returns (FIRs) that are in compliance with the Canadian Institute of Chartered Accountant's Public Sector Accounting Board standards.

Therefore be it resolved:

- (a) That staff be directed to hire a third party accountant to review the City's audited financial statements and the Province's audited financial statements and provide an independent analysis and report of the impacts to Hamilton of the Province's changes to the funding of social services and the Ontario Municipal Partnership Fund (OMPF);
- (b) That the independent analysis and report from the third party accountant be presented to the General Issues Committee through the Office of the Acting General Manager of Finance and Corporate Services.

CARRIED as amended

**26. Non-Union/Union Termination Considerations (No Copy) (Item 7.3)
(December 6)**

(Collins/Merulla)

- (a) That Human Resources staff be directed to present a strategy to the General Issues Committee that seeks to develop an aggressive plan to reach a 95% compliance rate for annual performance appraisals;
- (b) That Human Resources staff be directed to survey neighbouring municipalities to determine whether other municipalities have adopted other measures to limit without cause non-union terminations. **CARRIED**

27. Corporate Organizational Changes (CM13020) (City Wide)

(Clark/Pearson)

- (a) That an increase of 1.0 net FTE to the complement in the Parking and By-law Services Division on the basis of the organizational changes outlined in Report MC13020 be approved.
- (b) That the organizational changes in the Parking and By-law Services Division outlined in Report CM13010, estimated to cost an additional \$150,000 (net) annually, be funded through gapping and/or use of the Parking Reserve Account (108021), if necessary, until off-setting savings can be found;
- (c) That the transfer of the staff complement of the Clerk's Division to the City Manager be approved;
- (d) That the City Manager revisit at a future date the potential of aligning the Legal and Municipal Law Enforcement Divisions once restructuring changes in recommendations (a) and (b) have been completed, evaluated and the results assessed;
- (e) That the City Manager, City Solicitor and Senior Director of Parking and By-law Services explore opportunities to improve service delivery and efficiencies and report back to the General Issues Committee at a future date;
- (f) That the contents of Report CM143020 remain confidential as it relates to identifiable individual(s). **CARRIED as amended**

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

DELEGATION REQUESTS

For Today's Meeting:

- 4.1 Request from Sarah Poljanski, representing Canadian Awareness Network, to appear before the Committee respecting the Referendum on the 2014 Municipal Election Ballot

For Future Meeting:

- 4.2 Request from Carol Mitchell, MTE Consultants Inc., and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)

PUBLIC HEARINGS/DELEGATIONS

- 6.1 Tim Potocic, on behalf of the Hamilton Arts Council, to speak in support of the Arts Funding Task Force Report – Presentation withdrawn by the Requestor

DISCUSSION REPORT

- 8.3(a) Strategic Municipal Arts Investment (PED13202(a)) (City Wide)

PRIVATE & CONFIDENTIAL

- 12.1 Title of Report amended to read "Corporate Organizational Changes (CM13020) (City Wide)"

(Pasuta/Partridge)

That the agenda be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

(Partridge/Farr)

That the Minutes of the November 20, 2013 meeting of the General Issues Committee be approved as presented. **CARRIED**

(d) DELEGATION REQUESTS

- (i) Request from Sarah Poljanski, representing Canadian Awareness Network, respecting the Referendum on the 2014 Municipal Election Ballot (Item 4.1)**

(Whitehead/Ferguson)

That the request from Sarah Poljanski, representing the Canadian Awareness Network, respecting the referendum on the 2014 Municipal Election Ballot, be approved, and that the rules of order be waived in order to allow Ms. Poljanski to address the Committee at today's meeting.

CARRIED

- (ii) Request from Carol Mitchell, MTE Consultants Inc., and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)**

(Merulla/Whitehead)

That the delegation request from Carol Mitchell, MTE Consultants Inc., and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants) be approved.

CARRIED

(e) CONSENT ITEMS

- (i) Site Enhancement (ERASE) Redevelopment Grant Application (ERG013-03) – 70 Barton Street, Waterdown (PED13189) (Ward 15) (Item 5.1)**

(Partridge/Collins)

That Report PED13189 respecting "Site Enhancement (ERASE) Redevelopment Grant Application (ERG013-03) – 70 Barton Street, Waterdown" be tabled subject to a successful planning application.

CARRIED

(ii) Hamilton Tax Increment Grant Program – 193-197 James Street North – HTIGP 09/02 (PED13190) (Ward 2) (Item 5.2)

The motion contained in Report PED13190 respecting “Hamilton Tax Increment Grant Program – 193-197 James Street North – HTIGP 09/02” CARRIED on the following Standing Recorded Vote:

Yeas: McHattie, Farr, Merulla, Collins, Jackson, Duvall,
Whitehead, Partridge, Powers, Ferguson

Total Yeas: 10

Nays: Johnson, Pasuta, Pearson, Clark

Total Nays: 4

Absent: Bratina, Morelli

Total Absent: 2

(iii) Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc. (PED13207) (Ward 8) (Item 5.14)

(Whitehead/Clark)

That Item 5.14 respecting “Acquisition of Part of 1400 Upper James Street, Hamilton, from LPF Realty Retail Inc.” be moved to the Discussion Agenda. **CARRIED**

(iv) (Collins/Clark)

That Item 5.16 respecting “Without Cause Severance Payments – 5-Year Historical Review (HUR13018) (City Wide)” be discussed in conjunction with Item 7.3 respecting Non-Union/Union Termination Considerations. **CARRIED**

(f) PUBLIC HEARINGS/DELEGATIONS

(i) Lorna Zaremba, on behalf of Anchor Arts Organizations (Art Gallery of Hamilton, Brott Music Festival, Hamilton Philharmonic Orchestra, Opera Hamilton and Theatre Aquarius), to update the Committee on positions and concerns arising from the recommendations of the Arts Funding Task Force (Item 6.1)

Lorna Zaremba appeared before the Committee to speak in one united voice on behalf of the anchor arts organizations (Art Gallery of Hamilton, Brott Music Festival, Hamilton Philharmonic Orchestra, Opera Hamilton and Theatre Aquarius), and to request that the City:

(aa) continue to invest in success;

(bb) apply the key principles of the City’s recently-adopted Cultural Plan (specifically, 4th Pillar of Sustainable Development);

(cc) continue to serve as peer evaluators in terms of the return on investment to taxpayers.

Representatives from each of the anchor arts organizations were in attendance to respond to questions of the Committee.

A copy of Ms. Zaremba's comments was distributed to the Committee and submitted to the Clerk for the public record.

(Jackson/Pearson)

That the presentation from Lorna Zaremba, on behalf of anchor arts organizations (Art Gallery of Hamilton, Brott Music Festival, Hamilton Philharmonic Orchestra, Opera Hamilton and Theatre Aquarius), to update the Committee on positions and concerns arising from the recommendations of the Arts Funding Task Force be received. **CARRIED**

(ii) Arts Advisory Commission Annual Report (No Copy) (Item 7.1)

Patricia LeClaire, Chair of the Arts Advisory Commission, appeared before the Committee to provide an update with respect to the activities of the Arts Advisory Commission Annual Report. With the assistance of a PowerPoint presentation, Ms. LeClaire spoke to the following:

- Mandate
- 2012-2013 Accomplishments
- Current Priorities
- Priority Project – Arts Funding
- What is required in order to succeed.

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

See Item 16 for the disposition of this item.

(iii) Simon Kiss, Wilfred Laurier University, to speak to the pending motion respecting referendum on municipal fluoridation (Item 6.3)

Simon Kiss from the Department of Political Science, Wilfred Laurier University spoke to the accuracy of the results in determining the effectiveness of a referendum and presented reasons why it is unwise to conduct a referendum.

A copy of Mr. Kiss' presentation was submitted to the Clerk for the public record.

(Collins/Merulla)

That the presentation from Simon Kiss, Wilfred Laurier University, respecting the referendum on municipal fluoridation be received.

CARRIED

- (iv) **Request from Dr. Peter Graefe, Department of Political Science, McMaster University, to speak to Councillor Clark's pending motion for a referendum on fluoridation (Item 6.4)**

Dr. Graefe spoke to the decision-making process involved in a referendum. He spoke to the issue of fluoridation and outlined that it is not a hot topic in the community, so a referendum would not be the best method for making a decision on the matter. He indicated that while referendums are valuable tools in the right situations, in this instance it would not make information and factual analysis more readily available to the general public. Dr. Graefe indicated that the best forum for an informed decision to be made on the use of fluoride would be through the political process.

A copy of Dr. Graefe's comments was submitted to the Clerk for the public record.

(Farr/Pearson)

That the presentation from Dr. Peter Graefe, Department of Political Science, McMaster University, respecting the referendum of municipal fluoridation be received. **CARRIED**

- (v) **Request from Dr. Larry Levin, Hamilton Academy of Dentistry, to speak to the motion for a referendum on fluoridation (Item 6.5)**

Dr. Levin spoke to Council's role to make decisions on behalf of their citizens. He outlined how a vocal minority have made the issue of fluoride a larger one than it actually is. Dr. Levin indicated that the issue of fluoride in the water is not something that Council should relinquish their decision making ability on. He cautioned that to bring this issue to a referendum could result in an emotional, rather than a reasoned, decision.

(Jackson/Ferguson)

That the presentation from Dr. Larry Levin, Hamilton Academy of Dentistry, respecting the referendum of fluoridation be received.

CARRIED

- (vi) **Ms. Sarah Poljanski, on behalf of Canadian Awareness Network, respecting the Referendum on the 2014 Municipal Election Ballot (Item 6.9)**

Ms. Poljanski spoke in favour of the referendum on fluoridation. She outlined that fluoride is a drug and she has a constitutional right to not be subjected to unapproved medication. Ms. Poljanski outlined her concerns around the dangers around fluoride and the need to hold a referendum to allow the public to be heard on this issue.

A copy of Ms. Poljanski's comments was submitted to the Clerk for the public record.

(Pasuta/Merulla)

That the presentation from Ms. Sarah Poljanski, on behalf of Canadian Awareness Network, respecting the referendum on the 2014 Municipal Election Ballot be received. **CARRIED**

(vii) Request from Ron Jepson, Jepson's Fresh Meats, to address Market Parking and the User Fees for 2014 (Item 6.6)

Ron Jepson, owner and operator of Jepson's Fresh Meats at the Hamilton Farmers' Market, appeared before the Committee to speak to concerns of the vendors and stallholders. Mr. Jepson's comments included, but were not limited to, the following:

- Establishing a Board of Directors to run the day-to-day operations, responsible for making critical decisions for the benefit of vendors and customers
- Board of Directors would be made up of three vendors, representing the stallholders, three Councillors on behalf of the City, and three outside citizens who would remain impartial
- 3 issues of immediate concerns for the Board of Directors:
 - installation of signage
 - fix the parking problem
 - totally removing subsidy from the City (taxpayers).
- Vendors feel strongly that the market should remain self governed, public market and the only option is to have a Board of Directors in order for the market to survive
- Requesting permission for the placement of a large banner on the walkway between the Parkade and the Eaton Centre showing "Hamilton Farmers' Market" in large letters, with an arrow pointing toward the Parkade that offers one or two hours of "free" validated parking
- Also requesting zero percent increase in rents for 2014
- Market has hit rock bottom and is at a crisis point
- Requesting that quick fixes take place immediately.

A copy of Mr. Jepson's comments was provided to the Clerk for the public record.

(Jackson/Collins)

That the presentation from Ron Jepson, Jepson's Fresh Meats, respecting Parking and the User Fees for 2014 be received. **CARRIED**

(viii) Shane Coleman, on behalf of the Hamilton Farmers' Market Stallholder Association, respecting Parking) (Item 6.7)

Shane Coleman, President of the Hamilton Farmers' Market Stallholders Association, appeared before the Committee to request consideration of a validated parking program for the Farmers' Market and a review of the high rental rate of \$25 to \$28 per square foot for only four days of operation per week.

A copy of Mr. Coleman's comments was provided to the Clerk for the public record.

(Whitehead/Jackson)

That the presentation from Shane Coleman, on behalf of the Hamilton Farmers' Market Stallholders' Association, respecting Parking be received. **CARRIED**

(Collins/Jackson)

(a) That staff be directed to report back on signage opportunities which would include a new banner that would be installed on the pedestrian walkway above York Blvd. and provide the information prior to the December 11, 2013 Council meeting;

(b) That staff be directed to investigate a one or two hour validated parking system for the Hamilton Farmers' Market that would include a parking system for the four days that the market is in operation and provide the information prior to the December 11, 2013 Council meeting. **CARRIED**

(ix) Dave Stephens, President of the North End Neighbours, to address the Committee on December 4, 2013 to provide an update on the North End Traffic Management Plan (Item 6.8)

Shawn Selway and Dave Stephens appeared before the Committee to present an Interim Report on the Implementation of the North End Traffic Management Plan (NETMP). With the assistance of a PowerPoint presentation, Mr. Selway spoke to the following:

- A stable neighbourhood in the centre of Hamilton
- What the NETMP is doing
- Co-operation
- Progress and challenges
- The future
- Thank you – here for the long run.

A copy of the PowerPoint presentation is available for viewing on the City of Hamilton website.

(Farr/Collins)

That the update from Shawn Selway and Dave Stephens, from the North End Neighbours, respecting the North End Traffic Management Plan be received. **CARRIED**

(g) PRESENTATIONS

(i) Service Delivery Review – Call Handling Review Implementation (FCS13098/CM13017) (City Wide) (Item 7.2)

Chris Murray, City Manager, provided introductory remarks to the presentation and highlighted how Call Handling fits into the City's Strategic Plan and outlined the consultation process to get to this stage.

Mr. Murray suggested that the Committee may wish to table the report to allow staff more time to speak with the Union for further discussions

Beth Goodger Director of Corporate Initiatives addressed the Committee respecting the Call Handling Review Implementation. She outlined how the integration of technology can assist residents in getting the information and customer service that the City desires to provide. Ms. Goodger outlined the methodology and process undertaken in the Call Handling Review and provided an overview of the recommendations before the Committee today.

A copy of the PowerPoint presentation provided by Ms. Goodger is available for viewing on the City of Hamilton website.

(Duvall/Jackson)

That the presentation respecting the "Service Delivery Review – Call Handling Review Implementation" be received. **CARRIED**

(Duvall/Jackson)

That Report FCS13098/CM13017 respecting "Service Delivery Review – Call Handling Review Implementation" be tabled to allow staff the opportunity to have discussions with Union representatives. **CARRIED**

(h) DISCUSSION ITEMS

(i) Financial Obligations – Provincially-Shared Programs (FCS13092) (City Wide) (Outstanding Business List Item) (Item 8.5)

(Merulla/Collins)

That Report FCS13092 respecting "Financial Obligations – Provincially-Shared Programs" be referred to a special meeting of the General Issues Committee and that an invitation be extended to the MPP's to attend the special meeting. **CARRIED**

(ii) **Changes to Budgeted Complement Type (PED13166) (City Wide)
(Item 8.4)**

(Collins/Merulla)

That Report PED13166 respecting "Change to Budgeted Complement Type" be referred to the 2014 Operating Budget deliberations. **CARRIED**

(i) **ITEMS REFERRED TO THE DECEMBER 6, 2013 MEETING OF THE
GENERAL ISSUES COMMITTEE:**

(Collins/Merulla)

(aa) That the following items from the December 4, 2013 agenda of the General Issues Committee be referred to a meeting of the Committee on December 6, 2013 following the Rate Budget meeting:

- (i) Without Cause Severance Payments – 5-year Historical Review (HUR13018) (City Wide) (Outstanding Business List Item) (Item 5.16)
- (ii) Non-Union/Union Termination Considerations (No Copy) (Item 7.3)
- (iii) Five-Year Plan regarding Two-Way Street Conversions (PW13097) (City Wide) (Item 8.2)
- (iv) Outstanding Business List (Item 11.1)
- (v) Corporate Organizational Changes (CM13020) (Item 12.1)
- (vi) Assessment Appeals by U. S. Steel (Item 12.3);
- (vii) Non-Union/Union Termination Case Review (No Copy) (Item 12.4)

CARRIED

(i) **MOTIONS**

(i) **Question to Electors on the 2014 Municipal Election Ballot
respecting Fluoridation of Water Supply (Item 9.1)**

(Merulla/Clark)

That the following motion be withdrawn:

- (a) That Council pass a by-law to submit the following question to the electors of the City of Hamilton at the October 27, 2014 Municipal Election:

"Are you in favour of continuing fluoridation of the public water supply of the City of Hamilton?";

(b) That the question be submitted in accordance with the Fluoridation Act and Municipal Elections Act, 1996. **CARRIED**

(ii) Spring Valley Arena, Ancaster – Funding for Renovation/Construction of Dressing Rooms (Item 9.2)

(Ferguson/Pearson)

That the motion respecting “Spring Valley Arena, Ancaster – Funding for Renovation/Construction of Dressing Rooms” be referred to the 2014 Capital Budget deliberations. **CARRIED**

(iii) City of Hamilton Lawsuit against the Federal Government respecting the Red Hill Valley Parkway (Item 9.3)

(McHattie/Clark)

That the motion respecting “City of Hamilton Lawsuit against the Federal Government respecting the Red Hill Valley Parkway” be deferred to a future meeting of the General issues Committee in order that outside legal counsel can attend to provide an update and respond to questions of the Committee. **CARRIED**

(iv) Request for Third Party Audit to Review Impacts of the Province’s Funding of Social Services and the Ontario Municipal Partnership Fund (OMPF) (Item 9.4)

See Item 25 for the disposition of this item.

(j) NOTICES OF MOTION

None

(k) PRIVATE & CONFIDENTIAL

(Pearson/Farr)

That the Committee move into Closed Session at 5:21 p.m. pursuant to Sub-section 8.1(b) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matters pertain to a personal matter about an identifiable individual, including municipal or local board members respecting:

12.1 Corporate Organizational Changes

12.2 Licensing Standards Issue – Update

The Committee reconvened in Open Session.

(i) Licensing Standards Issue – Update (Item 12.2)

Direction provided in closed session.

(ii) **Corporate Organizational Changes (Item 12.1) (CM13020)**

(Pearson/Ferguson)

That Report CM13020 respecting Corporate Organizational Changes be referred to the December 6, 2013 meeting of the General Issues Committee.

(I) **PROCEDURAL MATTERS**

(i) **Extension of Presentation Time**

(Jackson/Collins)

That Simon Kiss be provided with additional time for his presentation.

CARRIED

(m) **ADJOURNMENT**

(Ferguson/Pearson)

That due to loss of quorum, the Committee recess at 6:10 p.m. and reconvene on Friday, December 6, 2013, following the Rate Budget meeting, to consider the items as noted in sub-section (i).

CARRIED

Deputy Mayor Johnson reconvened the General Issues Committee meeting of December 4, 2013 at 3:00 p.m. on December 6, 2013 and called the meeting to order. Deputy Mayor Johnson advised that the following items of business from the December 4, 2013 are before the Committee for consideration:

- Item 5.16 Without Cause Severance Payments – 5-year Historical Review (HUR13018) (City Wide)
- Item 7.3 Non-Union/Union Termination Considerations (No Copy)
- Item 8.2 Five-Year Plan regarding Two-Way Street Conversions
- Item 11.1 Outstanding Business List
- Item 12.1 Private & Confidential – Corporate Organizational Changes
- Item 12.3 Private & Confidential – Assessment Appeals by U. S. Steel
- Item 12.4 Non-Union/Union Terminations Case Review (No Copy)

(a) DISCUSSION ITEMS

- (i) Five-Year Plan regarding Two-Way Street Conversions (PW13097) (City Wide) (Item 8.2)**

(McHattie/Ferguson)

That Report PW13097 respecting “Five-Year Plan regarding Two-Way Street Conversions” be tabled to allow Councillors the opportunity to have further discussions with staff. **CARRIED**

(b) PRESENTATIONS

- (i) Non-Union/Union Termination Considerations (No Copy) (Item 7.3)**

Lora Fontana, Director of Employee and Labour Relations, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been included in the Official Record.

Ms. Fontana spoke to the differences between Non-Union and Union terminations. She indicated that dismissal without causes are the majority at the City of Hamilton and discussed the factors involved in these that impact severance. Ms. Fontana outlined the difficulty in pursuing dismissals with cause. She indicated that all policies and procedures are being reviewed.

(Pearson/Collins)

That the presentation from Lora Fontana respecting Non-Union/Union Termination Considerations be received. **CARRIED**

See Item 26 for the disposition of this matter.

(c) CONSENT ITEMS

- (i) Without Cause Severance Payments – 5-Year Historical Review (HUR13018) (City Wide)**

(Collins/Whitehead)

That Report HUR13018 respecting “Without Cause Severance Payments – 5-Year Historical Review” be received. **CARRIED**

(d) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)

(i) Outstanding Business Items List

(aa)(i) Revised Due Dates

(Powers/Pearson)

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

Item D: Hamilton Downtown/West Harbourfront Remediation
Loan Pilot Program Expansion and Continuance
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item Q: Expansion of CII
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item R: Waterfront and Shoreline
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item Y: Waterfront Initiatives Financing Strategy
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

Item CC: Establishment of a Music Working Group
Due Date: December 4, 2013
Revised Due Date: January 15, 2014

CARRIED

(aa)(ii) That staff be directed to provide a due date for the following item:

Item X: Temporary Promotional Transit Fare Special Program
Due Date: November 20, 2013 **CARRIED**

(bb)(i) Items to be removed from the Outstanding Business List

(Powers/Jackson)

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

Item B: North End Traffic Management Study (Item 8.2)

Item GG: Strategic Municipal Investment in the Arts (Item 8.3)

Item SS: Without Cause Severance Payments (Item 5.16)

2013 Budget Deliberations

Item A: Provincial Downloading (Item 8.5)

Item B: Restricting Assessment Growth through Assessment Appeals (Item 5.1 of November 26 GIC agenda)

CARRIED

(b)(ii) That Item T – Two Way Street Conversions, remain on the Outstanding Business List as Report PW13097 (Item 8.2) was tabled to a future meeting. **CARRIED**

(e) PRIVATE & CONFIDENTIAL

(Pearson/Jackson)

That Private and Confidential Item 12.3 respecting Assessment Appeals by U.S. Steel be referred to the January 15, 2014 meeting of the General Issues Committee. **CARRIED**

(Pearson/Jackson)

That the Committee move into Closed Session at 4:26 p.m. pursuant to Sub-section 8.1(b) of the City's Procedural By-law 10-053, and Sub-section 239.2 of the Ontario Municipal Act, 2001 as amended, as the subject matters pertain to a personal matter about an identifiable individual, including municipal or local board members respecting "Corporate Organizational Changes (CM13020) (Item 12.1) and "Non-Union/Union Terminations Case Review (No Copy) (Item 12.4).

The Committee reconvened in Open Session.

(i) Corporate Organizational Changes (CM13020) (City Wide) (Item 12.1)

(Clark/Pearson)

That Sub-sections (c), (d) and (e) of Report CM13020 respecting Corporate Organizational Changes be deleted in their entirety and replaced with the following in lieu thereof:

(c) That the transfer of the staff complement of the Clerk's Division to the City Manager be approved;

(d) That the City Manager revisit at a future date the potential of aligning Legal, Municipal Law Enforcement and the Clerk's Divisions once restructuring changes in recommendations (a) and (b) have been completed, evaluated and the results assessed;

- (e) That the City Manager, City Solicitor and Senior Director of Parking and By-law Services explore opportunities to improve service delivery and efficiencies and report back to the General Issues Committee at a future date.

(Clark/Pearson)

That Sub-section (d) be amended by deleting the word, "Clerk's" preceding the word, "Divisions".

**Amendment CARRIED
Motion as amended CARRIED.**

See Item 27 for the disposition of this item.

(ii) Licensing Standards Issue – Update (Item 12.2)

No action to be reported.

(iii) Non-Union/Union Terminations Case Review (Item 12.4)

No action to be reported.

(f) ADJOURNMENT

(Duvall/Ferguson)

There being no further business, the Committee adjourned at 5:44 p.m.

CARRIED

Respectfully submitted

Councillor B. Johnson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk