



GENERAL ISSUES COMMITTEE

REPORT 14-004

9:30 a.m.

Wednesday, February 5, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor B. McHattie – Vacation
Councillors B. Johnson, J. Partridge – City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-004 AND RESPECTFULLY RECOMMENDS:

1. Barton Village Business Improvement Area (B.I.A.) Resignation from the Board of Management (PED10248(e)) (Wards 2 and 3) (Item 5.1)

That Report PED10248(e) respecting "Barton Village Business Improvement Area (B.I.A.) Resignation from the Board of Management" be received.

2. Westdale Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED14016) (Ward 1) (Item 5.2)

(a) That the 2014 Operating Budget for the Westdale Village Business Improvement Area (BIA) (attached as Appendix "A" to Report PED14016) be approved in the amount of \$122,500;

(b) That the levy portion of the Operating Budget for the Westdale Village Business Improvement Area (BIA) in the amount of \$122,500, 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;

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

January	\$61,250.00
June	\$61,250.00

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

3. City of Hamilton Purchase of 519 Highland Road West, described as Part of Lot 33, Concession 8, Designated as Parts 11 and 12, Plan 62R-18648, in the former City of Stoney Creek, now in the City of Hamilton, from Duncan MacLellan (PED14010) (Ward 9) (Item 5.3)

- (a) That an Option to Purchase, executed by Duncan MacLellan on December 17, 2013, and scheduled to close on or before April 16, 2014, to purchase the land described as Part of Lot 33, Concession 8, designated as Parts 11 and 12, Plan 62R-18648 in the former City of Stoney Creek, now in the City of Hamilton, known municipally as 519 Highland Road West, Hamilton, as shown on Appendix "A" attached to Report PED14010, be approved and completed, and the purchase price of \$332,000 be charged to Account No. 59259-4030980986 (Trinity Church Corridor);
- (b) That as consideration, the amount of \$2, paid to the owner pursuant to the agreement, be deducted from the purchase price;
- (c) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to Corporate Counsel;
- (d) That upon City Council approval of the purchase of 519 Highland Road West, the Director of Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Account No. 4030980986 (Trinity Church Corridor);
- (e) That the sum of \$18,556 be funded from Account No. 4030980986 (Trinity Church Corridor) and credited to Account No. 47702-3560150200 (Capital – Property Purchases and Sales), being the costs incurred for real estate, appraisal and legal services.

4. Request for Extension of Building Covenants from Royal Gulf Development Inc. (Alaa Gaber), Owner of 148, 210 and 856 Beach Blvd., Hamilton (PED14021) (Ward 5) (Item 5.5)

- (a) That a request to extend building covenants imposed by the City upon Royal Gulf Development Inc. (Alaa Gaber), owner of 148, 210 and 856 Beach Boulevard, regarding three building lots described as Part 4, Plan 62R-14771, Part 6, Plan 62R-14959 and Part 9, Plan 62R-15601, as shown on Appendix “A” attached to Report PED14021, be approved;
- (b) That the dates for commencement and completion of construction be extended as follows:
 - (i) 148 Beach Boulevard to commence not later than April 25, 2014 and completion not later than April 25, 2015;
 - (ii) 210 Beach Boulevard to commence not later than May 31, 2014 and completion not later than May 31, 2015;
 - (iii) 856 Beach Boulevard to commence not later than July 17, 2014 and completion not later than July 17, 2015;
- (c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

5. Information Request from Advisory Committee for Persons with Disabilities Report 13-002 and Built Environment Sub-Committee Report – February 5, 2013 (Added Item 6.3) (PW14008) (City Wide) (Outstanding Business List) (Item 5.6)

That Report PW14008 respecting “Information Request from Advisory Committee for Persons with Disabilities Report 13-002 and Built Environment Sub-Committee Report – February 5, 2013” be received.

6. Support for the Enforcement of the Criminal Code Relative to the Westray Law (Items 6.2 and 6.3)

That the provincial/territorial government, specifically the Attorney-Generals and Labour Ministers, be urged to ensure that:

- (a) Crown attorneys and police are educated, trained and directed to apply the Westray amendments;
- (b) Dedicated prosecutors are given the responsibility for health and safety facilities;

- (c) There is greater co-ordination among regulators, police and Crowns so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

7. Presentation of the Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) Neighbourhoods, developed as part of the Neighbourhood Action Strategy (CM12013(d)) (City Wide) (Item 7.1)

- (a) That the Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) neighbourhoods, attached as Appendix “A” and Appendix “B” to Report CM12013(d) be endorsed;
- (b) That Planning staff be directed to consult with the Neighbourhood Planning Team on potential land use changes that could assist in the implementation of the Neighbourhood Action Plan where appropriate;
- (c) That the completed Neighbourhood Action Plans attached as Appendix “A” and Appendix “B” to Report CM12013(d) be distributed to and reviewed by City of Hamilton staff and Neighbourhood Action Strategy Partners to determine suitable actions to assist in the implementation of the Neighbourhood Action Plans;
- (d) That staff be directed to report back to the appropriate standing committee on suitable implementation measures (including cost and resource implications) that will be undertaken by the City of Hamilton to support the implementation of the Neighbourhood Action Plans attached as Appendix A and Appendix B to Report CM12013(d).

8. Provincial Review of Land Use Planning and Appeal System (PED14004) (City Wide) (Item 7.2)

- (a) That the recommendations contained in Report PED14004 (Recommendations 1-23) be endorsed and that staff be directed to forward Report PED14004 and its Appendices to the Ministry of Municipal Affairs and Housing as formal comments on the “Land Use Planning and Appeal System Consultation Document – Fall 2013”;
- (b) That the Province be encouraged to make broad systematic changes and not simply minor adjustments to the land use planning and appeals system to achieve greater accountability in addition to greater efficiency, access and transparency for land use planning in Ontario;

- (c) That the Province be requested to expand the scope of its review to include a review of Ontario Municipal Board (OMB) operations, practices and procedures, as well as alternatives to the OMB;
- (d) That the following additional recommendations be forwarded to the Ministry of Municipal Affairs and Housing in response to the "Land Use Planning and Appeal System Consultation Document – Fall 2013":
 - (i) That notification be provided by first class Canada Post Mail, and that the notification be provided to each and every resident within 500m around the subject property, with the additional postage cost be at full cost recovery;
 - (ii) That the OMB take into consideration the state of the soft infrastructure around any subject property and include it into their decision regarding the timing of the subject property for that approval;
 - (iii) That applicants be required to hold appropriate neighbourhood public meeting(s) as part of the consultation process with respect to all major applications i.e., official plan, development, zoning and that where applicable, the Neighbourhood Associations be advised of such public meeting(s);
- (e) That staff be directed to provide a process, through public consultation, which will alleviate appeals for non-decision.

**9. Capital Projects Closing Report as of September 30, 2013 (FCS13070(a))
(City Wide) (Item 8.2)**

- (a) That the General Manager of Finance & Corporate Services be directed to close the completed and/or cancelled capital projects listed in Appendix "A" attached hereto in accordance with the Capital Closing Policy;
- (b) That the General Manager of Finance & Corporate Services be authorized to fund \$43,090 from the "Unallocated Capital Levy (108020)" to cover the deficit in project "EMS Station – Limeridge Road (7641141103)";
- (c) That Appendix "B" attached hereto detailing the Capital Projects' Budget Appropriations for the period covering January 1, 2013 through September 30, 2013 be received for information.

10. Public Consultation on the Development Charges Act, 1997 (FCS14010) (City Wide) (Item 8.3)

- (a) That the City's official submission to the Development Charges (DC) consultation, attached hereto as Appendix "C", be submitted to the Ministry of Municipal Affairs and Housing (MMAH);
- (b) That Report FCS14010, respecting the Provincial Consultation on the *DC Act, 1997*, be forwarded to the Municipal Finance Officers Association (MFOA), Association of Municipalities of Ontario (AMO) and local Members of Provincial Parliament.

11. Report 14-001 of the Steel Committee – January 14, 2014 (Item 8.4)

(a) Steel Committee Terms of Reference

That the Steel Committee Terms of Reference attached hereto as Appendix "D" be approved.

(b) U.S. Steel Announcement (no copy) (Item 5.2)

That local Members of Parliament, local Members of Provincial Parliament and Members of the Parliamentary Steel Caucus be requested to:

- (i) provide information and or opinion on the Investment Canada Agreement that exists between the Federal Government of Canada and U.S. Steel Canada; and,
- (ii) assist in developing a plan of action to mitigate all aspects of U.S. Steel Canada's future within the City of Hamilton.

12. Report 14-001 of the Pan Am Stadium Precinct Sub-Committee – January 21, 2014 (Item 8.5)

(a) Pan Am Games Update No. 5 (PW14011) (Ward 3 with City Wide Implications)

That Report PW14011 respecting the Pan Am Games Update No. 5 be received.

(b) New Proposed Terms of Reference for the Pan Am Stadium Precinct Sub-Committee (PW1402) (City Wide)

That the revised Terms of Reference for the Pan Am Stadium Precinct Sub-Committee, attached hereto as Appendix "E", be approved.

13. Report 14-001 of the School Board Properties Sub-Committee – January 28, 2014 (Item 8.6)

Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 315 Stone Church Road West, described as Parts 6 and 7, Plan 62R-12544, former Township of Barton, now City of Hamilton (PED14015) (Ward 8) (Item 6.1)

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has an interest in acquiring their land located at 315 Stone Church Road West, described as Parts 6 and 7, Plan 62R-12544, former Township of Barton, now City of Hamilton, forming all of PIN 16911-0071(LT), as shown on Appendix "A" attached to Report PED14015;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bonafide offer to the Hamilton-Wentworth District School Board for the land described in Recommendation (a) of Report PED14015;
- (c) That the Mayor and Clerk be authorized to execute all necessary documents in a form satisfactory to the City Solicitor pursuant to Recommendation (b) of Report PED14015 upon direction of Council;
- (d) That Report PED14015, Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 315 Stone Church Road West, described as Parts 6 and 7, Plan 62R-12544, former Township of Barton, now City of Hamilton (PED14015) (Ward 8), and Appendix "B" attached to Report PED14015, remain confidential following approval by City Council;
- (e) That the financial details outlined in Appendix "B" attached to Report PED14015 respecting the surplus Hamilton-Wentworth District School Board land located at 315 Stone Church Road West remain confidential until the completion of the transaction.

14. Pedestrian Signal Installation at Hunter Street West and Locke Street South (Item 9.1)

- (a) That a pedestrian signal be installed at the intersection of Hunter Street West and Lock Street South in 2014;
- (b) That staff be directed to include funding in the amount of \$150,000 in the Ward 1 2014 Area Rating Fund to fund the construction of the pedestrian signal;
- (c) That the \$6,000 annual cost required to operate and maintain the traffic signal be added to Traffic Operations Current Budget Dept. ID 466045 to ensure the electricity to operate the signal and the maintenance and legislated inspections at the new traffic signal.

15. Countdown Signals at Main Street West and Pearl Street and King Street West and Pearl Street (Item 9.2)

That \$4,000 from the Ward 1 Area Rating Reserve be allocated to countdown signals at the Main Street West and Pearl Street, and King Street West and Pearl Street, pedestrian signals.

16. Fundraising for the Expansion of Fieldcote Memorial Park and Museum

That to support the Fieldcote Volunteer Committee, that Fieldcote Memorial Park and Museum hereby accept fundraising donations to Balance Sheet *Culture Deposits* Account #22321 and issue tax receipts from said account.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

CONSENT ITEM

- 5.4 Lease Agreement with CityHousing Hamilton Corporation – Career Development Centre, 181 Main Street West (PED14022) (Ward 2) – Report is withdrawn

DELEGATION ITEM

- 6.1 Christopher B. Cutler to speak to the issue of putting out a Request for Proposal leading to the privatization of the Hamilton Farmers' Market – Mr. Cutler has advised that he will not be presenting at this time.

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

The Minutes of the January 15/22/27, 2014 meetings of the General Issues Committee were approved as presented:

(d) PUBLIC HEARINGS/DELEGATIONS

- (i) **Sylvia Boyce, Health and Safety Co-ordinator, Ontario and Atlantic Canada, United Steelworkers Canadian National Office, respecting Enforcement of the Criminal Code/Westray Bill (Item 6.2)**
- (ii) **United Steelworkers (Mike Hnatjuk, Frank Miceli, Michael Miscio, Peter Ridehalgh) to speak to the Westray Bill Enforcement (Item 6.3)**

Sylvia Boyce, Health and Safety Co-ordinator, Ontario Atlantic Canada, United Steelworkers Canadian National Office, and members of the United Steelworkers, appeared before the Committee to request support with respect to the enforcement of the Criminal Code/Westray Bill. The delegation requested Council's support of their "Stop the Killing" Campaign and submitted a resolution for the Committee's consideration.

A copy of the presenters' written comments was submitted to the Clerk for the public record.

The presentation respecting "Enforcement of the Criminal Code/Westray Bill" was received.

See Item 6 for the disposition of this Item.

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	Clark, Pearson, Ferguson, Powers, Pasuta, Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Farr
Total Yeas:	12
Total Nays:	0
Absent:	McHattie, Partridge, Pearson
Total Nays:	3

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(e) PRESENTATIONS

(i) Presentation of the Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) Neighbourhoods, developed as part of the Neighbourhood Action Strategy (CM12013(d)) (City Wide) (Item 7.1)

Suzanne Brown, Manager, Neighbourhood and Community Initiatives, welcomed and thanked the residents from GALA and Crown Point for their contributions to developing the Neighbourhood Action Strategies, and for attending the meeting to present their plans.

Ms. Brown noted that the presenters for the Gibson Landsdale (GALA) Neighbourhood Action Plan included Gerry Cunningham (Chair), Sarah Sirkett, Angela Eady and Brenda Duke, and Tammy Heidbuurt, supported by many members of the Crown Point Community Planning Team, to present the Crown Point Neighbourhood Action Plan.

Before presentation of the plans, Ms. Brown provided a brief update on the Rolston Neighbourhood action planning (Ward 8) and the engagement of children in the Montcalm Community Housing Hamilton complex in a photovoice project, working with Westview Elementary School children.

Prior to the presentations, Brenda Duke and Tammy Heidbuurt publicly acknowledged their deep appreciation to Councillor B. Morelli and his assistance, commitment and contributions to his ward community.

Comments from the members of the GALA Neighbourhood Planning Team included, but were not limited to, the following:

- Appreciate opportunity to appear and provide information on what is happening in their neighbourhood
- Team has met challenge head on; have been meeting for the past year to develop plan which is now in place
- Established framework to operate from i.e., terms of reference
- Relationship with Mission Services and HCF, have established office at mission services building on Wentworth
- Designed custom-made system to distribute newspaper
- Project is self-sustaining
- Group has adopted Powell Park
- As of the first AGM in the Fall, action teams have moved forward; are now a breathing and living entity
- Have been approached by people in the community and are a very active group
- Have accomplished much in a year
- Contributions from HCF have been invaluable
- Have members of team here to share experiences and details on the work that has been ongoing

With respect to the Crown Point Neighbourhood Action Plan, several residents addressed the Committee to speak about their involvement in the Plan and the revitalization of the neighbourhood, referring to the thriving business district on Ottawa Street, the YMCA and YWCA, churches and the many assets in their community. Reference was also made to the creation of the Crown Point Soccer League, which involves planning, and brings residents together.

The presentations respecting the “Neighbourhood Action Plans for Crown Point and Gibson Landsdale (GALA) Neighbourhoods” was received.

(ii) Provincial Review of Land Use Planning and Appeal System (PED14004) (City Wide) (Item 7.2)

Anita Fabac and Jennifer Haan provided a presentation to the Committee with respect to the City’s response to land use planning and appeal system reform. With the assistance of a PowerPoint presentation, Ms. Fabac spoke to the following:

- Why – to ensure that land use planning and appeal system in Ontario is predictable, transparent, cost-effective and responsive to the changing needs of communities
- Approach
- “Big Picture” recommendations
- Process/Technical recommendations
- OMB Recommendations

A copy of the PowerPoint presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation respecting “Provincial Review of Land Use Planning and Appeal System” was received.

The following recommendations were added as sub-section (d) and submitted to the Ministry of Municipal Affairs and Housing:

- (i) That notification be provided by first class Canada Post Mail, and that the notification be provided to each and every resident within 500m around the subject property, with the additional postage cost be at full cost recovery;
- (ii) That the OMB take into consideration the state of the soft infrastructure around any subject property and include it into their decision regarding the timing of the subject property for that approval;

- (iii) That applicants be required to hold appropriate neighbourhood public meeting(s) as part of the consultation process with respect to all major applications i.e., official plan, development, zoning and that where applicable, the Neighbourhood Associations be advised of such public meeting(s).

The Amendments CARRIED and the Motion, as amended, CARRIED.

The following was added as sub-section (e):

- (e) That staff be directed to provide a process, through public consultation, which will alleviate appeals for non-decision.

The amendment CARRIED and the Motion, as further amended, CARRIED.

(f) DISCUSSION ITEMS

Deputy Mayor Merulla relinquished the Chair to move and speak to the following motion before the Committee for consideration.

(i) Declaring the Office of Councillor, Ward 3, Vacant and Deciding the Method to Fill the Vacancy (CL14001) (City Wide) (Item 8.1)

- (a) That the Office of Councillor, Ward 3, be declared vacant as required by sub-section 62(1) of the Municipal Act, 2001;
- (b) That as required by sub-section 263(1) of the Municipal Act, 2001, the vacancy be filled by appointing a qualified person to hold the office of Councillor, Ward 3, for the remainder of the 2010-2014 term of office by appointing a person who has consented to fill the office;
- (c) That Robert M. Morrow be appointed to hold the office of Councillor, Ward 3, for the remainder of the 2010-2014 term.

The recommendations CARRIED on the following Standing Recorded Vote:

Yeas:	Clark, Pearson, Ferguson, Powers, Pasuta, Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Farr
Total Yeas:	12
Nays:	0
Absent:	McHattie, Johnson, Partridge
Total Absent:	3

NOTE:

The above-noted recommendations will be presented to a special meeting of Council on Friday, February 7, 2014 for consideration.

(g) MOTIONS

(i) Establishment of a Brownfields Blue Ribbon Task Force (Item 9.3)

The following Motion was tabled:

That staff be directed to report back to the Planning Committee on the establishment of a Brownfields Blue Ribbon Task Force to develop procurement strategies and remediation of lands.

(h) NOTICES OF MOTION

Councillor T. Whitehead introduced the following Notice of Motion:

(i) Appointment to the Hamilton Police Services Board

That Councillor C. Collins be appointed to fill the vacancy on the Hamilton Police Services Board for the balance of the 2010-2014 term of Council.

The rules of order were waived to allow for the introduction of a motion respecting "Appointment to the Hamilton Police Services Board".

NOTE:

The following Motion will be presented to a special meeting of Council scheduled on Friday, February 7, 2014 for consideration:

Appointment to the Hamilton Police Services Board

That Councillor C. Collins be appointed to fill the vacancy on the Hamilton Police Services Board for the balance of the 2010-2014 term of Council.

Councillor L. Ferguson introduced the following Notice of Motion:

(i) Fundraising for the Expansion of Fieldcote Memorial Park and Museum

WHEREAS staff has completed the concept development phase for the expansion of Fieldcote Memorial Park and Museum; and,

WHEREAS the Fieldcote Volunteer Committee has also approved the concept plan, which makes the expansion shovel ready; and,

WHEREAS the Ward Councillor has recommended to the Volunteer Committee that to be eligible for any future senior level of government funding, it can be very helpful if the community raises a significant amount of the required capital funding; and,

WHEREAS the Fieldcote Volunteer Committee has prepared a fundraising plan for the expansion to be implemented in Spring 2014, targeting one-third of the capital funding required; and,

WHEREAS Fieldcote Memorial Park and Museum is 100% owned by the City of Hamilton.

Therefore be it resolved:

That to support the Fieldcote Volunteer Committee, that Fieldcote Memorial Park and Museum hereby accept fundraising donations to Balance Sheet *Culture Deposits* Account #22321 and issue tax receipts from said account.

The rules of order were waived to allow for the introduction of a motion respecting "Fundraising for the Expansion of Fieldcote Memorial Park and Museum".

See Item 16 for the disposition of this item.

(i) OTHER BUSINESS/GENERAL INFORMATION

(i) Outstanding Business List Items

(aa) Revised Due Dates

The due dates for items on the Outstanding Business List were approved and amended accordingly, as follows:

Item Y: MOU with Hamilton Port Authority/HPA Land Lease –
Parking

Due Date: February 5, 2014

Revised Due Date: February 19, 2014

Item F: Removal of Fill from toxic contaminated site at Hamilton
Airport

Due Date: February 20, 2014

Revised Due Date: May 7, 2014

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

The following items were deemed complete and removed from the Outstanding Business List:

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Item AA: ACPD Report 13-003 – Transportation Sub-Committee Report (Item 5.5)

Item QQ: ACPD Report 13-002 (Item 5.5)

(j) PRIVATE & CONFIDENTIAL

The Committee moved into Closed Session at 12:00 noon. pursuant to Sub-section 8.1(b) of the City's Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matter pertains to personal matters about an identifiable individual, including municipal and local board employees respecting a Licensing Standards Issue.

The Committee reconvened in Open Session.

(ii) Personnel Matter respecting Licensing Standards Issue (Item 12.1)

Direction was provided to staff in closed session.

(k) ADJOURNMENT

There being no further business, the Committee adjourned at 3:42 p.m.

Respectfully submitted

Councillor S. Merulla
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

**CITY OF HAMILTON
CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2013**

YEAR	APPROVED PROJECT ID	DESCRIPTION	APPROVED BUDGET	REVENUES	EXPENDITURES	PROJECT SURPLUS/ (DEFICIT)	% SPENT	FUNDING SOURCE & TRANSFERS	NOTES/ REASON FOR CLOSING
			a	b	c	d = b - c	e = c/a		
			\$	\$	\$	\$			
UNALLOCATED RESERVES									
Reserve 108020 - Unallocated Capital Levy									
2011	7641141103	EMS Station - Limeridge Rd	340,000	340,000	383,090	(43,090)	112.7%		Additional costs as per HES12008
2010	4451053444	Tree Planting Program	1,805,000	1,805,003	1,805,000	3	100.0%		
2013	6301351304	WL-Resident Lift Replacement	75,000	74,973	74,946	27	99.9%		
2005	3620507103	Asphalt-Tradewind&Cormorant	55,000	55,000	52,508	2,492	95.5%		
2009	7640951900	Station Security Improvements	230,000	224,955	219,909	5,045	95.6%		
2009	7100955701	Fieldcote Expansion Plan	67,000	106,004	100,245	5,758	149.6%		
2005	5120594527	SWMMMP - MRF	11,901,500	11,914,867	11,901,727	13,140	100.0%		
2010	4031014405	Contaminated Soil & Rock Disposal 2010	30,000	30,000	129	29,871	0.4%		
2007	4030755706	Strathcona Transport Study	122,600	122,600	88,156	34,444	71.9%		
2009	7400941910	ISF-1728-Training Facility	27,269,162	27,279,089	27,175,086	104,003	99.7%		
TOTAL FUNDS RETURNED TO UNALLOCATED CAPITAL LEVY (10)			41,895,262	41,952,490	41,800,797	151,693	99.8%		
DELAYED/CANCELLED PROJECTS									
Planning & Economic Development (Tax Budget)									
2011	4901157100	License Recognition Software	140,000	0	0	0	0.0%		Project is not viable at this time due to existing issues with technology. Project is not viable at this time due to competing priorities.
2011	4901155106	Fire Protection System Assess	90,000	0	0	0	0.0%		
Planning & Economic Development (Rates Budget)									
2011	5161180185	Sulphur Spring-Woodland Manor	1,500,000	0	0	0	0.0%		Project was tied to a development which did not proceed Using 5180960980 - Garner-Anc Crk Stabilization.
2008	5180855840	Garner Neighbour MDP-Monitoring	50,000	0	0	0	0.0%		
Public Works (Tax Budget)									
2012	3541241910	RCMP Lease Capital Replacement Program	210,000	19,696	19,696	0	9.4%	Funded up to expenses incurred	AODA Ramp being completed from 3541341910 - RCMP-Lease-Capital Replacement Cancelled with potential of site becoming a new Public Works Yard
2012	5121294001	Truck Wash Bays at Resource Recovery Centre	230,000	0	0	0	0.0%		
Public Works (Rates Budget)									
2012	5141295251	PS HD019 (Binbrook) Capacity Upgrade (W-20)	200,000	23,923	23,923	0	12.0%	Funded up to expenses incurred	Submitted in 2014 rate book for 2019 design and 2020 construction as actual consumption is less than projected via GRIDS. Change in scope, project not required
2009	5160960922	York (Dundas) Sanitary Chamber	200,000	19,818	19,818	0	9.9%	Funded up to expenses incurred	
TOTAL CANCELLED PROJECTS (8)			2,620,000	63,438	63,438	0	2.4%		

**CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2013**

YEAR	APPROVED PROJECT ID	DESCRIPTION	APPROVED BUDGET	REVENUES	EXPENDITURES	PROJECT SURPLUS/ (DEFICIT)	% SPENT	FUNDING SOURCE & TRANSFERS	NOTES/ REASON FOR CLOSING
			a	b	c	d = b - c	e=c/a		
			\$	\$	\$	\$			
COMPLETED PROJECTS									
<u>Councillor Infrastructure (Tax Budget)</u>									
2013	4241309210	W2 Pay & Display Parking Meters	102,000	100,264	100,264	0	98.3%		
2012	4241209504	Sinclair Court - Elaine Court	287,000	273,884	273,884	0	95.4%		
<u>Community & Emergency Services</u>									
<u>Fire Department (Tax Budget)</u>									
2011	7641151100	Annual EMS Vehicle Replacement	540,000	504,747	504,747	0	93.5%		
2007	7400751600	2007 Fire Equipment Replace	637,470	637,470	637,470	0	100.0%		
<u>Paramedic Service (Tax Budget)</u>									
2012	7641251100	EMS Vehicle Replacement	754,000	668,913	668,913	0	88.7%		
2010	7641051100	Annual EMS Vehicle Replacement	409,000	391,715	391,715	0	95.8%		
2010	7641051101	Annual EMS Equip Replacement	17,000	17,000	17,000	0	100.0%		
<u>Planning & Economic Development (Tax Budget)</u>									
2012	4901251104	Pay and Display Replacement	75,000	73,970	73,970	0	98.6%		
2008	4900857800	Parking Ticket Mgmt Software	203,000	203,000	203,000	0	100.0%		
2005	8100055003	Zoning By-Law Review	3,110,300	3,099,626	3,099,626	0	99.7%		
<u>Planning & Economic Development (Rates Budget)</u>									
2005	5180580582	Bridgeport SWM Pond-WC6	800,000	412,022	412,022	0	51.5%		
2000	5180080020	Binbrook VII Strmwater Mgt Pond	1,933,000	1,921,953	1,921,953	0	99.4%		
2000	5180025053	MA-Montgomery Creek Mgmt Proj	1,500,000	1,474,390	1,474,390	0	98.3%		
<u>Public Works</u>									
<u>Hamilton Water (Rates Budget)</u>									
2012	5181217152	Roadside Drainage Improvement Program 2012	1,000,000	1,000,000	1,000,000	0	100.0%		
2012	5141211101	Road Restoration Program - 2012	1,450,000	1,450,000	1,450,000	0	100.0%		
2007	5160761740	Unscheduled Manhole & Sewermain - 2007 - 2010	3,100,000	3,100,000	3,100,000	0	100.0%		
2012	5161260240	Private Drain Reimbursements - SLMP - 2012	700,000	700,000	700,000	0	100.0%		
2009	5160960900	Protective Plumbing Program	10,296,722	10,296,722	10,296,722	0	100.0%		
2012	5181262212	Fanning - Chatham to Melbourne	180,000	16,647	16,647	0	9.2%		
<u>Roads (Tax Budget)</u>									
2011	4041110016	Street Lighting Program 2011	1,140,000	1,140,000	1,140,000	0	100.0%		
2012	4041210016	Street Lighting Program 2012	1,140,000	1,140,000	1,140,000	0	100.0%		
2010	4041014008	New Full Traffic Signal Program 2010/11	365,240	365,240	365,240	0	100.0%		
2012	4041217384	Guide Rail Replacement Program 2012	400,000	400,000	400,000	0	100.0%		
<u>Waste Management (Tax Budget)</u>									
2011	5121193000	Resource Recovery Centre	190,000	190,000	190,000	0	100.0%		
<u>Forestry & Horticulture (Tax Budget)</u>									
2011	4451153444	Street Tree Planting Program	250,000	250,000	250,000	0	100.0%		

**CAPITAL PROJECTS' CLOSING SCHEDULE
AS OF SEPTEMBER 30, 2013**

YEAR	APPROVED PROJECT ID	DESCRIPTION	APPROVED BUDGET	REVENUES	EXPENDITURES	PROJECT SURPLUS/ (DEFICIT)	% SPENT	FUNDING SOURCE & TRANSFERS	NOTES/ REASON FOR CLOSING
			a	b	c	d = b - c	e = c/a		
			\$	\$	\$	\$			
Open Space Development (Tax Budget)									
2006	4400656517	Rosedale Park	1,482,896	1,482,896	1,482,896	0	100.0%		
2007	4400756632	West Harbour Trail	57,194	57,194	57,194	0	100.0%		
2007	4400756700	Eastport Drive Trail	28,244	28,244	28,244	0	100.0%		
2008	4400856144	Cherry Beach Land & Park Development	1,959,082	1,959,082	1,959,082	0	100.0%		
2011	4401156810	Greenhill Park Trail	23,264	23,264	23,264	0	100.0%		
2012	4401256102	Peace Pole-City Hall-Walkway	17,046	17,046	17,046	0	100.0%		
Facilities (Tax Budget)									
2011	3541141102	Wentworth - Centre Lights & Controls	175,000	138,454	138,454	0	79.1%		
Recreation (Tax Budget)									
2011	3541155100	Facilities Audits	80,000	80,000	80,000	0	100.0%		
TOTAL COMPLETED PROJECTS (33)			34,013,458	33,239,594	33,239,594	-	97.7%		
GRAND TOTAL COMPLETED/CANCELLED PROJECTS (51)			78,528,720	75,255,522	75,103,829	151,693	95.6%		

CITY OF HAMILTON
CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE
FOR THE PERIOD COVERING JANUARY 1,2013 THROUGH SEPTEMBER 30, 2013

Appropriated from		Appropriated to		Amount \$	Council Approval / Comments
PUBLIC WORKS					
Public Works (Tax Budget)					
<u>Roads</u>					
4030516514	Omni & Stonechurch Round About	4031318217	Bridge & Culvert Maintenance	100,000	N/A - within policy limits
4030819101	Annual Reconstruction 2008	4031251120	Roads Equipment Acquisition	60,000	N/A - within policy limits
4030990520	Annual Litter Container Replace	5121290520	Streetscape Containers	11,400	N/A - within policy limits
4030990941	Litter Multi Sort Container	5121290520	Streetscape Containers	75,000	N/A - within policy limits
4031010006	Annual Minor Construction	4031210006	Annual Minor Construction	26,000	N/A - within policy limits
4031011225	Annual Geotech Investigation	4031311225	Geotechnical Investigation	21,000	N/A - within policy limits
4031018002	Bridge 95 - Thorpe St	4031318217	Bridge & Culvert Maintenance	100,000	N/A - within policy limits
4031120110	Traffic Signal Improvement	4031320110	Traffic Signal Improvement	100,000	N/A - within policy limits
4031120110	Traffic Signal Improvement	4031220110	Traffic Signal Improvement	100,000	N/A - within policy limits
4031120110	Traffic Signal Improvement	4031220110	Traffic Signal Improvement	32,000	N/A - within policy limits
4031120110	Traffic Signal Improvement	4031320110	Traffic Signal Improvement	100,000	N/A - within policy limits
4031151120	Roads Equipment Acquisition	4031251120	Roads Equipment Acquisition	22,000	N/A - within policy limits
4031155001	Pavement Network Analysis	4031260999	Closed Projects	100,000	N/A - within policy limits
4031210012	Railway Road Crossing Rehab	4031310012	Railway Road Crossing Rehab	8,000	N/A - within policy limits
4031218220	Bridge 420-Hendershot Road	4031318217	Bridge & Culvert Maintenance	100,000	N/A - within policy limits
4031311015	Annual Resurfacing 2013	4031318344	Bridge 322 - King @ Kenilworth	32,000	N/A - within policy limits
4031319101	Road Reconstruction 2013	4031318344	Bridge 322 - King @ Kenilworth	99,000	N/A - within policy limits
4031319102	Council Priority Rd Recon	4031318344	Bridge 322 - King @ Kenilworth	99,000	N/A - within policy limits
4041014008	Annual New Full Traffic Signal	4041214008	Annual New Full Traffic Signal	100,000	N/A - within policy limits
4041014008	Annual New Full Traffic Signal	4041314008	Annual New Full Traffic Signal	100,000	N/A - within policy limits
4041117124	Annual Bicycle Route	4041317124	Annual Bicycle Route 2013	60,000	N/A - within policy limits
				1,445,400	
<u>Corporate Facilities</u>					
3540941736	2009 Chiller Replace Program	3540941950	ISF-898-Lister Energy Expan	20,000	N/A - within policy limits
3540941935	1579 Burlington St Demolition	3541241532	Facility Capital Maintenance	65,000	N/A - within policy limits
3541041412	2010 Annual Roof Management	3541241412	Roof Management Program	75,000	N/A - within policy limits
3541041730	Ham Place Lifecycle Repl	3541041734	Convention Centre Lifecycle	25,000	N/A - within policy limits
3541241620	CUP Lifecycle Retrofit	3541141620	CUP Lifecycle Retrofit	100,000	N/A - within policy limits
				285,000	
<u>Parks</u>					
4401011601	Annual Cemetery Road Rehab	4401311601	Annual Cemetery Road Rehab	5,500	N/A - within policy limits
4401056006	Rail Trail Slope Stabilization	4401149004	Wtfrt Trail-Shrline&Pth Restor	4,000	N/A - within policy limits
4401149007	Whitedeer Pk - Catch Basin	4401352600	Playground Replacement Program	7,500	N/A - within policy limits
				17,000	
<u>Open Space</u>					
4400756102	Hixon Park Development	4401255002	ConfederationPk Strtgy&EcFsblt	50,000	N/A - within policy limits
4401356801	Confederation-Sports Park Dev	4401255002	ConfederationPk Strtgy&EcFsblt	40,000	N/A - within policy limits

**CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE
FOR THE PERIOD COVERING JANUARY 1,2013 THROUGH SEPTEMBER 30, 2013**

Appropriated from	Appropriated to	Amount \$	Council Approval / Comments		
		90,000			
<u>Waste Management</u>					
5120691001	Glanbrook Landfill Gas Recovery	5121291000	Glan Landfill Cap Improvements	46,400	N/A - within policy limits
5121190520	Annual Streetscape Containers	5121290520	Streetscape Containers	91,000	N/A - within policy limits
				<u>137,400</u>	
Total Public Works (Tax Budget) (33)			1,974,800		
Public Works (Rates Budget)					
<u>Water</u>					
5140967751	Water Outstns-Asset Management	5140967950	ISF-672-Ferguson PS Upgrade	245,000	N/A - within policy limits (City Manager)
5141069075	Annual Labs - 2010	5141369075	Environmental Lab Improvements	100,000	N/A - within policy limits
5141069075	Annual Labs - 2010	5141369075	Environmental Lab Improvements	54,000	N/A - within policy limits
				<u>399,000</u>	
<u>Waste Water</u>					
5160960391	James Trunk - Hunter to Barton	5161360390	Wastewater System Lining	100,000	N/A - within policy limits
5160960391	James Trunk - Hunter to Barton	5161361444	Annual Private Drain Repairs	65,000	N/A - within policy limits
5161049555	QA-QC Service Contract	5161349555	QA-QC Service Contract	40,000	N/A - within policy limits
5161062073	Annual Field Data Systems	5161262073	Annual Field Data Systems	37,000	N/A - within policy limits
5161066713	Wastewater Maintenance Capital	5161366713	Annual Water Maintenance	55,000	N/A - within policy limits
5161069075	Annual Labs 2010	5161369075	Environmental Lab Improvements	100,000	N/A - within policy limits
5161171121	Brunswick-Wavery-Vansitmart	5160168111	Ewen (McMaster) CSO Tank	30,000	N/A - within policy limits
				<u>427,000</u>	
<u>Storm</u>					
5181072290	Storm Sewer Upgrades 2010	5181260215	Battlefield Tributary Erosion	100,000	N/A - within policy limits
5181072295	SERG -LEEDS Implementation	5181260215	Battlefield Tributary Erosion	100,000	N/A - within policy limits
5181249555	QA-QC Service Contact	5181349555	QA-QC Service Contract	19,000	N/A - within policy limits
				<u>219,000</u>	
Total Public Works (Rates Budget) (13)			1,045,000		
TOTAL PUBLIC WORKS (46)			3,019,800		
PLANNING & ECONOMIC DEVELOPMENT					
4901245101	New Parking Lot - 13 Lake S	4901145103	Paving of Municipal Carparks	150,000	N/A - within policy limits (City Manager)
7100341101	Auchmar Curatorial Centre	7201158701	Burlington St Storage Building	400,000	Council Approved PED13026 Feb 27, 2013
7101058705	Public Art	8200903901	Binbrook Village Parkette	225,000	N/A - within policy limits (City Manager)
7101058002	Tisdale House Renovations	4031211018	Council Priority-Minor Rehab	22,075	N/A - within policy limits (Councillor Ferguson requested)
7201158700	RECAPP for Cultural Facilities	7100945700	Dundurn Parking Lot Rehab	60,000	N/A - within policy limits
8121359100	Natural Areas Acquisition Fund	8121159100	Cootes to Escarpment Eco-Park	100,000	N/A - within policy limits (Council 13-004 Feb 13, 2013)
8140855800	Rural Official Plan-OMB Appeal	3620604600	Secondary Plan-Aerotropolis	100,000	N/A - within policy limits
8200903901	Binbrook Village Parkette	7101058705	Public Art	225,000	N/A - within policy limits (City Manager)
TOTAL PLANNING & ECONOMIC DEVELOPMENT (8)			1,282,075		

**CAPITAL PROJECTS' BUDGET APPROPRIATION SCHEDULE
FOR THE PERIOD COVERING JANUARY 1,2013 THROUGH SEPTEMBER 30, 3013**

Appropriated from	Appropriated to	Amount \$	Council Approval / Comments
COMMUNITY & EMERGENCY SERVICES			
6301157101 Dietary Software	6500457101 Macassa-Scheduling software	10,250	N/A - within policy limits
6301341301 ML-Replace and Refurb	6301241205 Macassa Lodge Lobby	50,000	N/A - within policy limits
7100954703 Public Use Feasibility Study	6501355301 Hamilton Seniors' Strategy	145,000	N/A - within policy limits (City Manager) - ECS 12-011 Dec 10, 2012
TOTAL COMMUNITY & EMERGENCY SERVICES (3)		205,250	
CORPORATE SERVICES			
2051055001 Citizen Centered Service Impro	2051255203 Service Delivery Review	185,000	N/A - within policy limits (Consolidation of projects with a mutual goal)
2051157100 Operating Budget - Upgrade	2050957900 Operating Budget System-Pilot	35,000	N/A - within policy limits
3201357301 Automated Workflow-Approvals	2051157101 Optimize PeopleSoft System	5,000	N/A - within policy limits
TOTAL CORPORATE SERVICES (3)		225,000	
GRAND TOTAL BUDGET APPROPRIATIONS (60)		4,732,125	

CITY OF HAMILTON

Development Charges Act, 1997 Provincial Consultation Submission

Prepared By: City of Hamilton - Financial Planning & Policy Division

December 2013

Development Charges Act, 1997 Consultation Issues & Questions

Executive Summary

The City of Hamilton has long believed that growth related capital and infrastructure costs should be paid for by the growth which requires that infrastructure. The Development Charges Act (DCA), 1997 included restrictions that hadn't existed in the previous DCA, 1989, such as 10-year average historical service standards, ineligible services, and 10% mandatory deductions from certain services. It has become clear that the current DCA, 1997 methodology does not support the premise that "Growth should pay for Growth".

The Province announced on October 24, 2013 that public consultations on the DCA would take place. The City appreciates and values the opportunity to provide input. Staff have taken the opportunity to attend in-person consultation meetings held by the Province, and the City is providing this submission as a response to the consultation document prepared by the Province, in which they posed a number of questions regarding the DCA, parkland dedication, and section 37 of the Planning Act.

The City is supportive of eliminating ineligible services, mandatory reductions, and historical level of service standards, in order to support the premise of growth paying for growth. Under the current methodology, approximately 25% of growth related costs are not recovered through Development Charges (DC's), meaning growth is only paying for about 75% of growth related costs, and the remainder is borne by existing taxpayers. Changes to the DCA that would increase the percentage of growth related costs a municipality can recover from DC's would be supported by the City.

The City would not, however, be supportive of allowing DC's to be collected for Provincial responsibilities such as Hospitals and Metrolinx, if the result was a trade-off that lowered and/or further limited the amount that could be collected by municipalities for their needs. As noted, the City is only able to recover about 75% of growth related costs from growth; any further reduction would be a further burden that would be unaffordable to existing taxpayers.

In summary, the City supports eliminating the restrictions that limit the level of funding recovered from new growth, and would oppose any changes that result in any further reductions or limitations on revenue recovery.

City of Hamilton Development Charge Act Consultation Submission to MMAH

City Response to Issues and Questions to Discuss in Provincial Consultation

The Development Charges Process

1. Does the Development Charges methodology support the right level of investment in growth-related infrastructure?

A certain level of investment in growth related infrastructure is required in order to allow growth to proceed. The current DCA methodology does not support the required level of investment in growth related infrastructure (as a result of exemptions, reductions, and limitations provided in the DCA), resulting in costs being picked up by the existing taxpayer through increased property taxes and/or user fees. For example, the 10% statutory deduction has cost the City of Hamilton approximately \$3.5 million over the last 5 years (or \$434 per single detached unit). The costs to the taxpayer of the other restrictions cannot be as easily calculated, but would easily exceed the cost of the 10% statutory deduction. The current DCA methodology clearly does not support the premise that "Growth should pay for Growth". Should the changes to the DCA result in further limitations or reductions, a further burden would be shifted to the existing taxpayer.

The City of Hamilton is supportive of changes to the DCA methodology that would remove the restrictions on eligible services, remove the historical service standard, and eliminate the 10% statutory discount.

2. Should the Development Charges Act, 1997 more clearly define how municipalities determine the growth-related capital costs recoverable from development charges? For example, should the Act explicitly define what is meant by benefit to existing development?

The DCA should make it clear that a municipality may choose the most appropriate method to determine the growth-related capital costs recoverable from DC's. The typical "per capita" determination may work for some services, and in some communities, however a municipality should have the flexibility to use the most appropriate method for its circumstances (i.e. response time for Fire departments).

Benefit to existing should not be explicitly defined, but it should be clarified that the municipality shall have the right to determine the basis for calculating the Benefit to Existing. Appeals should be limited to errors that developers believe has occurred in the calculation, and not be able to appeal the basis used.

City of Hamilton Development Charge Act Consultation Submission to MMAH

The OMB has already refined a number of these issues and terminology through the appeal of DC Bylaws since the enactment of the DCA, 1997. These rulings from the OMB guide and set boundaries within which municipalities can determine DC recoverable costs. Further defining how municipalities may determine the charges through the DCA could result in new terms and definitions being debated and litigated, and result in uncertainty in the calculation and amount of charges until litigation has concluded.

3. Is there enough rigour around the methodology by which municipalities calculate the maximum allowable development charges?

Yes, the public process, and ability for the by-laws to be challenged at the OMB requires municipalities to be reasonable, and holds them accountable. Being more prescriptive about how the charges are calculated would eliminate a municipality's ability to determine the most appropriate methodology, and limit their ability to collect funding needed to cover growth-related costs.

Under the current DCA, the maximum allowable DC is based on the service standard for all services other than Water, Waste Water and Storm Water. It could be argued that this level of rigour is too high as it doesn't necessarily allow municipalities to consider the entire growth related cost and then requires a further 10% reduction on soft services.

With respect to DC Appeals, the City believes that appellants should be required to provide preliminary evidence that the City did not act fairly, reasonably, within its powers, and in accordance with the processes set out in the DCA, at the time of appeal. There should be a presumption of correctness of the DC Study and Council's passing of the DC By-law. Additionally, there should be a leave to appeal test and motion – by not having the leave test, there is a presumption of validity to the appeal and currently the DCA provides a very low threshold to satisfy the Board an appeal should be heard.

City of Hamilton Development Charge Act Consultation Submission to MMAH

Eligible Services

4. The Development Charges Act, 1997 prevents municipalities from collecting development charges for specific services, such as hospitals and tourism facilities. Is the current list of ineligible services appropriate?

Setting a list of ineligible services defeats the premise that “Growth should pay for Growth”. There should not be a list of ineligible services in the DCA; if there is a service that does not have increased infrastructure requirements as a result of growth, there would be no related DC collections.

If a listing of ineligible services is to remain, the City of Hamilton has prioritized the services it would like to see removed from the ineligible services as follows:

- i) Acquisition of Land for Parks
- ii) Waste Management

On October 9, 2013, Council of the City of Hamilton approved Report FCS13044(a) “Request to Consider making Services Eligible under the Development Charges Act”. Through this report, the City of Hamilton requested that the acquisition of Land for Parks and Waste management be made eligible services under the DCA, and Council also supported the resolution of the Township of Adjala-Tosorontio, that Hospitals should be an eligible service under the DCA (given the Province’s requirement for a local share of 10% of Hospital construction cost). In the context of the DCA consultation, the City is only supportive of including a Provincial responsibility such as Hospitals in the DCA as long as there is no trade-off that lowers or further limits the amount of DC’s that could be collected by municipalities for their needs.

The City would recommend that, if they become an eligible service, Hospital DC’s should be handled in the same manner as Education DC’s, in that the hospital should do the DC Study and calculate the DC, which in most cases would be levied on a larger geographic area, rather than a single municipality. Municipalities would still be required to collect the charges prior to permit issuance. The Province should not expect significant contributions from the municipal tax base for services that are not municipal, and assets that are not owned, managed, or controlled by municipalities.

Specific to Acquisition of Land for Parks, the City believes that parkland requirements in excess of what it is able to collect through the parkland dedication provisions of the Planning Act should be recoverable. This would make the accountability and transparency requirements of the DCA apply to parkland requirements that are not met through the Planning Act. An alternative would be to have acquisition of land for parks

City of Hamilton Development Charge Act Consultation Submission to MMAH

remain an ineligible service, but allow municipalities to increase the amount of land or cash-in-lieu required under the parkland dedication provisions of the Planning Act.

5. The Development Charges Act, 1997 allows municipalities to collect 100% of growth-related capital costs for specific services. All other eligible services are subject to a 10% discount. Should the list of services subject to a 10% discount be re-examined?

Again, the 10% discount is a direct contradiction to the premise that “Growth should pay for Growth”. The requirement to apply the 10% discount should be eliminated as any benefit to the existing taxpayer must already be reduced from the amount recoverable through DC’s. Eliminating the 10% discount would free up property tax dollars that could be used for rehabilitation and replacement of existing municipal assets.

6. Amendments to the Development Charges Act, 1997 provided the Toronto and York Region an exemption from the 10 year historical service level average and the 10% discount for growth-related capital costs for the Toronto-York subway extension. Should the targeted amendments enacted for the Toronto-York subway extension be applied to all transit projects in Ontario, or only high-order (eg subways, light rail) transit projects?

See question 5 above regarding the 10% discount. With respect to the historical level of service average restriction, this should not exist for any service that has been made a priority for investment by the Province. The historical service level average places a significant burden on the existing tax base when expansion to any type of transit service is required to help accommodate new growth and shift transportation modal splits to support less single-vehicle traffic in order to create space on existing roads for new growth.

Specifically to the question of whether or not this should be applied to all transit projects, or only high-order transit projects, the City of Hamilton believes this should apply across the board to any and all transit projects. As noted above, the need for additional transit has been prioritized by the Province, and further, the Province (including Metrolinx) plays a significant role in determining what type of transit should go where. Whether or not a municipality can collect the true growth related cost of transit should not be based on what type of transit system the Province (or Metrolinx) feels is appropriate. Every municipality should be able to collect the full and true cost of growth for Transit, regardless of type of transit project.

City of Hamilton Development Charge Act Consultation Submission to MMAH

Reserve Funds

7. Is the requirement to submit a detailed reserve fund statement sufficient to determine how municipalities are spending reserves and whether the funds are being spent on the projects for which they were collected?

The reserve fund statement prepared and submitted annually to the Province is part of the public record, and available to anyone through the City of Hamilton's website. The reserve fund provides how much has been spent/allocated to what projects from each of the DC reserves in a given year, and the other funding sources for that project in the given year. The reserve fund statement also provides the opening and closing balances of each reserve, amounts collected, debt payments, interest earnings, and funding transferred to capital projects. The City is of the position that the existing reserve fund statement is sufficient.

The relatively detailed information already included in the reserve fund statement has led to very few, if any, questions from the public or development industries. If further information was to be required as part of the reserve fund statement, the associated administrative cost should be considered an eligible cost to be recovered under the DCA.

8. Should the development charge reserves funds statements be more broadly available to the public, for example, requiring mandatory posting on a municipal website?

At the City of Hamilton, the DC Reserve fund statement is a public document that is approved by Council. As such, it is part of the public record, and can be found on the City website. Requiring mandatory posting on the municipal website would have no impact on the City of Hamilton.

9. Should the reporting requirements of the reserve funds be more prescriptive, if so, how?

The reporting requirements of the reserve fund statement are already quite prescriptive in terms of the information that is required to be included. Very few municipalities follow the exact same format to provide the required information. To improve comparability from one municipality to another, however, a standardized format for presenting the required information may assist.

City of Hamilton Development Charge Act Consultation Submission to MMAH

If the Province was to require a standardized format, it should be developed by municipalities and/or their member associations (MFOA/AMO).

Section 37 (Density Bonusing) and Parkland Dedication Questions

10. How can Section 37 and parkland dedication processes be made more transparent and accountable?

For section 37, the Planning Act could be amended to introduce statutory direction on the scope of and limits on Section 37. The difficulties in the application of this provision lie with the absence of statutory criteria that establish a framework and boundaries for the implementation of bonusing as part of the planning tool kit.

For Parkland Dedication, it should be made clear from the start of the development application process how the parkland dedication (Cash-in-lieu) will be calculated, particularly for high density development. In order to increase accountability, the Province could impose a requirement to report on Cash-in-Lieu Parkland Dedication reserves similar to that of DC's where the reserve balance is provided as well as a listing of land purchases and any other uses of Parkland funds for a given year. In order to provide an accurate picture, this should also include land conveyed through subdivision and development agreements, and an associated value. This would likely require a significant amount of administrative work in large municipalities such as the City of Hamilton. If such reporting requirements were implemented, the associated costs should be recoverable from the Parkland Dedication reserve and included in the formula to determine the cash-in-lieu payable by developers.

11. How can these tools be used to support the goals and objectives of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe?

Use of these tools to support the goals and objectives of the PPS and Growth Plan must be done through policy at the municipal level. They can be used by a municipality setting out how the section 37 benefits, and/or parkland dedication apply in different areas of the City in order to target growth. Also, for Section 37 benefits, the municipality should be basing the benefits to be received on the City's priorities (affordable housing, preserving heritage properties, and preserving rental units).

An additional tool that could assist in encouraging higher density development would be adding the ability for a municipality to defer payments in lieu of parkland dedication,

City of Hamilton Development Charge Act Consultation Submission to MMAH

similar to section 27 under the DCA. Additionally, wording to allow any outstanding costs to be collected through the tax roll, similar to section 32 (1) of the DCA.

Voluntary Payments Questions

12. What role do voluntary payments outside of the DC Act, 1997 play in developing complete communities?

Voluntary payments outside of the DCA, 1997 fill the role of either: a) covering costs not eligible to be recovered under the DCA, 1997, or b) limiting risk and debt exposure of a municipality. In terms of developing complete communities, both allow directly, or indirectly, for funding of infrastructure considered necessary in the development of complete communities but ineligible for recovery under the DCA, 1997. The need for voluntary payments would be much more limited, or possibly eliminated, if the principles of “growth pays for growth” were captured in the DCA through the removal of the 10% discount, historical service level average, and ineligible services.

13. Should municipalities have to identify and report on voluntary payments received from developers?

By way of approving the use of funds (i.e. capital budget), a municipality would already identify what those funds were being used for.

Municipalities should have specific policies that set out how and when voluntary payments from developers are to be used.

14. Should voluntary payments be reported in the annual reserve fund statement, which municipalities are required to submit to the ministry of municipal affairs and housing?

The annual reserve fund statement that is required to be submitted to the Ministry is for funds collected under the DCA, 1997. To include funds that are not collected under the DCA, 1997 with those that are would create confusion in terms of how the charges are calculated and restrictions on their use. Some form of reporting is reasonable (they would still be captured in the FIR and Financial Statements of the municipality, but not highlighted in the same manner as DC's), but it should be kept separate and distinct from the DC reserve fund statement.

City of Hamilton Development Charge Act Consultation Submission to MMAH

Growth and Housing Affordability Questions

15. How can the impacts of development charges on housing affordability be mitigated in the future?

There are two forms of affordability that must be considered when it comes to the impacts of DC on housing affordability: 1) the impact of DC's on affordability of new homes, and 2) the impact of DC's on affordability of existing homes.

1) When looked at in a vacuum, DC's appear to be a significant charge which would have a large impact on the cost, and thus pricing of new homes. However, DC's are only one of a number of factors, including land costs, construction costs, demand by housing type, interest rates, availability of financing, income levels, consumer confidence, government regulations, and economic conditions, that can impact the cost and/or price of new housing. DC's generally make up between 5 and 10% of the cost of residential development. A significant increase in DC's of 25% would only result in an overall increase in costs of 1-2%, which may or may not be able to be absorbed within the selling price, depending on market conditions.

2) The impact of DC's on the affordability of existing homes must be considered as well. Having ineligible services, mandatory discounts, and service standard restrictions create limitations to amounts that can be collected under the DCA, 1997, and these costs must ultimately be picked up by the existing tax payer, by increasing property taxes and/or user fees. With an increasingly aging population, a growing number of residents are living on fixed incomes, limiting their ability to absorb the increased property tax payments that result, in part, from covering growth related costs that cannot be recovered under the DCA, 1997. The limitations of the DCA has already impacted the affordability of the existing housing stock, and any further limitations on what can be recovered from growth would further impact the affordability of existing housing.

16. How can development charges better support economic growth and job creation in Ontario?

DC's could be better used to target certain types of (re)development (mixed use, intensification), by allowing any forgone revenue as a result of incentivizing those types of (re)development to be recaptured through all other development. This would allow the growth related costs to still be recovered from growth, prioritize the types of growth that are considered a priority, and without increasing the burden on the existing tax base. The lower burden on property taxes would support economic growth and job creation (high property taxes a deterrent to economic growth, job creation).

City of Hamilton Development Charge Act Consultation Submission to MMAH

Eliminating the restrictions on DC's (ineligible services, 10% discount, etc.) would also reduce the burden on the tax base. DC's are a one-time cost, while property taxes are an ongoing cost paid annually.

Additionally, the DCA currently allows for DC's to be deferred over a period of time. Hamilton allows deferrals on non-residential development and has found it to be successful tool for encouraging such developments.

Much like housing affordability, property taxes and DC rates are only a couple of factors that influence economic growth and job creation. All factors need to be considered when contemplating how to better support economic growth and job creation in Ontario.

High Density Growth Objectives

17. How can the Development Charges Act, 1997 better support enhanced intensification and densities to meet both local and provincial objectives?

The most obvious way would be to further incentivize enhanced intensification and densities, and allow any potential foregone revenues from such preferred developments to be recovered through other new (re)developments. The DCA should provide for some statutory exemptions that meet Provincial standards, but also allow for local municipalities to decide what exemptions are appropriate for their unique circumstances and allow those exemptions (related to intensification or density) to be recovered through other new growth.

18. How prescriptive should the framework be in mandating tools like area-rating and marginal cost pricing?

Municipalities need to have the ability to determine the most appropriate methods for their unique situation. The tools should be available to municipalities so that they can use them if they are appropriate for that individual municipality, or a specific service, however the tools should not be mandated.

To encourage the use of area-rating tools, the Province needs to make them easier to use (for example, by elimination of the service standard). The impact of such tools may only have a limited impact, as existing areas where intensification is expected to occur, the costs to increase the service capacity can be higher, as a result of having to tear up existing infrastructure. It should not be assumed that intensification, particularly in existing urban areas, will result in lower infrastructure costs, and lower DC's.

City of Hamilton Development Charge Act Consultation Submission to MMAH

In summary, the framework should not be prescriptive in mandating the use of area-rating and marginal cost, but the framework could be improved to encourage and make it easier to use the tools.

19. What is the best way to offset the development charge incentives related to densities?

The best way to offset these incentives would be to allow them to be recovered through other new development so that the existing taxpayer does not have to cover the shortfall. Given that the type of development that is intended to be incentivized (intensification & increased densities) may, in theory, have somewhat lower growth related cost, it would be reasonable to shift that cost from incentives to the greenfield development (and more specifically to the lower density greenfield development). Additionally, removal of the 10% cap, historical average level of service, and eliminating ineligible services would allow the Municipality to recover additional growth related costs which could potentially be used to offset additional incentives for intensification.

Conclusion

The City of Hamilton has a significant infrastructure funding deficit and continues to fall behind in its state of good repair work due to the limited funding available. The City's recommendations in this submission would allow the City to recover the cost of growth from growth, allowing funds from the existing tax base to be used for rehabilitation and replacement of existing infrastructure and reduce the City's infrastructure funding deficit.

It's important to emphasize that any further restrictions or exemptions to the DCA implemented by the Province would result in an additional burden to existing taxpayers, and divert more funding away from rehabilitation and replacement of existing assets.

City of Hamilton Steel Sub-Committee Terms of Reference

Mandate:

- To protect the welfare and best interest of the employees and pensioners of US Steel in Hamilton.
- To ensure the best use of the land and assets at the US Steel facility in Hamilton
- To prepare for the repurposing and redevelopment of the land and assets at the US Steel facility in Hamilton.
- To create and/or reestablish "living wage" jobs lost at the US Steel facility in Hamilton due to the shutdown.
- To maximize the tax generated from the site and minimize the impact to the City of Hamilton's budget.
- To engage community partners, industry stakeholders and residents of the City of Hamilton in planning process to optimize the use of the US Steel facility in Hamilton.

Composition: Six members of Hamilton City Council.

Duration: To expire with the 2010-2014 term of Council or until such time as successors are appointed.

Reporting to: General Issues Committee

Stipend: None

Meeting Schedule: Meetings will be held at the call of the Chair.

Contact: Lauri Leduc, Legislative Coordinator
905-546-2424 ext. 4102

Terms of Reference

Pan Am - Hamilton Stadium Project and Pan Am Games Operations - 2014 to 2015 Pan Am Stadium Precinct Sub-Committee

Mandate

In January 2011, Hamilton City Council approved a site for the Pan Am Stadium and through Report 11-004 respecting International Event Opportunities/2015 Pan Am Games Update created Pan Am Stadium Precinct Sub-Committee. The recommendation by Council stated "That the appropriate staff from the Mayor's Office and Councillors L. Ferguson and B. Morelli be appointed as Council's liaison with the staff and stakeholders involved during the construction process".

This Sub-Committee was formed with the intent of providing advice, input and support for the new Pan Am Stadium throughout the construction process and to help advance the precinct revitalization around the new Stadium for the Pan Am Games in Hamilton.

Now that the new Pan Am Stadium construction process is well on its way to completion and the Pan Am Games Operations and Legacy Planning is emerging, there is now an opportunity to build ownership in the Pan Am Games in Hamilton.

The Sub-Committee would expand its mandate to include the Pan Am Games Operations and the Games Legacy for Hamilton and continue to oversee the Stadium construction and Precinct planning.

The new terms of reference highlights the expansion of the Sub-Committee's mandate and representation on the Committee.

1.1 Purpose

The purpose of the Pan Am Stadium Precinct Sub-Committee is to provide advice, input, guidance and support for:

- the new Stadium throughout the construction process
- the Stadium Precinct Community Plan
- hosting of the Pan Am Games Soccer and Culture Festivities
- taking full advantage of the significant and unique opportunities to promote Hamilton and enhance the overall quality of the Pan Am Games experience for participants, residents and visitors

1.1.1. Aims

- To continue to provide support and assistance on the Stadium construction
- To continue to provide support and assistance on the Stadium Precinct Plan
- To support Hamilton's Host Committee with Games operations and festivities

- To advise General Issues Committee and Council of progress and to receive feedback, advice and direction , as appropriate
- To assist the public with issues relevant to the stadium construction, Stadium Precinct Plan, Games planning and Games Legacy

1.2 Membership

- The Mayor plus four members of Council
- One representative to be appointed by the Hamilton Tiger-Cats
- One representative of the Local Soccer Community
- Hamilton Pan Am Games Host Committee Chair

1.2.1 A quorum shall be achieved when 50% + 1 of the membership body is present.

1.3 Support Services

1.3.1 City staff from the Pan Am Initiatives Office, Public Works, Neighbourhood and Community Initiatives, Community Services and Planning Departments and/or their consultant(s), will act as staff resources

1.3.2 Clerical services will be provided by the Office of the City Clerk

1.3.3 The City shall provide the Committee with reasonable access to the project consultant(s) and City staff.

1.4 Meetings

1.4.1 The Committee shall meet monthly or at the call of the Chair.

1.4.2 The meetings shall be at locations designated by the Committee.

1.5 Minutes and Agendas

1.5.1 The minutes of the Committee meetings shall be prepared by City staff or its consultant(s) and forwarded to Committee members in a timely manner.

1.5.2 The Chair(s) may grant requests for discussion of items not on the agenda.

1.5.3 The Sub-Committee will report to the General Issues Committee.