



GENERAL ISSUES COMMITTEE

REPORT 13-003

9:30 a.m.

Wednesday, February 6, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor R. Powers – City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-003 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Police Service Monthly Reports PSB13-013 (Item 5.2)

That Report PSB13-013 respecting the Hamilton Police Service Monthly Report be received.

2. Concession Street Business Improvement Area (BIA) Resignation from the Board of Management (PED10250(c)) (Wards 6 and 7) (item 5.3)

That Report PED10250(c) respecting the Concession Street Business Improvement Area (BIA) Resignation from the Board of Management, be received.

3. Locke Street Business Improvement Area (BIA) – Proposed Budget and Schedule of Payment for 2013 (PED13027) (Ward 1) (Item 5.4)

(a) That the 2013 operating budget for the Locke Street Business Improvement Area (BIA) (attached as Appendix “A” to Report PED13027) be approved in the amount of \$10,500;

(b) That the levy portion of the Operating Budget for the Locke Street Business Improvement Area (BIA) in the amount of \$10,500 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 2013 budget as referenced in sub-section (b) above;
- (d) That the following schedule of payments for 2013 be approved:

February	\$2,625
April	\$2,625
July	\$2,625
October	\$2,625

Assessment appeals may be deducted from the levy payments.

4. Westdale Village Business Improvement Area (BIA) Revised Board of Management (PED10260(c)) (Ward 1) (Item 5.5)

That Anne Campagna and John Garbe be appointed to the Westdale Village Business Improvement Area (BIA) Board of Management.

5. Lease – Lister Block, 28 James Street North, Unit #104, Hamilton (Ward 2) (PW13008) (Item 5.6)

- (a) That the City of Hamilton enter into a new lease agreement with Mezza Caffe Inc. for the property known as 28 James Street North, Unit 104 (also known as Lister Block), subject to the following terms:
 - (i) Term: Five (5) years commencing March 1, 2013, and terminating on February 28, 2018 with a five year renewal option.
 - (ii) Property: Lister Block, 28 James Street North, Unit 104, comprising of 852 sq.ft gross rentable area as shown on Appendix "A" to Report PW13008. The space will be leased on an "as is" basis with finishing subject to heritage restraints and building permits as applicable.
 - (iii) Rental Rate:
 - Year 1: \$15.00/sq.ft. net (\$1,065.00/mth or \$12,780.00 annum)
 - Year 2: \$17.50/sq.ft. net (\$1,242.50/mth or \$14,910.00 /annum)
 - Year 3: \$20.00/sq.ft. net (\$1,420.00/mth or \$17,040.00 /annum)
 - Year 4: \$20.50/sq.ft. net (\$1,455.00/mth or \$17,466.00 /annum)
 - Year 5; \$21.00/sq.ft. net (\$1,491.00/mth or \$17,892.00 /annum)

Percentage Rent (5%) will take effect after year 3 when 5% of the Gross Revenues exceeds the annual base rent payments.

- (iv) Parking: 1 parking spot will be provided to tenant at no additional cost.
 - (v) Operating Costs: In addition to base rent operating costs will be payable (estimated at \$12.00/ sq.ft for 2013). In addition Tenant pays for utilities.
 - (b) That all rent be credited to account 791550-46010;
 - (c) That the Mayor, General Manager of Finance and Corporate Services and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor.
- 6. Hamilton Downtown Business Improvement Area (B.I.A.) – 2012 Pedestrian Pilot Program and Gore Park Summer Promenade**
- (a) That the following requests from the Hamilton Downtown B.I.A. be referred to staff for a report to the appropriate standing committees and be part of the 2013 budget deliberations:
 - (i) Exempt B.I.A. from Special Event Park Rental Fees;
 - (ii) Fund full request for a Community Partnership grant of \$13,500
 - (iii) Examine the elements of Gore Master Plan
 - (iv) Examine and support more placemaking elements and events.
 - (b) That the appropriate staff meet with the Ward Councillor and representatives from the Hamilton Downtown B.I.A. in an effort to devise a critical path mandate that seeks to accomplish Gore Park infrastructure improvements as it relates to the Gore Park Master Plan, which can be completed prior to the start of the 2015 Pan Am Games.
- 7. Submission from Joey Coleman respecting Item 9.4 – Public Access On-Line Mapping Services (Item 6.8)**
- That the letter submitted by Joey Coleman respecting Public Access On-Line Mapping Services (attached hereto as Appendix “A”), be received.

8. Biosolids Management Project – Amendment to P3 Canada Funding Business Plan (PW11098(b)/FCS11112(b)) (City Wide) (Item 7.2)

- (a) That the General Manager, Public Works be authorized and directed to amend the Public-Private Partnership Canada ('P3 Canada') Business Case as approved by Council through Report PW11098a/FCS11112a in support of receiving funding towards the City's Biosolids Management Project, as to comply with the requirements established by P3 Canada as outlined in Appendix "A" (attached to Report PW11098(b)/FCS11112(b)), as follows,
 - (i) Identify Woodward Avenue Wastewater Treatment Plant, located at 700 Woodward Avenue North in Hamilton as the sole location for the Biosolids Management Project;
 - (ii) Increase the accuracy of the cost estimate for the capital component of the project to a +/- 15% level accuracy;
 - (iii) Amend the weighting of the proposed evaluation criteria for the future Request for Proposal from 50% Technical and 50% Financial to 25% Technical and 75% Financial,
- (b) That the General Manager, Public Works be authorized and directed to proceed with establishing a not-to-exceed financial threshold ('Affordability Cap') for the Biosolids Management Project of \$111 Million Net Present Value ('NPV');
- (c) That the General Manager, Public Works be authorized and directed to expand Purchase Order No. 63473 to CH2M Hill Canada Limited by an estimated \$50,000 from account 5160966910 Biosolids MP Implementation, to address Recommendation (a) Subsection (ii);
- (d) That the General Manager, Public Works be authorized and directed to expand Purchase Order No. 64971 to Deloitte & Touche LLP by an estimated \$20,000 from account 5160966910 Biosolids MP Implementation, for effort required to amend the City's Business Case resulting from Recommendations (a) and (b).

9. Residential Protective Plumbing Subsidy Program (PW11056(c)) (City Wide) (Outstanding Business List Item) (Item 8.1)

- (a) That the Protective Plumbing Program (3P) be amended to:
 - (i) require property owners to submit to the City of Hamilton three independent quotes for the eligible works prior to approval or provision of grants and/or loans;

- (ii) provide that grant and loan values for the Protective Plumbing Program (3P) be equal to the value of the lowest of the three quotes submitted to the City of Hamilton for the eligible works;
- (b) That staff be directed to implement subsections (a)(i) and (ii), including the amendment of the Protective Plumbing Program (3P) Guidelines;
- (c) That staff be directed to provide a report to the Public Works Committee on a semi-annual basis with respect to the three quote policy.

10. Report 13-001 of the Advisory Committee for Persons with Disabilities – January 8, 2013 (Item 8.2)

Transit Fare Parity Update

- (a) That sub-sections (a) and (b) of Item 1 of Report 13-001 of the Advisory Committee for Persons with Disabilities, which read as follows, be referred to the Public Works Committee for consideration:
 - (a) That persons with all disabilities be treated in a fair and equitable manner when accessing public Transit to ensure that persons with disabilities are not charged differing rates for the same service;
 - (b) That in support of the implementation of an equitable fare structure, that a reduced fare structure or subsidy be provided for those who are both disabled and economically disadvantaged;
- (b) That the Accessibility Directorate of Ontario be respectfully requested to provide clarification on the Accessibility for Ontarians with Disabilities Act Integrated Accessibility Standards clause 66(5) respecting Fare Parity.

11. Hamilton Centre for Civic Inclusion – Funding Request (Item 9.2)

- (a) That an additional amount of \$25,000 for the Hamilton Centre for Civic Inclusion (HCCI) be referred to the 2013 budget deliberations;
- (b) That HCCI funding in the amount of \$50,000 be referred to the 2014 budget process pending receipt of the 2013 audited financial statements for review;

- (c) That staff report back to the Emergency and Community Services Committee on a collaborative plan, following a review of activities by HCCI, the City of Hamilton Access and Equity Office, the City of Hamilton's Anti-Racism Committee, and other organization involved in civic inclusion activities;
- (d) That the appropriate staff be directed to seek clarification with respect to federal funding for the Hamilton Centre for Civic Inclusion, including funding from Citizenship and Immigration Canada, and whether HCCI is eligible for federal funding.

12. James Mountain Road Retaining Wall Reconstruction (Item 9.3)

- (a) That the retaining wall on James Mountain Road be replaced and reconstructed for structural deficiencies to improve surrounding safety;
- (b) That the associated costs of approximately \$50,000 for replacing and reconstructing the James Mountain Road retaining wall be funded from the Ward 2 Area Capital Special Re-Investment Reserve #108052.

13. Public Access On-Line Crime Mapping Service (Item 9.4)

That the Hamilton Police Services Board be requested to investigate the feasibility of adopting a public access on-line crime mapping service similar to the service released in Halton for the residents of Hamilton and report back to Council on its viability at a future General Issues Committee.

14. Litigation – National Steel Car (FCS13009/LS13003) (City Wide) (Item 12.2)

That Report FCS13009/LS13003 respecting Litigation – National Steel Car, be received and that the contents of the report remain confidential.

15. Memorandum of Settlement between the City of Hamilton and the Christian Labour Association of Canada (CLAC)/Greater Hamilton Volunteer Fire Figthers Association (Item 12.3)

That the Memorandum of Settlement between the City of Hamilton and the Christian Labour Association of Canada (CLAC), for the period January 1st, 2012 - December 31st, 2015, be approved.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

ADDED DELEGATION REQUEST

For Today's Meeting

- (i) Joey Coleman with respect to Item 9.4 – Public Access On-Line Mapping Service (Added Item 4.4)

ADDED MOTION

- (ii) Policing Costs for Hamilton Entertainment District (Added Item 9.5)
(Introduced as Notice of Motion at January 28, 2013 General Issues Committee Meeting)

ADDED NOTICE OF MOTION

- (iii) Funding for Victoria Park Outdoor Adult Area (Added Item 10.1)

ADDED PRIVATE & CONFIDENTIAL

- (iv) Hamilton-Wentworth Catholic District School Board Surplus Land located at 220 Cranbrook Drive/20 Gemini Drive, described as Block F, Plan M-66, former Township of Barton, now City of Hamilton – Verbal Update (No Copy) (Added Item 12.4)

The agenda, as amended, was approved.

(b) DECLARATIONS OF INTEREST (Item 2)

Item 12.3 Christian Labour Association of Canada (CLAC)/Greater Hamilton Volunteer Fire Fighters Association – Negotiations Update

Deputy Mayor R. Pasuta declared an interest as he has a family member who is a volunteer fire fighter and abstained from discussion and vote.

The Chair was assumed by Councillor M. Pearson for this portion of the meeting.

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1))

The January 14, 2013 minutes of the General Issues Committee Meeting were approved as presented.

(d) DELEGATION REQUESTS

The following delegation requests were approved and the rules of order were suspended in order to allow the opportunity for the presentations to be provided at today's meeting:

- (i) Request from Graham Crawford on behalf of NO Downtown Hamilton Casino, to present information regarding the implications of locating a casino in downtown Hamilton (Added Item 6.5)
- (ii) Request from Christopher Cutler to speak to the matter of a downtown casino proposed by The Carmen's Group (Added Item 6.6)
- (iii) Request from Robert Moscardini to submit facts pertinent about the Hospitality Industry and current matters before the Committee (Added Item 6.7)
- (iv) Request from Joey Coleman with respect to Item 9.4 – Public Access On-Line Mapping Service (Added Item 6.8)

(e) CONSENT ITEMS

**(i) Minutes of Various Sub-Committees (for information purposes only)
(Item 5.1(a))**

The following Sub-Committee Minutes were received:

- (aa) Gaming Facility Proposal Sub-Committee – December 13, 2012

(f) PUBLIC HEARINGS/DELEGATIONS

(i) Ann Bruce and Juby Lee, Council of Canadians, respecting Canada-EU Trade Agreement (Item 6.2)

Ann Bruce and Juby Lee, representing the Hamilton Chapter of the Council of Canadians, appeared before the Committee to provide an update with respect to the Canada-EU Trade Agreement and the current hearings taking place in Toronto.

The delegation distributed a copy of the resolution approved by Council on December, 2011 with respect to this issue and urged the Committee to take follow-up steps as the Agreement is not in the best interests of the City for development, procurement, lifestyle, job opportunities, etc.

The presentation by Ann Bruce and Juby Lee, on behalf of the Hamilton Chapter of the Council of Canadians, respecting the Canada-EU, was received.

(ii) Kathy Drewitt, Downtown Hamilton B.I.A., to report on the 2012 Pedestrian Pilot Program and Gore Park Summer Promenade and to request consideration for funding the Gore Master Plan (Item 6.3)

Kathy Drewitt, Downtown Hamilton B.I.A., appeared before the Committee to report on the 2012 Pedestrian Pilot Program and Gore Park Summer Promenade. With the assistance of a power point presentation, Ms. Drewitt spoke to the following:

- Membership and boundaries of the Downtown Hamilton B.I.A.
- Vision
- Placemaking Examples
- Gore Park Pedestrianization Pilot Project on south leg of King Street
- Request consideration of the following:
 - Exempt B.I.A. from Special Event Park Rental Fees
 - Fund full request for a Community Partnership Grant of \$13,500
 - Examine the elements of Gore Master Plan
 - Examine and support more placemaking elements and events

A copy of the power point presentation was submitted for the public record and can be viewed on the City of Hamilton website.

The presentation from Kathy Drewitt, Hamilton Downtown B.I.A., respecting the 2012 Pedestrian Pilot Program and Gore Park Summer Promenade, was received.

(iii) Evelyn Myrie, on behalf of the Hamilton Centre for Civic Inclusion (HCCI), to provide report and request for funding for HCCI (Item 6.1)

Mile Komlen, Director, Human Rights & Equity Services, McMaster University, and Evelyn Myrie, Chairman of the Board and Executive Director, respectively of the Hamilton Centre for Civic Inclusion, appeared before the Committee to present the HCCI 2012 Annual Report.

With the assistance of a power point presentation, the following issues were addressed:

- Who we are; Mission; Vision
- Civic Leadership – Community Mobilization Program
- Capacity Building – Governance Training Series
- Community Engagement
 - Conversations with Ethno-cultural Seniors
 - Hosted Conversation Café
- Advantage Diversity – Social Purpose Enterprise
- Looking Ahead
- 2012 Funders

The Committee was distributed with their Community Report from HCCI's Conversation Café #1 held on January 25, 2013 and spoke to some of the dialogue that took place.

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

The presentation from Mile Komlen, Director, Human Rights & Equity Services, McMaster University, and Evelyn Myrie, on behalf of the Hamilton Centre for Civic Inclusion, respecting the HCCI Annual Report, was received.

(iv) P. J. Mercanti, The Carmen's Group, respecting the social and economic benefits of an entertainment destination (Item 6.4)

P. J. Mercanti, on behalf of The Carmen's Group, appeared before the Committee to present their "vision for an entertainment destination that will transform Hamilton and surrounding area", in partnership with Hard Rock International and the Labourers' International Union of North America (LIUNA).

Nick Bontis spoke to how these developments can contribute to the economic well being of communities.

Dean Collet, owner/operator of Mars, Sizzle and Koi Restaurants in Hess Village, spoke in support of the plan proposed by The Carmen's Group.

The Committee was distributed with presentation material which was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation by P. J. Mercanti, The Carmen's Group, respecting the social and economic benefits of an entertainment destination, was received.

(v) Request from Graham Crawford on behalf of NO Downtown Hamilton Casino, to present information regarding the implications of locating a casino in downtown Hamilton (Item 6.5)

Graham Crawford, on behalf of NO Downtown Hamilton Casino, appeared before the Committee to present information regarding the implications of locating a casino in downtown Hamilton. With the assistance of a power point presentation, he spoke to four fundamental questions:

- How is Hamilton doing now
- What is our vision for our downtown
- What does the casino deliver
- How do we make the best decision.

The Committee was distributed with presentation material which was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation from Graham Crawford on behalf of NO Downtown Casino respecting the implications of locating a casino in downtown Hamilton, was received.

(vi) Request from Christopher Cutler to speak to the matter of a downtown casino proposed by The Carmen's Group (Item 6.6)

Chris Cutler appeared before the Committee and told of his experience during a walking tour in Niagara Falls, New York, and hearing of the experiences of a business owner in downtown Niagara Falls, which is the site of Seneca Casino. The message from the business owner is, "Just look around and say no to a casino in downtown."

The Committee was distributed with presentation material which was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation from Christopher Cutler respecting the implications of a casino located the downtown of several municipalities, was received.

(vii) Request from Robert Moscardini to submit facts pertinent about the Hospitality Industry and current matters before the Committee (Item 6.7)

Robert Moscardini appeared before the Committee to give some inside historical information regarding the hospitality industry to assist the Committee make what is a very difficult decision.

The Committee was distributed with presentation material which was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation from Robert Moscardini respecting the hospitality industry, was received.

(viii) Joey Coleman with respect to Item 9.4 – Public Access On-Line Mapping Service (Item 6.8)

Joey Coleman appeared before the Committee to speak to Item 9.4 – Public Access On-Line Mapping Service, and spoke to the following:

- Supports the intent of Motion 9.4
- Thanked Councillor Farr for leading this initiative and requested the Committee's support
- Want to ensure that any release of crime data is done by the City or the Hamilton Police Service as open data and not exclusively given to a third party
- That the City or Council provide a mapping solution that protects the privacy of users and that does not involve tracking citizen use of the map for profit-making marketing purposes.

A copy of Mr. Coleman's written comments were submitted to the Clerk for the public record and are available for viewing on the City of Hamilton website.

The presentation by Joey Coleman respecting Public Access On-Line Mapping Services was received.

(f) PRESENTATIONS

(i) Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) (Item 7.1)

The presentation was waived.

Deputy Clerk Mary Gallagher indicated that the Amending Motion would be presented to Council on February 13, 2013 for approval.

Item 7.1 respecting the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan, was received.

(ii) Biosolids Management Project – Amendment to P3 Canada Funding Business Plan (PW11098(b)/FCS11112(b)) (City Wide) (Item 7.2)

Dan McKinnon provided a power point presentation with respect to the Biosolids Management Project – Approval to Amend P3 Canada Funding Business Plan and spoke to the following:

- Background
- Business Case Highlights
- Project Status
- Issue 1 – Site Variability
- Issue 2 – Level of Cost Estimates
- Issue 3 – Technical Evaluation
- Proposed – Affordability Cap
- Affordability Cap – Market Interaction
- Overview of the Market
- Affordability Cap – Application
- P3 Canada Funding Approvals
- Recommendations
- Alternatives to Consider

The staff presentation respecting Biosolids Management Project – Approval to Amend P3 Canada Funding Business Plan, was received.

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

Yeas:	Clark, Pearson, Ferguson, Partridge, Pasuta, Whitehead, Duvall, Jackson, Farr, McHattie
Total Yeas:	10
Nays:	Morelli, Merulla, Collins
Total Nays:	3
Absent:	Bratina, Johnson, Powers
Total Absent:	3

(g) DISCUSSION ITEMS

(i) Residential Protective Plumbing Subsidy Program (PW11056(c)) (City Wide) (Outstanding Business List Item) (Item 8.1)

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

- (c) That staff be directed to provide a report to the Public Works Committee on a semi-annual basis with respect to the three quote policy.

The Main Motion, as amended, CARRIED.

(h) MOTIONS

(i) Ontario Lottery and Gaming Corporation (OLGC) – Establishment of a Gaming Facility (Item 9.1)

The following Motion was deferred to the special meeting of the General Issues Committee scheduled on February 14, 2013:

- (a) That the Minister of Municipal Affairs and Housing be requested to make an order requiring the Clerk to submit a question to the electors regarding a gaming facility in time for the 2014 Municipal Election;
- (b) That the Province be requested to put a moratorium on the selection process of a casino in the Hamilton/Burlington area pending the results of a question to the electors of the City of Hamilton.

(ii) Hamilton Centre for Civic Inclusion – Funding Request (Item 9.2)

Sub-section (b) was amended by adding the words, “pending receipt of the 2013 audited financial statements for review” following the word, “process”.

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

- (d) That the appropriate staff be directed to seek clarification with respect to federal funding for the Hamilton Centre for Civic Inclusion, including funding from Citizenship and Immigration Canada, and whether HCCI is eligible for federal funding.

The Main Motion, as amended, CARRIED.

(iii) Public Access On-Line Crime Mapping Service (Item 9.4)

The question was called.

The Main Motion **CARRIED** on the following recorded vote:

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

(iv) Policing Costs for Hamilton Entertainment District (Item 9.5)

Councillor J. Farr withdrew his motion respecting Policing Costs for Hamilton Entertainment District.

(i) NOTICES OF MOTION

Councillor B. McHattie introduced the following Notice of Motion:

(i) Funding for Victoria Park – Outdoor Adult Area

That \$14,000 of funding from the Ward 1 Special Capital Reinvestment Reserve be allocated to Project 4241209106 – Victoria Park Outdoor Adult Area.

Councillor J. Partridge presented the following Notice of Motion:

(ii) Requests for Extension from the Province for Flamboro Downs and Ministerial Zoning Order for Expansion of Flamboro Downs

Whereas a Ministerial Zoning Order (MZO) was issued in December 1998 on Flamboro Downs property to permit slot machine operations;

And Whereas the McGuinty government imposed the Green Belt Act in 2005;

And Whereas Flamboro Downs zoning is in the Green Belt Act and additional construction or non-agricultural uses are prohibited;

And Whereas the current provincial government gave a two-year extension to Woodbine Entertainment Group (WEG) for Woodbine and Mohawk Race tracks;

And Whereas the Green Belt Act is up for review in 2015.

Therefore Be It Resolved:

That the City of Hamilton requests a two-year extension from the Province for Flamboro Downs and also requests a Ministerial Zoning Order signed by the Minister for an amendment to allow a full gaming facility and ancillary casino uses such as a hotel and restaurants, as well as construction expansion of Flamboro Downs.

The Rules of Order were waived in order to allow the introduction of a motion respecting Requests for Extension from the Province for Flamboro Downs and Ministerial Zoning Order for Expansion of Flamboro Downs.

Subsequent to further discussion, Councillor Partridge agreed that her Notice of Motion be placed as a Motion on the agenda of the special General Issues Committee meeting scheduled on February 14, 2013.

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

(i) Outstanding Business Items List

The revised due dates for the following items on the Outstanding Business List were approved:

Planning

Item A: Canadian Ballet Youth Ensemble
Due Date: February 6, 2013
Revised due Date: April 17, 2013

Item D: Hamilton LEEDing the Way
Due Date: February 6, 2013
Revised Due Date: February 20, 2013

(ii) Removal of Items from the Outstanding Business List

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

Public Works

Item H: Residential Protective Plumbing Program

(k) PRIVATE & CONFIDENTIAL

(i) Closed Session Minutes – January 14, 2013 (Item 12.1)

The Minutes of the Closed Session Meeting of the General Issues Committee held on January 14, 2013, were approved as presented. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

The Committee moved into closed session pursuant to sub-sections 8.1(c), (d) and (e) of the City's Procedural By-law and Sections 239.1(c), (d) and (e) of the Municipal Act as the subject matters pertain to:

- (c) a proposed or pending acquisition or disposition of land by the municipal or local board
- (d) labour relations or employee negotiations; and
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board,

respecting

12.2 Litigation – National Steel Car (FCS13009/LS13003) (City Wide)

12.3 Greater Hamilton Volunteer Fire Fighters Association – Contract Negotiations

12.4 Hamilton-Wentworth Catholic District School Board Surplus Land located at 220 Cranbrook Drive/20 Gemini Drive, described as Block F, Plan M-66, former Township of Barton, now City of Hamilton

The Committee reconvened in Open Session at 6:14 p.m.

(ii) Litigation – National Steel Car (FCS13009/LS13003) (City Wide) (Item 12.2)

See Item 14 for the disposition of this item.

(iii) Greater Hamilton Volunteer Fire Fighters Association – Contract Negotiations/Christian Labour Association of Canada (CLAC) (Item 12.3)

See Item 15 for the disposition of this item.

- (iv) **Hamilton-Wentworth Catholic District School Board Surplus Land located at 220 Cranbrook Drive/20 Gemini Drive, described as Block F, Plan M-66, former Township of Barton, now City of Hamilton (Item 12.4)**

Amending motion to be presented at Council on February 13, 2013 for approval.

(I) ADJOURNMENT

There being no further business, the Committee adjourned at 6:18 p.m.

Respectfully submitted

Councillor R. Pasuta
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

**Appendix "A" to Item 7 of
General Issues Committee Report 13-003**

General Issues Committee of Hamilton City Council,

In the interests of transparency, I submit this correspondence for the official record. I believe discussion of civic issues is best done in public.

This letter is to add to the discussion of how to achieve a noble goal - increasing public transparency by the City through the release of police activity data.

I need to clarify that my correspondence on this matter reflects only my own personal position and not that of Open Hamilton, a citizen group that I'm actively involved with. Open Hamilton has not had an opportunity to discuss this matter.

Councillor Farr is moving a motion today that has been titled "Public Access On-Line Crime Mapping Service".

I support the intent of the motion and thank Councillor Farr for leading to the push to open public safety data to enable citizens to benefit from increased knowledge.

The City should work with the Hamilton Police Service to make public safety data available as open data. The Halton project is not open data.

The company that Halton is using is able to offer a low-cost to municipalities because the map is not the product, the citizen is the product.

Every "free" or "low-cost" website has costs to operate. Facebook is free because the user is the product - Facebook is selling users to advertisers with targeted advertising. Gmail is free, again, the user is the product.

A crime map is marketing gold because the user will often focus upon their own neighbourhood - having information about the exact neighbourhood or home address of a potential customer is invaluable to marketers.

Using Facebook is optional. Using Gmail is a convenience, one can pay for an email account that does not including advertised based upon the content of your correspondence. There is a trade in convenience to using those services.

I use both services fully aware that the goals of these services is not to serve me, it is to serve advertisers.

The goal of municipal services is to provide a service to citizens who fund them by taxes.

The company that Halton is using states on their website they collect data about users (citizens) "to identify and develop products and services that may be of interest to you and we may send

you information about special offers, products, services, programs, promotions, surveys, publications, invitations or other opportunities from ourselves or our Partners that may be of interest to certain demographic groups."¹

The company's privacy policy also states users (citizens) consent to allow the use of their information "to combine with or enhance information provided by third parties for marketing purposes"²

Privatizing public information can result in the private company controlling Hamilton's public safety data, depriving citizens and others from being able to inform themselves or others.

Such privatization of information would be counter to the intent of the motion.

The private company holding Halton's data has required another company to sign contractual agreements, as a settlement in a lawsuit against the use of public safety data, forbidding the other party from using public safety data they have control over and from requesting public safety data from governments directly that have privatized public information with this company.³

The ownership of public data should remain with the City or HPS. Noted Canadian Open Data expert David Eaves stated the following in response to Public Engine Services launching legal action against another user of public data in 2010:

"Many vendors know that if they control the data, they control you. They've got you locked into to buying their software and possible even locked in to buying their consulting services. More importantly, they now have a monopoly over what the public can learn about services and information their tax dollars paid to deliver and collect. No government would ever allow the New York Times or the Globe and Mail to become the exclusive distributor of government information. And yet, everyday, governments sign contracts with software vendors that effectively does just this but with something more basic than information, the raw data. Frightening enough stuff for governments. Still more frightening for us citizens."⁴

There are numerous examples of the benefits of municipal governments providing open public safety directly. I hope to have the opportunity to present on the benefits of open public data at the February 20th GIC meeting, and to provide examples of public safety data visualization that results, at no cost to the City, at that time.

In summary:

- I support the intent of the motion;
- I thank Councillor Farr for leading on this initiative and Council for supporting;
- I wish Council to ensure that any release of crime data is done by the City or HPS as open data and not exclusively given to a third-party
- - That the City or Council provide a mapping solution that protects the privacy of users