



Committee of the Whole Report

Tuesday, January 9, 2001

3:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West, Hamilton

Present: Mayor R. Wade

Councillors A. Bain, D. Braden, M. Caplan, C. Collins,
F. D'Amico, L. Dilanni, M. Ferguson, A. Horwath,
T. Jackson, B. Kelly, M. McCarthy, S. Merulla, D. Mitchell,
B. Morelli, R. Powers

Also Present:

D. A. Lychak, City Manager
J. Rinaldo, General Manager, Finance and Corporate Services
L. A. Coveyduck, General Manager, Planning and Development
P. Crockett, General Manager, Transportation, Operations
and Environment
B. Coopersmith, General Manager, Community Development
J. A. Priel, General Manager, Social and Public Health Services
C. Graham, General Manager, Human Resources
N. Everson, Executive Director, Economic Development
A. L. Heron, Corporate Secretariat
R. C. Roszell, Corporate Counsel
K. C. Christenson, Clerk

Mayor R. Wade called the meeting to order.

THE COMMITTEE OF THE WHOLE PRESENTS REPORT 01-001 AND RESPECTFULLY RECOMMENDS:

**1. Harmonization of Fees for Clerk's Division (TB0082)
(Finance and Corporate Services) (Item 1.1)**

That the Schedule of Fees for the Clerk's Division of the new City of Hamilton, attached as Appendix "A", be adopted.

**2. Policy for the Sale of Municipally Owned Real Estate (TB0108)
(Community Services) (Item 1.2)**

- a) That the Policy for the Sale of Municipally Owned Real Estate Policy, attached as Appendix "B", be adopted;
- b) That prior to declaring properties surplus, the subject property will be reviewed within the context of adjacent land uses, neighbourhood plans, etc., and that changes in zoning to reflect these sensitivities are made prior to the property being declared surplus.

3. By-Law Appointing City Manager (TB0111) (City Manager) (Item 1.3)

- a) That Douglas A. Lychak be affirmed as Chief Administrative Officer (CAO) for the new City of Hamilton on the terms and conditions contained in an employment contract dated April 2, 2000; and
- b) That Schedule "A" of the By-law appointing the Chief Administrative Officer be amended by adding the words, "and report on the status of these quarterly to Council" following words "resources of the City" in Section 6 thereof; and
- c) That the appropriate By-law be passed and enacted. **(Bill No. 002)**

**4. Draft Coat of Arms, Badge and Flag for the new City of Hamilton
(Transition Board) (Item 1.4)**

That the draft Coat of Arms for the new City of Hamilton, be approved.

5. Report of the Nominating Committee - Council Appointees (Item 1.5.1)

That the Report of the Nominating Committee, attached as Appendix "C", be adopted.

6. Barton Village Business Improvement Area - 2001-2003 Board of Management (PD01002) (Item 2.1)

That the following individuals be appointed to the Barton Village B.I.A.'s Board of Management for the 2001-2003 term:

Marlene Balsdon	33 Princess Street, Master Paints
Sandra Baldwin	468 Barton Street East, Wentworth Welders
Mitri Boukhers	448 Barton Street East, Bombardieri Uniforms
Jody Hendry	657-659 Barton Street East, Hendry's Family Shoes
John Hilger	470 Barton Street East, Ways to Wisdom
Nick LaSala	408 Barton Street East, Nick's Auto Service
James Sackville	594 Barton Street East, Truscott Bros. Funeral Home
Anabela Martins	281 Barton Street East, Sottomayor Bank Canada
Robert Barnhardt	423 Barton Street East, Bargain Centre
Councillor B. Morelli	Ward Three
Councillor A. Horwath	Ward Two

7. Concession Street Business Improvement Area - 2001-2003 Board of Management (PD01003) (Item 2.2)

That the following individuals be appointed to the Concession Street B.I.A.'s Board of Management for the 2001-2003 term:

John Woolcott	536 Concession Street, Woolcotts Shoes
Roger Burrough	588 Concession Street, Camtech Photographic Services Ltd.
Debby Johnson	576b Concession Street, Why Pay More
Debby Reagan	534 Concession Street, The Grouse Claw
Carol Stevenson	574 Concession Street, C.I.B.C.
Betty Toplack	560 Concession Street, Mountain Book Store
Paul Wharton	552 Concession Street, Whartons Copy Print & More
William Dermody	550 Concession Street, W. P. Dermody, Barrister & Solicitor
Councillor B. Kelly	Ward Seven

8. Downtown Hamilton Business Improvement Area - 2001-2003 Board of Management (PD01004) (Item 2.3)

That the following individuals be appointed to the Downtown Hamilton B.I.A.'s Board of Management for the 2001-2003 term:

Kathy Wiegand,	35 King Street East, Aragon Development Corporation
Dave Gowling	4 Hughson Street South, Herpers Gowling, Suite 201
Ray Harris	92 King Street East, Harris and Collins
Roger Letourneau	11 Hughson Street South, Just Imagine Printing
Dick Brocker	112 King Street East, Howard Johnson Royal Connaught Hotel
Jordan Livingston	105 King Street East, Suite 1114, Livingston Furs
Mike McNally	127 King Street East, Jesset Investments
David Blanchard	4 Hughson Street South, Suite 201, Hughson Business Space Corporation
Dennis Lugowy	105 Main Street East, Lugowy & Associates
Breckon Husband	4 Hughson Street South, 8 th Floor, Dalton Timmis Group
Charlotte Fournier	77 King William Street, Border Bar and Grill
Eddy Foo	150 King Street East, Ramada Plaza Hotel
Tirlok Singh	2 James Street North, Imporium Jewelers
Derek Watanabe	24 King Street East, Infusions Coffee House
Donna Demarinis	145 King Street East, Canadian Institute of Dental Hygiene
Murline Mallette,	27 John Street South, Liaison College of Culinary Arts
Councillor Horwath	Ward Two

9. International Village Business Improvement Area - 2001-2003 Board of Management (PD01005) (Item 2.4)

That the following individuals be appointed to the International Village B.I.A.'s Board of Management for the 2001-2003 term:

Darcy Buckle	201 King Street East, Admit 2 Buy and Sell
John S. Kenyon	239 King Street East, J.S.K. Pawnbrokers
John Kenyon	222 King Street East, Payne Music
Frank Launginer	201-203 King Street East
Wolfgang Schoen	255 King Street East, The Black Forest Inn
Gord Thompson	190 King Street East, Thompson Jewellery & Pawn
Councillor A. Horwath	Ward Two

10. Main Street West Business Improvement Area - 2001-2003 Board of Management (PD01006) (Item 2.5)

That the following individuals be appointed to the Main Street West B.I.A.'s Board of Management for the 2001-2003 term:

Joyce Morrison	65 Locke Street South, Royal Bank
Joe Costellano	287 Main Street West, Castellano Real Estate
Renee Albrecht	333 Main Street West, Women's Book Stop
Izabela Kobylanski	354 Main Street West, Izzy's Restaurant
Mel Gunn	428 Main Street West, Mor Car Wash
Keith Johnson	354 Main Street West
Brian Hughes	443 Main Street West, Tim Horton's
Councillor M. Caplan	Ward One

11. Ottawa Street Business Improvement Area - 2001-2003 Board of Management (PD01007) (Item 2.6)

That the following individuals be appointed to be the Ottawa Street B.I.A.'s Board of Management for the 2001-2003 term:

John Bazinet	151 Ottawa Street North, Wallace L. G. Funeral Home
Daniel Binkley	123 Ottawa Street North, Artemis Innovations
Heather Ensor	134 Ottawa Street North, Cuts Are Us
Manny Fresco	137 Ottawa Street North, Campbell Glass & Mirror
John Gut	300 Ottawa Street North, The Textile Centre
Bill Hodge	110 Ottawa Street North, Hamilton Vacuum Supply
Dan Kwiatkowski	201 Ottawa Street North, Beach Road Meats
Joel Newman	272 Ottawa Street North, Home Tile
Councillor Morelli	Ward Three
Councillor Merulla	Ward Four

12. Waterdown Business Improvement Area - 2001-2003 Board of Management (PD01008) (Item 2.7)

That the following individuals be appointed to the Waterdown B.I.A.'s Board of Management for the 2001-2003 term:

Andrea McComb	323 Dundas Street East, Grindstone Creek Apparel
Jane Bутtenham	17 Main Street South, Country Flowers and Gifts
John Riverin	321 Dundas Street East, Riverin Wood Products
Tammy Peters	64 Hamilton Street North, Polar Bay Wines
Adrea Bruin	255 Dundas Street East, The Willow Tree
Ted Lindsay	17 Main Street South, The Flamborough Post

Don Knight	7 Franklin Street, Pizza Delight
Audrey Pitcher	35 Main Street North, Main Street Salon
Councillor M. McCarthy	Ward Fifteen

13. Westdale Village Business Improvement Area - 2001-2003 Board of Management (PD01009) (Item 2.8)

That the following individuals be appointed to the Westdale Village B.I.A.'s Board of Management for the 2001-2003 term:

Pat Brown	1043 King Street West, Westdale Food Shoppe
Bill Dawson	1035 King Street West, The Villager Men's Shop
Gene Ditner	1033 King Street West, The Cottage Florist
John Garbe	1011 King Street West, The Snooty Fox
Karen Hayes	1047 King Street West, From the Heart
Nancy Katz	1041 King Street West, Westdale Florist
Reg Lahie	1051 King Street West, Jack Carruth Shoes
Mary Beth Ledden	986 King Street West, Judy Marsales Real Estate
John Mouskas	988 King Street West, New Village Restaurant
David Simpson	950 King Street West, Simpson & Watson
Shelagh Snider	1045 King Street West, The Picture Frame
Mike Chorley	996 King Street West, Westdale Barber Shop
Councillor M. Caplan	Ward One

14. Downtown Convert/Renovate to Residential Loan Program - 155 James Street South, Hamilton - Augusta & James Limited (PD01001) (Item 2.10)

- a) That a loan to Augusta and James Limited (representative Thomas Wiesz – Effort Trust), for building rehabilitation and conversion to 90 residential units at 155 James Street South, Hamilton, be authorized upon the Downtown Convert/Renovate to Residential Loan Program, subject to the conditions set out and referred to in this recommendation, including the following details:
 - i) A maximum loan of \$1,056,000 under the Downtown Convert/Renovate to Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any), at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the City by Corporate Counsel and the applicants' lawyer in a form satisfactory to Corporate Counsel;
- b) That the loan amounting to \$1,056,000 be subject to the following conditions:

- i) That the applicant be required to fulfill all the borrowing requirements of the City of Hamilton with respect to the Downtown Convert/Renovate to Residential Loan Program, including, evidence satisfactory to the City, of the owners' equity of not less than 25% of the appraised value after deducting from such appraised value, the owners' mortgages and other encumbrances, such as liens or realty tax arrears and the balance of the loan shall be re-payable to the City in the event the applicant ceases to own the property (except to the extent the property is registered as a residential condominium);
- ii) That upon the applicant meeting all loan conditions, advances of the City's loan to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City's loan, fully applied its equity and first mortgage loan funds and provided further that:
 - 1) All advances are subject to compliance with the Construction Lien Act and other usual requirements of lenders;
 - 2) At the time of each loan advance:
 - there remains at least 25% owners' equity (as described above) in the properties; and
 - the applicants' architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for the building rehabilitation and conversion to 90 units and the value of the said remaining work is less than the amount of the City's loans; and
 - the said applicant is the registered owner of the property.
- iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the amendments to the Downtown Convert/Renovate to Residential Loan Program;
- iv) That the applicant has applied for and received a building permit within 4 months of the approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan amendment;

- v) That the client commence construction within 3 months of receipt of the building permit; and
- vi) Such other terms and conditions that Council may, in its discretion, require.

15. Appointment of a Chief Building Official and Inspectors for the New City of Hamilton (PD01011) (Item 2.11)

That the appropriate By-Law to appoint a Chief Building Official and Inspectors, be passed and enacted. **(Bill No. 003)**

16. White Goods/Appliance Recycling Contract Extension (TOE2001-01) (Item 3.1)

- a) That the City of Hamilton agrees to extend its agreement with Canadian Waste Services Inc. (Regional Proposal 95-05(RFP), Part F, White Goods Management Program) approved by Regional Council of Hamilton – Wentworth on January 20, 1998 as Item 7 of Report 1-98 of the Environmental Services Committee as follows:
 - i) a term of fourteen (14) months from January 1, 2001 to March 3, 2002; and
 - ii) for a fee of \$11,639.00 per month including GST for the service; and
 - iii) on the same general terms and conditions as set out in the existing agreement except;
 - (1) that any indemnity obligations related to the extension will only apply to Canadian Waste Services Inc. ; and
 - (2) that article 4, Subsection 4.02 (a) be amended by adding “and within thirty (30) days of Canadian Waste Services Inc. receiving the collection request call”.
- b) That the Mayor and the Municipal Clerk be authorized and directed to execute the necessary documents for the extension referred to in subsection (a), in a form satisfactory to Corporate Counsel.

17. Appointment of Treasurer and Tax Collector for the City of Hamilton (FCS0103) (Item 4.1)

- a) That the appropriate By-law appointing Joseph Rinaldo as the Treasurer of the City of Hamilton, as required by section 77 of the *Municipal Act*, as amended, be passed and enacted; and
- b) That the appropriate By-law appointing Joseph Rinaldo and Frank Carrocci as Tax Collectors of the City of Hamilton, as required under Section 85(1) of the *Municipal Act*, be passed and enacted.

(Bill No. 004 and 005)

18. FCM Conference – June, 2002, Hamilton, Ontario (New Business)

- a) That a Sub-Committee be established to address the requirements and preparatory issues for the upcoming FCM Conference being held in Hamilton in June, 2002; and
- b) That the City Manager be directed to delegate key staff to assist the Sub-Committee in their efforts; and
- c) That Councillors M. Caplan, C. Collins, F. D'Amico, A. Horwath, B. Kelly, S. Merulla, and R. Powers be appointed to the Sub-Committee.

19. Olympic 2008 Venue Bid (New Business)

That the Mayor be authorized to sign the Memorandum of Understanding between Olympics 2008 – Toronto and The City of Hamilton for the use of Ivor Wynne Stadium.

FOR THE INFORMATION OF COUNCIL:**(a) Declarations of Interest (Item 1)****Item 2 Policy for the Sale of Municipally-Owned Real Estate (Item 1.2)**

Councillor M. Caplan declared a conflict in this item as he holds a real estate licence.

(b) Draft Coat of Arms, Badge and Flag for the new City of Hamilton (Transition Board) (Item 1.4)

Staff was directed to create the Badge and Flag, using the two elements of the shield and following design principles shown in the September 8 first draft of the coat of arms, and bring the same back to Council for consideration.

Council requested that the design of the crest be revised to show that the mouths of the tiger and stag are closed.

(c) Auchmar Real Estate Transaction

The Committee of the Whole moved In Camera to receive legal advice respecting real estate negotiations.

(d) The following item was received:

- (i) Special Purpose Bodies, Sub-Committees, Task Forces, Ad Hoc Committees and Advisory Committees (Item 1.5)
- (ii) Business Improvement Areas (B.I.A.s) - Appointments of Boards of Management for the Term 2001-2003 (PD01010) (Item 2.9)

**Mayor R. Wade
City of Hamilton**

**Kevin C. Christenson, City Clerk
January 9, 2001**

**Appendix "A" to Item 1 of
Committee of the Whole Report 01-001**

**Appendix "B" to Item 2 of
Committee of the Whole Report 01-001**

**Appendix "C" to Item 5 of
Committee of the Whole Report 01-00**