CITY COUNCIL  
MINUTES  
Tuesday, October 2, 2001  
7:00 p.m.  
Council Chambers, Hamilton City Hall  
71 Main Street West, Hamilton

Present: Mayor R. Wade  
Councillors A. Bain, D. Braden, 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  
Absent with regrets: Councillor M. Caplan - Jewish Holiday Observance

Mayor R. Wade called the meeting to order.  
Mayor R. Wade called on Reverend Dr. Arthur Davies from St. James United Church, Waterdown, for the opening Prayer.

APPROVAL OF THE AGENDA

(Mitchell/Morelli)  
That the Agenda for the City Council meeting being held on October 2, 2001 be approved as amended.  
CARRIED.

DECLARATIONS OF INTEREST

Mayor R. Wade requested declarations of interest by members of Council of which there were none.
CEREMONIAL ACTIVITIES

a) Presentation of Commendation Certificates were made by Mayor R. Wade on behalf of the Governor General to the following recipients:

   Mrs. Cindy Laws, Mr. Brent Browning, Mr. Dan Groeger, Mr. Don Orr and Mr. Chris Schell.

APPROVAL OF MINUTES

(Morelli/Merulla)
That the Minutes of the City Council held on September 18, 2001, be approved as circulated.

CARRIED.

COMMUNICATIONS

(Bain/ Braden)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of three communications.

CARRIED.

(Bain/Braden)
That the following be added as Communication Items 5.5 to 5.7:

5.5 Correspondence from The Honourable Dave Levac, Liberal Solicitor General and Corrections Critic respecting Proclamation of Fire Fighter Memorial Day

Recommendation: Be received.

5.6 Correspondence from The Honourable Brad Clark respecting Lake Ontario Waterfront SuperBuild Application

Recommendation: Be received.

5.7 Correspondence from the County of Hastings respecting increasing the daily rate allotted to Medical Directors at Long Term Care Facilities and the provision of subsidy of doctors working in geriatric care

Recommendation: Be received.
That Communications Items 5.1 to 5.7 be received. \textbf{CARRIED.}

\textbf{(Powers/ Morelli)}

That Council move into Committee of the Whole for consideration of the Hearings Sub-Committee, Committee of the Whole and Grants Sub-Committee Reports. \textbf{CARRIED.}

The Mayor congratulated Mr. Neil Everson, the Executive Director of Development, on his appointment as President of the Board of Directors of the Economic Developers Association of Canada.

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\textbf{HEARINGS SUB-COMMITTEE REPORT 01-023} \\
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\textbf{(Collins/D’Amico)} \\
\text{That the Twenty-third Report of the Hearings Sub-Committee be adopted and the information section received.} \\
\textbf{CARRIED.} \\
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\textbf{HEARINGS SUB-COMMITTEE REPORT 01-024} \\
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\textbf{(Collins/D’Amico)} \\
\text{That the Twenty-fourth Report of the Hearings Sub-Committee be adopted and the information section received.} \\
\textbf{CARRIED.} \\
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\textbf{COMMITTEE OF THE WHOLE REPORT 01-030} \\
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\textbf{Item 17  Award of Tender Ferguson Station Park Development - 244 King Street East, Hamilton - Tender c3-46-01 (CS01086)} \\
\textbf{(Collins/D’Amico)} \\
\text{That Item 17 of Committee of the Whole Report 01-030 respecting Award of tender Ferguson Station Park Development - 244 King Street East, Hamilton - Tender C3-46-01 (CS01086) be amended by adding the following subsection d):} \\
"d) That the Mayor and the City Clerk be authorized and directed to execute the above-mentioned contract in a form satisfactory to the Director, Legal Services/Corporate Counsel" \\
\textbf{CARRIED.} \\
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39. Hamilton Civic Golf Courses (Item 13.1)
Recommendations for 2002 - Rationalizations of Report Submitted by Colliers International Realty Advisors (CS01028c) (City Wide)

Subsection k) of this item CARRIED on a RECORDED VOTE as follows:


Total Yeas: 10

Nays: Councillors C. Collins, F. D’Amico, T. Jackson, S. Merulla, B. Morelli

Total Nays: 5

(Morelli/Merulla)
That subsection k) of this item be amended to include the following notation:

“ That one round is equal to eighteen (18) holes of golf.”

AMENDMENT CARRIED.
MOTION AS AMENDED CARRIED.

(Collins/D’Amico)
That the Thirtieth Report of the Committee of the Whole be adopted as amended and the Information Section received. CARRIED.

COMMITTEE OF THE WHOLE REPORT 01-031

(Collins/D’Amico)
That the Thirty-first Report of the Committee of the Whole be adopted and the information section received. CARRIED.

GRANTS SUB-COMMITTEE REPORT 01-004

(Dilanni/D’Amico)
That the Fourth Report of the Grants Sub-Committee be adopted and the information section received. CARRIED.

MOTIONS

(D’Amico/Horwath)
That Rule 9.9 of the City’s Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting a loan for the construction of 192 residential condominium units under the Downtown Convert/Renovate Residential Loan Program for 135 James Street South. CARRIED.
Whereas on September 6, 2000, City Council gave a conditional approval for a loan of $3.4M for the construction of 192 residential condominium units under the Downtown Convert/Renovate Residential Loan Program for 135 James Street South; and,

Whereas the financial repayment terms of the agreement varies from the Council approved program in that an amended repayment schedule has been negotiated to accommodate the proponents mortgage commitment and in turn will provide the City with an accelerated principle repayment schedule based on condominium sales (under regular program repayment terms (10 years), the net present value interest costs of this interest-free loan would have been $822,498. Using conservative condominium sales forecasts based upon independent third party forecasts, the net present value interest cost of this agreement is forecasted to amount to $533,049. Also the principle amount of this loan would be paid off 5 years earlier than in a conventional agreement under to the City’s program thereby replenishing the City’s credit facility for future developers); and,

Whereas staff support the repayment terms and it will fulfil the commitments made at the time the borrower purchased the building; and,

Whereas it is desirable to enter into a Loan Agreement and a Tripartite Agreement between the City, the borrower - Bear Inc, and the construction lender - Laurentian Bank.

Now therefore, be it resolved that:

a) That a loan already conditionally approved under the Hamilton Downtown Convert/Renovate to Residential Loan Program of $3.4M to Bear Inc. for conversion of vacant office buildings at 135 James Street South, Hamilton, into 192 residential condominium units be given final approval; and,

b) That a Loan Agreement between the City of Hamilton and Bear Inc. that is in accordance with the draft marked "Appendix A" attached hereto, be executed subject to final minor revisions and the approval of Corporate Counsel; and,

c) That a Tripartite Agreement between the City of Hamilton, the borrower Bear Inc., and the construction lender, Laurentian Bank, that is in accordance with the draft marked "Appendix B" attached hereto, be executed subject to final minor revisions and approval of Corporate Counsel; and,

d) That funds under the second mortgage to be taken by the City be advanced only upon:

i) All borrowing requirements being met by Bear Inc. including the provision of an appraisal that is directed to the City of Hamilton and that can be relied by the City in law and that is satisfactory to the City in determining lending value; and,

ii) Issuance of applicable building permits by the City of Hamilton.  CARRIED.
NOTICE OF MOTION

Councillor Powers reminded Council that he will be bringing a motion forward to the next Committee of the Whole Meeting, scheduled for October 10, 2001, to rescind the business licence fees which exist under the City’s current licensing by-law.

GENERAL INFORMATION

The following issues were raised under general information:

a) The issue of full-time and part-time fire fighters.

b) An update of the construction on Highway 403 at the Linc.

c) Board Meetings for Ward 10 residents at the former Stoney Creek municipal office scheduled for October 3 and 6.

d) Sewer sludge on Glanbrook properties.

e) A report was requested from staff respecting the downtown tax situation, including funding source options.

BY-LAWS

(Dilanni/D’Amico)

That Bill Nos. 225 to 233 be passed, that the corporate seal be affixed thereto and the by-laws be signed by the Mayor and the City Clerk, and numbered as 01-225 to 01-233:

01-225 A By-law to Designate Land Located at Municipal No. 14 Mary Street as Property of Historic and Architectural Value and Interest.

01-226 A By-law to amend By-law 76-46 (Ancaster), as amended, and By-law No. 89-72 (Hamilton), as amended to Regulate Traffic.

01-227 A By-law to Incorporate City Land Designated as Blocks 9, 10, 11 and 12 on Plan 62M-673 into Sandhill Drive.

01-228 A By-law to amend By-law 89-72 (Hamilton), as amended, To Regulate Traffic.

01-229 A By-law to amend By-law 89-72 (Hamilton), as amended, To Regulate Traffic.

01-230 A By-law to amend By-law 89-72 (Hamilton), as amended, To Regulate Traffic.

01-231 A By-law to amend By-law No. 01-218 to Regulate On-Street Parking.
01-232 A By-law to appoint a temporary Acting Clerk for the City of Hamilton.

01-233 A By-law to Confirm the Proceedings of City Council.  CARRIED.

The City Council meeting adjourned at 8:10 p.m.

Respectfully submitted,

R. Wade
Mayor

Rose Caterini
Deputy Clerk
October 2, 2001