General Issues Committee
REPORT 11-010
9:30 a.m.
Monday, April 11, 2011
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with
Regrets:
Councillor S. Merulla – City Business

Also Present:
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning & Economic
Development
J. A. Priel, General Manager, Social & Community Services
Dr. E. Richardson, Medical Officer of Health
H. Hale Tomasik, Executive Director, Human Resources &
Organizational Development
P. Barkwell, City Solicitor
C. Biggs, Co-ordinator, Committee Services/Council/Budgets

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 11-010 AND
RESPECTFULLY RECOMMENDS:

1. International Village Business Improvement Area (B.I.A.) Revised Board of
Management (PED10254(a)) (Wards 2 and 3) (Item 5.1)

That the following individual be appointed to the International Village B.I.A.’s
Board of Management:

Greg Taylor

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2. **Waterdown Business Improvement Area (B.I.A.) Revised Board of Management (PED11013(b)) (Ward 15) (Item 5.2)**

That the following individuals be appointed to the Waterdown B.I.A.’s Board of Management:

- Jim Rudnick
- Wilf Arndt

3. **Hamilton Downtown Property Improvement Grant Program – Waiving of the 50% Annualized Vacancy Rate (PED11069) (Wards 1, 2 and 3) (Item 5.3)**

That the 50% annualized vacancy rate requirement under the Hamilton Downtown Property Improvement Grant Program that was waived as a pilot for a one-year period, be implemented on a permanent basis.

4. **Declaration of Surplus Property and Sale of Land to Donna MacLeod and Roger Longden – 836 Beach Boulevard, Hamilton (PED11070) (Ward 5) (Item 5.4)**

(a) That a vacant parcel of land situated at the rear of 838 Beach Boulevard and described as Parts 1 and 2 on Plan 62R-6554, municipally known as 836 Beach Boulevard, as shown on Appendix “A” to Report PED11070, be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands shown on Appendix “A” to Report PED11070, to the abutting land owners, Donna MacLeod and Roger Longden, of 838 Beach Boulevard for the price of $10,000;

(c) That the sale price of $10,000 does not include the Harmonized Sales Tax (HST); should HST be applicable and collected by the City, that the amount be credited to Account No. 22828 009000 (HST Payable);

(d) That the required deposit of $1,000.00, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction;

(e) That the proceeds of the sale be deposited to Account No. 47702-3560150200 (Property Purchases and Sales);
(f) That the sum of $1,000 from the proceeds of the sale be credited to Account No. 45408-3560150200 (Property Purchases and Sales), being the costs incurred for Real Estate administrative services;

(g) That the net sale proceeds, minus Real Estate’s fee, be transferred to Account No. 108037 Beach Park Development Reserve, and any costs incurred by the City Solicitor in this matter be recovered from the Beach Park Development Reserve;

(h) That the following condition be included in the Offer to Purchase:

The Purchasers acknowledge and agree that the lands being sold shall be registered in the same name and title of the land municipally known as 838 Beach Boulevard, Roll No. 251805051205440; and,

(i) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That the subject lands be declared surplus by inclusion of Report PED11070 to Council;

(ii) That in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a) (6), sufficient notice to the public is given by way of Report PED11070 to City Council; and,

(iii) That an internal opinion of value for the subject property was completed on May 15, 2009.

5. Land Acquisition: Provincial Properties bounded by Mary, Rebecca, Wilson and Catharine Streets (City Wide) (PSB10-039a) (Item 12.3)

(a) That the Hamilton Police Services Board request the City of Hamilton to pursue the purchase of the lands owned in title by the Greater Toronto Transit Authority (formerly known as Go Transit and now known as Metrolinx);

(b) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price;

(c) That the financial details of the acquisition, attached as Appendix A to Report PSB10-039a remain confidential until such time as the transaction has been completed by Council;

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(d) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

(e) That the contents of Report PSB10-039(a) and Appendix “B” attached thereto remain confidential.

6. **City of Hamilton Citizen Appointments to the Hamilton Entertainment and Convention Facilities Inc. (HECFI) Board (Item 12.5)**

That Ms. Judy Marsales and Mr. Vito Sgro be appointed at the City of Hamilton's citizen appointees to serve on the Hamilton Entertainment and Convention Facilities Inc. (HECFI) Board for a three-year term, commencing April 14, 2011 and expiring on April 13, 2014.

7. **Verbal Update respecting Union Negotiations – Human Resources (No Copy) (Item 12.7)**

That the verbal update provided by staff respecting Union Negotiations be received.

8. **Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program Expansion and Continuance (PED09263(a)) (Wards 1, 2 and 3) (Item 8.1)**

(a) That the revised Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program description and terms, attached as Appendix ‘A’ to Report PED09263(a), be approved and continued for an additional two (2) year period following the date of approval;

(b) That staff be authorized to prepare and process the necessary amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, as required under the Planning Act, to implement the revised Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program;

(c) That staff report back to the General Issues Committee in the Summer of 2013 on the success of the program and its continuance or expansion.

9. **Water and Wastewater Rate Structure Review (FCS11025(a)) (City Wide) (Item 8.2(a))**

That Report FCS11025(a) respecting Water and Wastewater Rate Structure Review, be received.
10. Water and Wastewater Rate Structure Review (FCS11025) (City Wide) (Item 8.2(b))

(a) That the following principles be used to develop alternative rate structures for Council’s consideration:

(i) be fair and equitable
(ii) promote conservation
(iii) be affordable and financially sustainable
(iv) stabilize revenue
(v) be justifiable
(vi) be simple to understand
(vii) support economic development;

(b) That staff be authorized and directed to return to Council by September 2011 with an updated water and wastewater rate structure for Council’s consideration.

11. Response from Brad Calder, Director of Operations, HECFI, in response to requests from the Advisory Committee for Persons with Disabilities (Item 8.5)

That the responses received from Brad Calder, Director of Operations at HECFI, respecting Outline of Implementation Plan on Accessible Customer Service Standard and Information on Renovations and Barrier-Free Design from HECFI, be received and forwarded to the Advisory Committee for Persons with Disabilities.

12. Governance Review Sub-Committee Report 11-001 – March 8, 2011 (Item 8.6)

(a) Appointment of Chair and Vice-Chair

(i) That Councillor Russ Powers be appointed Chair of the Governance Review Sub-Committee;

(ii) That Councillor Terry Whitehead be appointed Vice Chair of the Governance Review Sub-Committee.

(a) Selection Process – Canadian Football Hall of Fame Committee (Item 2)

(i) That the City of Hamilton reconfirm the use the City’s approved selection process for the selection of its five citizen appointments to the Canadian Football Hall of Fame Committee;

(ii) That no further action be taken at this time with respect to any proposed amendment to the Agreement between the City of Hamilton, the Canadian Football League and the Canadian Football Hall of Fame Committee.


(a) Appointment of Chair and Vice Chair (Item A)

(i) That Councillor Maria Pearson be appointed as Chair of the Facility Naming Sub-Committee for the 2010-2014 term of Council;

(ii) That Councillor Lloyd Ferguson be appointed as Vice Chair of the Facility Naming Sub-Committee for the 2010-2014 term of Council.

(b) Renaming of Beach Blvd. Park #2 to Jimmy Lomax Beach Boulevard Park (PW11022) (Ward 5) (Item 4.1)

That the request to rename the park site commonly known as Beach Blvd. Park #2 to Jimmy Lomax Beach Boulevard Park, located along Beach Boulevard, be approved at this time as the request meets the criteria set out in the Municipal Property and Building Naming Policy.

15. Non-Union Compensation Sub-Committee Report 11-001 – April 4, 2011 (Item 8.9)

(a) Non-Union Standby and Call-Out Policy (HUR11005) (City Wide) (Item 5.1)

(i) That the revised Non-Union Standby and Call-Out Policy attached as Appendix A to Report 11-001 be approved; and
(ii) That Appendix C of the Report HUR110005 remain confidential and restricted from public disclosure, pursuant to Section 8.1, subsection (d) of the City’s Procedural By-Law and Section 239 of the Ontario Municipal Act subsection (d) and in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

(b) Non-Union Compensation Update HUR11004 - (City Wide) (Item 6.1)

(i) That report HUR11004 be received for information purposes;

(ii) That Report HUR11004 respecting the Non-Union Management & Professional Exempt Group Compensation remain confidential and restricted from public disclosure, pursuant to Section 8.1, subsection (d) of the City’s Procedural By-Law and Section 239 of the Ontario Municipal Act subsection (d) and in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

16. AGCO Liquor License Notification Process (Item 10.1)

(a) That the City of Hamilton requires that the AGCO establish a formal method of notifying the City of a liquor license application as soon as it is received via written notification to the City Clerk, City of Hamilton,

(b) That the City of Hamilton be notified of any upcoming liquor license hearings involving Hamilton establishments, including information such as timing of Hearings, etc.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

ADDED DELEGATION REQUESTS

(i) Joe Finkle on behalf of the McMaster Students Union, to present the findings of the “Your City Survey” (Added as Item 4.3)

(ii) Robin McKee, on behalf of Historical Perceptions, respecting Auchmar (Added as Item 4.4)

(iii) C. Grant Head, respecting Auchmar (Added as Item 4.5)
ADDED NOTICE OF MOTION

(iv) AGCO Liquor License Notification Process (Added as Item 10.1)

DELEGATION WITHDRAWN

(v) Request from Denise Brooks, Executive Director, Hamilton Urban Core Community Health Centre, seeking support for their Capital Building Project (Item 4.2)

On a motion (Pasuta/Pearson) the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES

On a motion (Pearson/Bratina) the Minutes of the March 22, 2011 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

On a motion (Johnson/Pearson) the delegation request from Irene Stayshyn, Hamilton Prayer Breakfast, be approved; the Rules of Order were waived to allow Irene Stayshyn to address the Committee at this meeting.

On a motion (Johnson/Powers) the following delegation requests were approved and scheduled for the next appropriate meeting of the General Issues Committee:

(i) Joe Finkle, Vice President (Education), McMaster Students Union, respecting the “Your City Survey”

(ii) Robin McKee, Historical Perceptions, respecting Auchmar;

(iii) C. Grant Head, respecting Auchmar.

(e) CONSENT AGENDA

On a motion (Powers/Pasuta) Item 5.5 respecting Dundas Business Improvement Area (B.I.A.) Expansion of Boundaries (PED11072) (Ward 13) was referred back to staff for further discussion.
(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Request from Irene Stayshyn, Chair of the Hamilton Community Prayer Breakfast respecting this year’s event on Tuesday, May 3, 2011 (Item 4.1)

Irene Stayshyn appeared before the Committee to speak about the 36th Annual Hamilton Community Prayer Breakfast to be held at 7:30 a.m. on Tuesday, May 3 at LIUNA, and the scheduled key note speakers. Information pamphlets were also distributed to the Committee.

Members of the Committee spoke to the success of previous Prayer Breakfasts.

On a motion (Bratina/Pearson) the presentation by Mrs. Irene Stayshyn respecting the 36th Annual Hamilton Community Prayer Breakfast, was received.

(g) STAFF PRESENTATIONS

(i) Stormwater Management System and Wet Weather Control (No Copy) (Item 7.1)

Gerry Davis introduced Udo Ehrenberg, Manager of Infrastructure and Source Water Planning, to provide the presentation respecting an overview of the process as the program moves forward, as well as an overview of Hamilton’s stormwater management program.

An overview of the Stormwater System and Wet Weather Control presentation included:

- Stormwater Management Systems and Component Overview – Conveyance, Control, Treatment
- System Components: Watershed System Components; Urban & Rural Systems; Stormwater Asset Values; System Components by Ward; Hydrologic Cycle
- Conveyance: Move Water
- Control: Manage Water
- Treatment: slow down the flow of water and settlement of solids; remove solids, phosphorus;
- Rainfall Characterization: what is an average storm (intensity, duration, volume, ground saturation/frost, geographic extent
- Computer Modelling: Computer Model; Calibration; Simulations
- Hamilton’s Stormwater Management Program – Ongoing/Future Work; challenges and related works
- Flooding events breakdown
• Follow up Presentations: April 18 – Real Time Control (PW); May 9 – Protective Plumbing Program (GIC)

The power point presentation was distributed to the Committee and a copy has been retained in the Office of the City Clerk.

Staff advised that they are available to attend Community Council meetings to provide information to the residents.

Councillor Collins requested staff to report back on the feasibility of putting this type of information on line on a street-by-street basis to keep residents informed with respect to future plans for their respective neighbourhoods. Staff committed to having this information on line for September. Councillor Collins indicated that he would meet with staff to provide input.

On a motion (Duvall/Collins) staff was directed to invite representatives from the insurance industry and/or Insurance Board of Canada to appear before the Committee to explain “hotspots” with respect to flooding within the City of Hamilton.

On a motion (Pearson/Partridge) the presentation respecting Stormwater Management System and Wet Weather was received.

(h) DISCUSSION AGENDA

(i) Water and Wastewater Rate Structure Review (FCS11025) (City Wide) (Item 8.2(b)

On a motion (Collins/Johnson) Report FCS11025 respecting Water and Wastewater Rate Structure Review was lifted from the Table.

On a motion (McHattie/Collins) sub-section (b), which reads as follows, was deleted in its entirety and the balance of the sub-sections renumbered accordingly:

(b) That the total cost of the Water and Wastewater Rate Structure Review with an upset limit of $70,000, be funded equally from the Waterworks Capital reserve (108015) and the Sanitary Sewer Capital reserve (108005).

The Amendment to delete sub-section (b) CARRIED on the following Standing Recorded Vote:
Yeas:        Collins, Duvall, Farr, Jackson, Johnson, McHattie, Pasuta
Total Yeas:  7
Nays:        Bratina, Ferguson, Partridge, Pearson, Powers, Whitehead
Total Nays:  6
Absent:      Clark, Merulla, Morelli
Total Absent: 3

The Main Motion, as amended, CARRIED on the following recorded vote:

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

See Item 9 for the disposition of this item.

Staff was directed to report back to the Committee prior to the April 13 Council meeting with the implications of the recommendation.

(ii) The following Discussion Items were carried over to the meeting of the General Issues Committee meeting scheduled for Friday, April 15, 2011:

(aa) Senior Management Team (SMT) 2011 Work Plan (CM11005) (City Wide) (Item 7.2)

(bb) Tax and Rate Operating Budget Variance Report to December 31, 2010 (Unaudited) (FCS11032) (City Wide) (Item 8.3)

(cc) Capital Projects Status and Closing Report as of December 31, 2010 (FCS10073(b)) (City Wide) (Item 8.4)

(i) MOTIONS

(i) Stormwater Management Plan (Item 9.1)

On a motion (Whitehead/McHattie) the following Motion was tabled to the May 9, 2011 meeting of the General Issues Committee:

“That staff be directed to report back to the General Issues Committee on the inequity of the stormwater management rate in terms of the larger users eg. Big Box stores, not paying their fair share.”

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Staff advised that the information requested in the above-noted motion will be included as part of the Rate Review Structure report to be presented to the Committee in the future.

(j) NOTICES OF MOTION

Councillor B. McHattie put the following Motion forward:

AGCO Liquor License Notification Process

Whereas the method by which the City of Hamilton learns about a new liquor license application is entirely ad hoc, relying on noticing a placard at the applicant’s establishment or by noticing an advertisement in the newspaper;

Whereas, by the time the City of Hamilton (and/or its citizens) learn of a liquor license application, the AGCO’s public comment period may have already passed;

Whereas, there is a strong public interest in the issuing of liquor licence applications.

Therefore be it resolved:

(a) That the City of Hamilton requires that the AGCO establish a formal method of notifying the City of a liquor license application as soon as it is received via written notification to the City Clerk, City of Hamilton,

(b) That the City of Hamilton be notified of any upcoming liquor license hearings involving Hamilton establishments, including information such as timing of Hearings, etc.

On a motion (McHattie/Powers) the Rules of Order were waived to allow for the introduction of a Motion respecting ACFO Liquor License Notification Process.

See Item 16 for the disposition of this item.

(k) ITEMS DEFERRED TO THE MAY 9, 2011 MEETING OF THE GENERAL ISSUES COMMITTEE:

(i) Hamilton Future Fund Board of Governors Report 11-001 – March 16, 2011 (Added Item 8.4)

(aa) Hamilton Future Fund Reserve Status and Project Funding as of December 31, 2010 (FCS10069(b)) (City Wide) (Item 5.1)

That Report FCS10069(b) respecting Hamilton Future Fund Reserve Status and Project Funding as of December, 2010, be received.

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(ii) GENERAL INFORMATION/OTHER BUSINESS

(i) Outstanding Business List

(aa) That the following items be removed from the Outstanding Business List:

(i) Moratorium on Nuclear Power Plants
(ii) City’s Policies respecting contracting with parties involved in litigation
(iii) City-wide Peak Oil Study – Employment Growth District
(iv) Operational Oversight Committee
(v) International Year for Culture of Peace
(vi) Multi-Stakeholder Fundraising Strategy for Flood Victims
(vii) Specific mandate, governance structure, staffing and financial-legal funding model for a Hamilton Waterfront Development Corporation
(viii) Advisory Committee for Persons with Disabilities Report 09-007
(ix) Area Rating Citizens Forum Membership Appointments
(x) Golden Horseshoe Innovation Centre: Building an Entrepreneurial Community
(xi) Conservation Authorities – Legislation
(xii) Wireless Cellular Services and Device Agreements
(xiii) Greening of municipal parking lots

(bb) That the following items be included in the 2011 budget deliberations:

(i) Theatre Aquarius request for capital funding

On a motion (Whitehead/McHattie) the Committee Clerk was requested to provide the Committee with the background information on the above-listed items prior to the May 9 General Issues Committee meeting for their review.

(ii) Pending Litigation – Red Hill

Councillor McHattie requested staff to provide an update on the pending litigation with respect to the Red Hill at a future meeting of the General Issues Committee.
On a motion (Collins/Morelli) the Closed Session Minutes of the General Issues Committee meetings held on February 14 and 24, 2011, 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.

On a motion (Collins/Morelli) the Committee moved into Closed Session at 9:45 a.m. pursuant to sub-sections 8.1(b), (c) and (d) of the City’s Procedural By-law and the Municipal Act as the subject matters deal with personal matters about an identifiable individual, including City employees, a proposed or pending acquisition or disposition of land for City purposes and labour relations or employee negotiations with respect to the following:

12.3 Land Acquisition – Provincial Properties bounded by Mary, Rebecca, Wilson and Catharine Streets (PSB10-039(a)) (City Wide)

12.4 City Manager Performance Review

12.5 Recommendation from HECFI Board respecting Citizen Appointments (To be distributed)

12.6 Verbal Update – Personal Matter respecting an Identifiable Individual – City Manager (No Copy)

12.7 Verbal Update respecting Union Negotiations – Human Resources (No Copy)

On a motion (Pearson/Collins) the Committee reconvened in Open Session at 1:04 p.m.

(ii) Land Acquisition - Provincial Properties bounded by Mary, Rebecca, Wilson and Catharine Streets (PSB10-039(a)) (Item 12.3)

On a motion (Morelli/Partridge) the following was added as sub-section (e):

(e) That the contents of Report 10-039(a) and Appendix “B” attached thereto remain confidential.

The Amendment CARRIED and the Main Motion, as amended, CARRIED.
See Item 5 for the disposition of this item.

(iii) **City Manager Performance Review (Item 12.4)**

Direction provided in camera.

(iv) **Recommendation from HECFI Board respecting Citizen Appointments (Item 12.5)**

See Item 6 for the disposition of this item.

(v) **Verbal Update – Personal Matter respecting an Identifiable Individual – City Manager (No Copy) (Item 12.6)**

Direction provided In Camera.

There being no further business, the Committee adjourned at 3:15 p.m.

Respectfully submitted

Councillor L. Ferguson, Deputy Mayor
General Issues Committee

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
April 11, 2011