CITY COUNCIL
MINUTES

Wednesday, February 8, 2012
5:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor R. Bratina
Councillors C. Collins, B. Clark, T. Jackson, B. Johnson, J. Farr,
L. Ferguson, S. Merulla, B. Morelli, J. Partridge, R. Pasuta,
M. Pearson, R. Powers and T. Whitehead

Absent with Regrets: Councillors B. McHattie and S. Duvall – FCM

Mayor Bratina called the meeting to order and called upon Reverend Ed Raddatz of
Mission Services, Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.9 Petition against the new by-law limiting the number of household pets
containing 511 signatures

Recommendation: Be received.

5.10 Correspondence against the new by-law limiting the number of household
pets, received from the following parties:

(i) Janice
(ii) Timothy Gibbons
(iii) Dr. Mathieu Morisette
(iv) Eugenie Schuurmans
(v) Mandy
(vi) Doug Mortimer
(vii) Donna Booth
(viii) Jonathan
Recommendation: Be received.

2. ADDED MOTIONS:

7.7 City of Hamilton ats Bre-Ex Limited (LS10005(a)) (City Wide)

7.8 Draft Report from the Office of the Ombudsman

3. ADDED NOTICES OF MOTION

8.1 Amendment to Item 4 of the Planning Committee Report 11-015, respecting Committee of Adjustment Minor Variance Application HM/A-11:58, for the Property Located at 53 Gibson Avenue (Hamilton), Supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment (PED11148) (Ward 3)

8.2 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton – Motion to Rescind

(Pearson/Johnson)
That the Agenda for the City Council meeting being held on February 8, 2012, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor B. Johnson declared an interest to Item 10 of the Planning Committee Report 12-002, respecting a proposed Zoning By-law Amendment Affecting Lands located at 587 and 591 Garner Road East (Ancaster), as it relates to a family member's business. Councillor Johnson abstained from voting on this matter.
CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 January 25, 2012

(Pearson/Ferguson)
That the Minutes of the January 25, 2012, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Whitehead/Jackson)
That Council Communications 5.1 through 5.10 be approved, as amended, as follows:

5.1 Notice of Poll – 2012-13 Ontario Good Roads Association Board of Directors

Recommendation: Be received.

5.2 Correspondence from the Ministry of Finance respecting the Ontario Municipal Partnership Fund (OMPF) 2012 Upload Notice

Recommendation: Be received and that staff be directed provide an Information Report, to a future General Issues Committee, respecting the actual dollars uploaded by the Province from the City of Hamilton.

5.3 Correspondence from the Ministry of Community and Social Services respecting launch of the 2012-13 EnAbling Change Program

Recommendation: Be received.

5.4 Invitation from the Town of Huntsville to attend the 2012 Ontario Small Urban Municipalities (OSUM) Conference and Trade Show – May 2-4, 2012 at Deerhurst Resort, Huntsville

Recommendation: Be received.

5.5 Resolution from the Municipality of East Ferris respecting the Ministry of Municipal Affairs and Housing proposed change to Part 8 of the Ontario Building Code requiring the installation of tertiary treatment systems for new or replacement septic systems within vulnerable areas

Recommendation: Be referred to the General Manager of Planning and Economic Development for a report to the Planning Committee.
5.6 Protecting Greenbelt Wetlands Media Release and Summary

Recommendation: Be received.

5.7 Correspondence from the Honourable Charles Sousa, Minister of Citizenship and Immigration, respecting nominations for the Newcomer Campion Awards

Recommendation: Be received and referred to the Customer Service, Access and Equity Division for the appropriate action.

5.8 Correspondence from the Honourable Charles Sousa, Minister of Citizenship and Immigration, respecting the Lincoln M. Alexander Award 2012

Recommendation: Be received and referred to the Hamilton Youth Advisory Committee for the appropriate action.

5.9 Petition against the new by-law limiting the number of household pets containing 511 signatures

Recommendation: Be received.

5.10 Correspondence against the new by-law limiting the number of household pets, received from the following parties:

(i) Janice
(ii) Timothy Gibbons
(iii) Dr. Mathieu Morissette
(iv) Eugenie Schuurmans
(v) Mandy
(vi) Doug Mortimer
(vii) Donna Booth
(viii) Jonathan
(ix) Jaymz Kay
(x) Elena Klazinga
(ix) Nancy Ronalds
(xii) Daniyelle Bratina
(xiii) Alex Miller
(xiv) Duane Dietz
(xv) Dave Doherty
(xvi) Chuck Rum
(xvii) Lisa Shadforth
(xviii) Mike Hishmeh
(xix) Greg Jachna
(xx) Joel Scadding
(xxi) Nola Stewart
(xxii) Peter Martin
(xxiii) Lorraine Scholarchos
(xxiv) Derek Bevan
(xxv) Paula Dagbostino
(xxvi) Stewart C. Klazinga

Recommendation: Be Received.  

**CARRIED**

(Powers/Partridge)
That Council move into Committee of the Whole for consideration of the Committee Reports.

**CARRIED**

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**PLANNING COMMITTEE REPORT 12-002**

(i)(ii) **Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408**

(Clarke/Pearson)
That Section (i), Item (i) of the Planning Committee Report 12-002 be lifted from the information section and added as Item 13 to Planning Committee Report 12-002.

**CARRIED**

13. **Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408**

(Clarke/Pearson)
(a) That the Confidential Memorandum “Ontario Municipal Board Pre Hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) – PL650408” as presented to Planning Committee on January 31, 2012, be received;

(b) That the modifications to the said Secondary Plan for the Barton-Tiffany area, as previously modified by Council on November 30, 2011, set out in Appendix “A” to the said Confidential Memorandum, be approved;

(c) That the amendment to Zoning By-law 05-200 respecting the Barton-Tiffany lands attached as Appendix “B” to the said Confidential Memorandum be approved;

(d) That the “Proposed Site Specific Policy for White Star Lands” attached as Appendix “C” to the said Confidential Memorandum be approved;

(e) That the site specific zoning by-law amendment to Schedule “C” of By-law 05-200 respecting the White Star lands attached as Appendix “D” to the said Confidential Memorandum be approved;
(f) That the said Appendices “A”, “B”, “C” and “D”, together with such minor revisions thereto as may be satisfactory to the Director of Planning and the City Solicitor, shall be advanced by the City Solicitor as the basis for a settlement with the other parties to the proceeding or as the City’s position before the Ontario Municipal Board should a settlement on these terms not be achieved;

(g) That the Mayor and Clerk and the City Solicitor, as the case may be, are hereby authorized to execute any documentation, including Minutes of Settlement, required, in the opinion of the City Solicitor, to give effect to the above resolutions;

(h) That the said Confidential Memorandum dated January 31, 2012 and Appendix “E” remain confidential and withheld from public disclosure; and,

(i) That the said Appendices “A”, “B”, “C” and “D”, be released for public disclosure.

CARRIED

(Clark/Pearson)
That the SECOND Report of Planning Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-003

(Powers/Partridge)
That the THIRD Report of the General Issues Committee be adopted, and the information section received (attached hereto).

CARRIED

PUBLIC WORKS COMMITTEE REPORT 12-002

(Powers/Pearson)
(a) That Information Item(g)(ii) of the Public Works Committee Report 12-002, respecting the Waste Collection Procurement Process for 2013-2020 (PW11030(d) and PW11030(e) and the following motion, be lifted from the table and added as Item 9 to the Public Works Committee Report 12-002:

That Project 3 be approved as the Preferred Waste Collection System as follows:

(a) That the City’s Waste Collection System commencing April 1, 2013 consist of the following services:

(i) Weekly collection of Organic Waste;
(ii) Weekly collection of Garbage;
(iii) Weekly Leaf and Yard Waste collection;
(v) Weekly two-stream collection of Recyclable Materials;
(vi) Weekly two-stream Automated Recycling Cart collection;
(vii) Weekly front-end Bin Service for Garbage collection;
(viii) Supply of front-end Bin Containers for Recyclable Fibres and weekly front-end Bin Service for Recyclable Fibres collection;
(ix) Multi-day collection of Public Space Litter Containers and Public Space Recycling Containers;

(b) That the waste collection system in (a) include the following refinements:

(i) Collection of up to two (2) containers of garbage per residential unit on a weekly schedule; plus additional containers through a curb side tag system
(ii) Permit the use of alternative recycling containers to reduce escaped waste;
(iii) Supply of front-end garbage bin containers for garbage collection at municipal facilities;
(iv) Continue with Special Considerations for households with children, medical circumstances, home day cares and agricultural properties of up to three (3) containers weekly;
(v) Bulk waste reuse events as a pilot program;
(vi) Phase in of smaller green carts;

(c) That a tag system for additional garbage for curbside collection be available for purchase at specified locations at a cost of $2 per tag in blocks of five (5) tags;

(d) That the Special Considerations provisions in the Solid Waste Management By-law 09-067 be amended to allow for families with two (2) children under the age of four (4) to be eligible for Special Consideration;

(e) That appropriate amendments to Solid Waste Management By-law 09-067 be enacted to implement recommendations (a), (b), (c) and (d);

(f) That GFL Environmental East Corporation, be selected as the Successful Proponent for:

(i) Project 3 of Request for Proposals C11-30-11 which is comprised of:
1. Weekly collection of Organic Waste in Zones B1, B2 and B3;
2. Weekly collection of Garbage in Zones B1, B2 and B3;
3. Weekly Leaf and Yard Waste collection in Zones B1, B2 and B3;
5. Weekly two-stream collection of Recyclable Materials City-wide;
6. Weekly two-stream Automated Recycling Cart collection City-wide;
7. Weekly front-end Bin Service for Garbage collection City-wide;
8. Supply of front-end Bin Containers for Recyclable Fibres and weekly front-end Bin Service for Recyclable Fibres collection City-wide;
9. Multi-day collection of Public Space Litter Containers and Public Space Recycling Containers in Zones B1, B2 and B3;

(ii) Additional Work identified in Request for Proposals C11-30-11 including:
1. The collection of two (2) or more containers for bi-weekly collection of garbage;
2. A garbage tag system to supplement the curbside program;
3. Collection of blue boxes with lids and larger blue boxes;
4. The supply of bin containers at municipal facilities;
5. Bulk waste reuse events, at the discretion of the City.

(g) That the contract period be seven (7) years commencing April 1, 2013 with the potential extension of one (1), one (1) year term;

(h) That the General Manager of Public Works be authorized and directed to finalize the terms and conditions of the agreement with GFL Environmental East Corporation in accordance with the provisions of Request for Proposals C11-30-11;

(i) That the Mayor and City Clerk be authorized and directed to execute the agreement with GFL Environmental East Corporation, together with any necessary documents, in a form satisfactory to the City Solicitor;

(j) That Capital Project 5121294500 Recycling Program - Vehicle Acquisition and Facility Modification, which was parked during the 2012 Capital Budget process be withdrawn from further consideration and the 2012 Capital Financing Strategy be amended to reflect a lower reliance on Future Fund financing;
(k) That the Outstanding Business Items referring to Waste Collection and Recycling Processing Procurement Processes for 2013-2020 as well as Activity Based Costing for Public Sector Waste Collection 2013-2020 be identified as completed and removed from the Public Works Committee Outstanding Business List;

(l) That the Outstanding Business Item referring to Illegal Dumping, Litter and Escaped Waste be identified as completed and removed from the General Issues Committee Outstanding Business List.

(b) That Item 9 (Reports PW11030(d) and PW11030(e) as well the motion shown below), respecting the Waste Collection Procurement Process, be referred to the General Issues Committee for discussion, no later than March 21, 2012:

That Project 3 be approved as the Preferred Waste Collection System as follows:

(a) That the City’s Waste Collection System commencing April 1, 2013 consist of the following services:

(i) Weekly collection of Organic Waste;
(ii) Weekly collection of Garbage;
(iii) Weekly Leaf and Yard Waste collection;
(v) Weekly two-stream collection of Recyclable Materials;
(vi) Weekly two-stream Automated Recycling Cart collection;
(vii) Weekly front-end Bin Service for Garbage collection;
(viii) Supply of front-end Bin Containers for Recyclable Fibres and weekly front-end Bin Service for Recyclable Fibres collection;
(ix) Multi-day collection of Public Space Litter Containers and Public Space Recycling Containers;

(b) That the waste collection system in (a) include the following refinements:

(i) Collection of up to two (2) containers of garbage per residential unit on a weekly schedule; plus additional containers through a curb side tag system
(ii) Permit the use of alternative recycling containers to reduce escaped waste;
(iii) Supply of front-end garbage bin containers for garbage collection at municipal facilities;
(iv) Continue with Special Considerations for households with children, medical circumstances, home day cares and agricultural properties of up to three (3) containers weekly;
(v) Bulk waste reuse events as a pilot program;
(vi) Phase in of smaller green carts;
(c) That a tag system for additional garbage for curbside collection be available for purchase at specified locations at a cost of $2 per tag in blocks of five (5) tags;

(d) That the Special Considerations provisions in the Solid Waste Management By-law 09-067 be amended to allow for families with two (2) children under the age of four (4) to be eligible for Special Consideration;

(e) That appropriate amendments to Solid Waste Management By-law 09-067 be enacted to implement recommendations (a), (b), (c) and (d);

(f) That GFL Environmental East Corporation, be selected as the Successful Proponent for:

(i) Project 3 of Request for Proposals C11-30-11 which is comprised of:

1. Weekly collection of Organic Waste in Zones B1, B2 and B3;
2. Weekly collection of Garbage in Zones B1, B2 and B3;
3. Weekly Leaf and Yard Waste collection in Zones B1, B2 and B3;
5. Weekly two-stream collection of Recyclable Materials City-wide;
6. Weekly two-stream Automated Recycling Cart collection City-wide;
7. Weekly front-end Bin Service for Garbage collection City-wide;
8. Supply of front-end Bin Containers for Recyclable Fibres and weekly front-end Bin Service for Recyclable Fibres collection City-wide;
9. Multi-day collection of Public Space Litter Containers and Public Space Recycling Containers in Zones B1, B2 and B3;

(ii) Additional Work identified in Request for Proposals C11-30-11 including:

1. The collection of two (2) or more containers for bi-weekly collection of garbage;
2. A garbage tag system to supplement the curbside program;
3. Collection of blue boxes with lids and larger blue boxes;
4. The supply of bin containers at municipal facilities;
5. Bulk waste reuse events, at the discretion of the City.

(g) That the contract period be seven (7) years commencing April 1, 2013 with the potential extension of one (1), one (1) year term;

(h) That the General Manager of Public Works be authorized and directed to finalize the terms and conditions of the agreement with GFL Environmental East Corporation in accordance with the provisions of Request for Proposals C11-30-11;

(i) That the Mayor and City Clerk be authorized and directed to execute the agreement with GFL Environmental East Corporation, together with any necessary documents, in a form satisfactory to the City Solicitor;

(j) That Capital Project 5121294500 Recycling Program - Vehicle Acquisition and Facility Modification, which was parked during the 2012 Capital Budget process be withdrawn from further consideration and the 2012 Capital Financing Strategy be amended to reflect a lower reliance on Future Fund financing;

(k) That Outstanding Business Items referring to Waste Collection and Recycling Processing Procurement Processes for 2013-2020 as well as Activity Based Costing for Public Sector Waste Collection 2013-2020 be identified as completed and removed from the Public Works Committee Outstanding Business List;

(l) That the Outstanding Business Item referring to Illegal Dumping, Litter and Escaped Waste be identified as completed and removed from the General Issues Committee Outstanding Business List.

(Ferguson/Powers)
That the SECOND Report of the Public Works Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED

BOARD OF HEALTH REPORT 12-001

(Bratina/Partridge)
That the FIRST Report of the Board of Health be adopted and the information section received (attached hereto).

CARRIED

(Powers/Partridge)
That the Committee of the Whole Rise and Report.

CARRIED
7.1 Review of Process for Private and Confidential Reports

(Merulla/Collins)
That the Governance Review Sub-Committee be requested to review the following and report to the Audit, Finance and Administration Committee:

(a) The format in which confidential reports are prepared for Committee/Council;

(b) The process in which Private and Confidential items are distributed to Committee/Council;

(c) The role of the Clerk as outlined in the City's Procedural By-law subsection 9.6, which reads as follows:

"9.6. The Clerk shall advise the Mayor or Chair, if in his or her opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is not procedurally appropriate in accordance with section 239 of the Act and section 8 of this By-law."

CARRIED

7.2 Use of City Hall Tower 2 as Downtown Site for Hamilton Wentworth District School Board (HWDSB) Offices

Councillor Farr deleted the original motion in its entirety, which read as follows:

Whereas, McMaster University's Family Medicine Department is poised to construct an exciting multi-level facility on the Hamilton Wentworth District School Board site at the corner of Main and Bay Streets; and,

Whereas, the Hamilton Wentworth District School Board has stated an interest in moving their downtown offices to their Mountain location; and,

Whereas, when designed and constructed in 1960, Stanley Roscoe's vision for City Hall included a second tower, situated immediately south of the current building; and,

Whereas, retaining the Hamilton Wentworth District School Board as a keynote employer in downtown Hamilton is of paramount importance to Hamilton;

Therefore be it Resolved:

That City staff be directed to formally propose the City Hall second tower site to the Hamilton Wentworth District School Board for a nominal long-term land lease fee, and undertake discussions with the Board on their requirements,
and replaced it with the following in lieu thereof:

(Farr/Collins)
Whereas, McMaster University’s Family Medicine Department is poised to construct an exciting multi-level facility on the Hamilton Wentworth District School Board site at the corner of Main and Bay Streets; and,

Whereas, the Hamilton Wentworth District School Board has stated an interest in moving their downtown offices to their Mountain location; and,

Whereas, when designed and constructed in 1960, Stanley Roscoe’s vision for City Hall included a second tower, situated immediately south of the current building; and,

Whereas, notwithstanding that in May 2005 City Council requested that the City Hall Second Tower site be reserved for future City office expansion needs, in principle, and subject to a capital financing plan; and,

Whereas, retaining the Hamilton Wentworth District School Board as a keynote employer in downtown Hamilton is of paramount importance to Hamilton; and,

THEREFORE BE IT RESOLVED:

(a) That staff be directed to enter into preliminary discussions to investigate potential occupancy of the Hamilton Wentworth District School Board Education Centre in a City Hall second tower, for a nominal long-term land lease fee with the City of Hamilton.

(b) That, should the discussions above generate interest on the part of the Hamilton Wentworth District School Board, staff be directed to report back to General Issues Committee respecting possible options, including commentary on ramifications for the previous Council position on the second City Hall Tower.

(Powers/Ferguson)
That the question be called.

CARRIED

Item 7.2 was CARRIED on the following Standing Recorded Vote:

Yeas: Collins, Farr, Jackson, Merulla, Morelli, Pasuta, Powers, Whitehead
Total: 8

Nays: Bratina, Clark, Ferguson, Johnson, Partridge, Pearson
Total: 6

Absent: Councillors S. Duvall, B. McHattie
Total: 2
7.3 Status of Community Correction Centre located at 94 York Blvd., Ward 2

(Farr/Morelli)
That staff be requested to provide Council with an update on the status of the Community Correction Centre located at 94 York Blvd., Ward 2.

Item 7.2 was unanimously CARRIED on the following Standing Recorded Vote, as follows:

Yeas: Bratina, Collins, Clark, Farr, Ferguson, Jackson, Johnson, Merulla, Morelli, Partridge, Pasuta, Pearson, Powers, Whitehead
Total: 14
Absent: Councillors S. Duvall, B. McHattie
Total: 2

7.4 Closed Session Minutes of the General Issues Committee Meeting - June 27, 2011

(Clark/Pearson)
That the June 27, 2011 Closed Session Minutes of the General Issues Committee be publicly released, in a redacted format.

CARRIED

7.5 Centennial Parkway Regional Shopping Complex Transit Service (PW12009) (Ward 5)

(Collins/Merulla)
(a) That the General Manager of Public Works be directed to implement transit service to the new regional shopping complex under development on Centennial Parkway. This service will be funded in 2012 from the Tax Stabilization Reserve ($150,000) and Walmart (OMB Decision Contribution $50,000) and will require that the Transit complement be increased by two (2.0) to allow for the hiring of two (2.0) temporary Bus Operators;

(b) That the routing and service level as illustrated in Appendix “A” of Report PW12009 be implemented as of March 25, 2012;

(c) That this service be implemented on a pilot basis and will be reviewed in the course of the 2013 annual budget process;

(d) That the item “Centennial Parkway Regional Shopping Complex Transit Service” be identified as completed and removed from the Public Works Committee’s Outstanding Business List.

CARRIED
7.6 Official Plan Drive-Through Policies

(Clark/Pearson)
WHEREAS the Town of Oakville ("Oakville") adopted a new official plan, which includes policies that in certain situations prohibit drive-through related uses;
AND WHEREAS appeals have been brought against Oakville's new official plan, including the drive-through policies;

AND WHEREAS the appeals pertaining to Oakville's drive-through policies have been made by a group of drive-through operators who identified themselves as Quick Service Restaurants;

AND WHEREAS counsel for the Quick Service Restaurants has advised counsel for Oakville that a motion will be brought before the Ontario Municipal Board challenging the authority of municipalities to enact policies within official plans, which prohibit uses, on the grounds that no such statutory jurisdiction exists, and that such motion will be argued as a question of law in order to seek a definitive ruling from the Board for future direction;

AND WHEREAS the City of Hamilton's ("Hamilton") new Urban Official Plan also contains policies, which prohibit drive-through uses in certain situations, and the TDL Group as an appellant to Hamilton's new Urban Official Plan and three other quick service restaurant operators and one industry trade organization as parties are challenging Hamilton's drive-through policies in the new Urban Official Plan, on the grounds, among other reasons, that official plan provisions are not to be used to prohibit specific uses such as drive-through facilities;

AND WHEREAS the legal issue being raised in the Oakville proceedings is identical to that forming part of the grounds for appeals against Hamilton's drive-through policies in its new Urban Official Plan, and a ruling by the Ontario Municipal Board on this issue in Oakville will directly relate to and impact upon Hamilton's interests and the scope of its jurisdiction when developing official plan policies;

AND WHEREAS it is in the public interest for Hamilton to seek party status in the Oakville proceeding with a view to inviting the Ontario Municipal Board to address the drive-through policy issue on a consolidated basis, which will have Province-wide implications;

NOW THEREFORE BE IT RESOLVED:

(a) That City Legal and Planning staff be authorized to seek party status in the motion in OMB proceedings pertaining to the Town of Oakville's new official plan, with file number PL100637 and in said motion to support the position that municipalities do possess the authority to prohibit uses in Official Plans.
(b) That the Association of Municipalities of Ontario (AMO) be advised of the City of Hamilton's position.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

7.7 City of Hamilton vs Bre-Ex Limited (LS10005(a)) (City Wide)

(Powers/Partridge)
(a) That the City Solicitor be directed to agree to set the Pre-Judgment interest in Ontario Superior Court File No. 47804 (Bre-Ex Limited v City of Hamilton) at $210,000;

(b) That the City Solicitor be directed to preserve the City’s right in Ontario Superior Court File No. 47804 (Bre-Ex Limited v City of Hamilton) by filing an Appeal within the time frame permitted by the Rules of Civil Procedure;

(c) That the City Solicitor report back as soon as possible with a full legal opinion, from independent outside counsel, regarding the prospects for success on an Appeal;

(d) That the contents of Report LS10005(a) remain confidential, except for Appendix “C” attached to Report LS10005(a), and attached hereto as Appendix “A”, which is a public document.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

7.8 Draft Report from the Office of the Ombudsman

(Jackson/Collins)
(a) That a sub-committee be established, composed of Councillors L. Ferguson, R. Pasuta, T. Whitehead and J. Farr, to be referred to as the Subcommittee to Review the Ombudsman’s Draft Report;

(b) That Council hereby delegates to the Subcommittee the authority to review a draft report to be received from the Ombudsman pursuant to Section 18(3) of the Ombudsman Act, and to instruct the City Solicitor regarding the City’s response to the draft Report;

(c) That the Sub-Committee be dissolved immediately after the City's response has been transmitted to the Ombudsman;

(d) That to comply with the Ombudsman’s process which requires that his draft report be kept confidential, the City Solicitor be directed to write to the Office of the Ombudsman and request a letter from them which states that:
(i) In the opinion of the Ombudsman’s Office the draft report being issued to the City pursuant to Section 18(3) of the Ombudsman Act qualifies pursuant to Section 239 of the Municipal Act to be discussed by the Subcommittee in closed session for the purposes of reviewing the report and formulating a response to the report to be communicated to the Ombudsman by the City Solicitor as contemplated by Section 18(3) of the Ombudsman Act; and

(ii) Sets out the appropriate subject matter and Subsection of Section 239 under which the draft report qualifies to be the subject of a closed meeting; and

(iii) Is appropriate for inclusion upon the public agenda at the meeting at which the Subcommittee will go into closed session to discuss the Ombudsman’s draft report; and,

(e) That staff be directed that copies of the draft report are to be returned to the Office of the Ombudsman in accordance with the required Undertaking.  

CARRIED

7.9 Committee of Adjustment Minor Variance Application HM/A-11:58, for the Property Located at 53 Gibson Avenue (Hamilton), Supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment (PED11148) (Ward 3) (Item 5.4)

(Clark/Pearson)  
That Item 4 of the Planning Report 11-015, as approved by Council on September 14, 2011, be amended by adding recommendation (b), as follows:

(b) That the amount required to retain outside professional(s) to support the City’s position before the Ontario Municipal Board be funded firstly, through the 2012 Budget, secondly, through year-end Corporate surpluses, and lastly, through the Tax Stabilization Reserve.

To read as follows:

(a) That Legal Services be instructed to attend the OMB Hearing in support of the Committee of Adjustment’s decision to deny this application, and to retain outside professionals;

(b) That the amount required to retain outside professional(s) to support the City’s position before the Ontario Municipal Board be funded firstly, through the 2012 Budget, secondly, through year-end Corporate surpluses, and lastly, through the Tax Stabilization Reserve.

CARRIED
7.10 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton

(Morelli/Merulla)
That the City’s objection, approved by Council at its meeting of August 11, 2011, to a Liquor License Application by Oceano Restaurant and Bar, 359 Barton Street East, Hamilton, noted as Motion 7.3, be rescinded as an agreement has been reached with respect to the conditions of the Liquor Licence, as outlined in the attached Memorandum of Agreement.

CARRIED

7.11 Status of Randle Reef File

(Collins/Whitehead)
That staff be directed to report back to the Public Works Committee as soon as possible respecting that status of Randle Reef.

CARRIED

7.12 Request to the CRTC for Continuance of Local Programming Improvement Funding for CHCH-TV

(Whitehead/Merulla)
WHEREAS the City of Hamilton recognizes and values CHCH TV’s contribution to the community, in providing from news and information to culture and recreation, and that the television station is at the centre of public discourse in the community;

AND WHEREAS CHCH is recognized for its ongoing commitment to local broadcasting, which is far more (80 plus hours) than any other conventional T.V. station in North America;

THEREFORE BE IT RESOLVED

(a) That the Mayor correspond, on behalf of the City of Hamilton, to the CRTC to support the continuum of the Local Programming Improvement Fund (LPIF).

(b) That, in light of the time sensitivity respecting this matter, the correspondence be sent, on behalf of City Council, to the CRTC no later than February 14, 2012.

CARRIED

NOTICES OF MOTION

Councillor Clark introduced the following Notice of Motion:
8.1 Amendment to Item 4 of the Planning Committee Report 11-015, respecting Committee of Adjustment Minor Variance Application HM/A-11:58, for the Property Located at 53 Gibson Avenue (Hamilton), Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED11148) (Ward 3)

That Item 4 of the Planning Report 11-015, as approved by Council on September 14, 2011, be amended by adding recommendation (b), as follows:

(b) That the amount required to retain outside professional(s) to support the City’s position before the Ontario Municipal Board be funded firstly, through the 2012 Budget, secondly, through year-end Corporate surpluses, and lastly, through the Tax Stabilization Reserve.

To read as follows:

(a) That Legal Services be instructed to attend the OMB Hearing in support of the Committee of Adjustment’s decision to deny this application, and to retain outside professionals;

(b) That the amount required to retain outside professional(s) to support the City’s position before the Ontario Municipal Board be funded firstly, through the 2012 Budget, secondly, through year-end Corporate surpluses, and lastly, through the Tax Stabilization Reserve.

(Clark/Pearson)

That the rules of order be waived in order to introduce an amending motion respecting, Committee of Adjustment Minor Variance Application HM/A-11:58, for the Property Located at 53 Gibson Avenue (Hamilton), Supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment (PED11148) (Ward 3).

CARRIED

Refer to Item 7.9 for Council’s disposition respecting this matter.

Councillor Morelli introduced the following Notice of Motion:

8.2 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton, and Mendonca Café, 457 Barton Street East, Hamilton

That the City’s objection, approved by Council at its meeting of August 11, 2011, to a Liquor License Application by Restaurant and Bar, 359 Barton Street East, Hamilton, noted as Motion 7.3 (as shown below), be rescinded as an agreement has been reached with respect to the conditions of the Liquor Licence, as outlined in the attached Memorandum of Agreement:
7.3 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton, and Mendonca Café, 457 Barton Street East, Hamilton

WHEREAS, Oceano Restaurant and Bar (359 Barton Street East, Hamilton) and Mendonca Café (457 Barton Street East, Hamilton) have applied for indoor liquor licences;

AND WHEREAS, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

AND WHEREAS, due to existing community concerns about noise, after-hours activities, etc., these facilities would only increase these problems;

THEREFORE, BE IT RESOLVED:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton objects to the said applications on the grounds that it will be negative to an already fragile neighbourhood.

(Morelli/Merulla)
That the Rules of Order be waived to allow for the introduction of a motion to Rescind a motion respecting the Liquor Licence Application for Oceano Restaurant and Bar, 359 Barton Street East, Hamilton

CARRIED

Refer to Item 7.10 for Council's disposition respecting this matter.

Councillor Merulla introduced the following Notice of Motion:

8.3 U.S. Steel's Intentions respecting Hamilton's Hilton Works

WHEREAS the Investment Canada Act has led to the purchase and operation of the former Steel Company of Canada to the U.S. Steel Corporation;

AND WHEREAS the Investment Canada Act has been breached, as a direct result of the conditions placed on the sale by the Investment Canada Act, and litigation followed by the Federal Government, which was settled prematurely;

AND WHEREAS U.S. Steel has stated publicly that they are operating all U.S. Plants to maximum capacity excluding Hamilton Canada's Hilton Works from steel production;
Therefore be it resolved:

That Prime Minister Harper intervene on this crisis and that U.S. Steel Executives provide details surrounding their intentions of Hamilton Canada's Hilton Works to the City of Hamilton.

Councillor Merulla introduced the following Notice of Motion:

**8.4 Caterpillar Corporation's Breach of the *Investment Canada Act***

Whereas the Caterpillar Corporation has breached the *Investment Canada Act*, and has been subsidized by Canadian taxpayers who have been betrayed by the closure of its Caterpillar Plant in London, Ontario.

Therefore be it resolved:

That the City of Hamilton review its policy related to any business relationship with the Caterpillar Corporation and boycott Caterpillar and encourage all Hamilton, Ontario and Canadian businesses from doing business with the Caterpillar Corporation.

Councillor Collins introduced the following Notice of Motion:

**8.5 Status of Randle Reef File**

That staff be directed to report to the Public Works Committee as soon as possible respecting that status of the Randle Reef file.

*(Collins/Whitehead)*

That the Rules of Order be waived to allow for the introduction a motion respecting the status of Randle's Reef.

CARRIED

Refer to Item 7.11 for Council's disposition respecting this matter.

Councillor Whitehead introduced the following Notice of Motion:

**8.6 Request to the CRTC for Continuance of Local Programming Improvement Funding for CHCH-TV**

WHEREAS the City of Hamilton recognizes and values CHCH TV's contribution to the community from news and information, to culture and recreation, and that the television station is at the centre of public discourse in the community;

AND WHEREAS CHCH is recognized for its ongoing commitment to local broadcasting, which is far more (80 plus hours) than any other conventional T.V. station in North America;

THEREFORE BE IT RESOLVED
(a) That the Mayor correspond, on behalf of the City of Hamilton, to the CRTC to support the continuum of the Local Programming Improvement Fund (LPIF).

(b) That, in light of the time sensitivity respecting this matter, the correspondence be sent to the CRTC no later than February 14, 2012.

(Whitehead/Merulla)
That the Rules of Order be waived to introduce a motion respecting support for CHCH T.V.

CARRIED

Refer to Item 7.12 for Council’s disposition respecting this matter.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE AND CONFIDENTIAL

BY-LAWS

(Whitehead/Jackson)
That Bills No. 025 to 034 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk and read as follows:

By-law No.

12-025 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control
Schedule 2 – Speed Limits
Schedule 13 – Designated Traffic Lanes

12-026 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 20 – School Bus Loading Zones

12-027 To Adopt Official Plan Amendment No. 45 to the former Region of Hamilton-Wentworth Official Plan;
Respecting:
Par of Lots 12 and 13, Concession 3 (East Flamborough)
(Southeast Corner of Highway No. 6 and Highway No. 5)

12-028 To Amend By-law No. 05-200 – Housekeeping Amendments

12-029 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 111 Parkside Drive (Flamborough)
By-law No.

12-030  To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 587 and 591 Garner Road East, in the former Town of Ancaster, now in the City of Hamilton

12-031  For Responsible Animal Ownership in the City of Hamilton

12-032  To Amend By-law No. 01-215, To Regulate Traffic:
        Schedule 2 – Speed Limits
        Schedule 3 – Flashing School Zones – Reduced Speed Limit

12-033  To Amend By-law No. 01-215, To Regulate Traffic:
        Schedule 5 – Stop Control

12-034  To Confirm the Proceedings of City Council

(Pearson/Ferguson)
That, there being no further business, the City Council meeting adjourned at 7:23 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
February 8, 2012
THE PLANNING COMMITTEE PRESENTS REPORT 12-002 AND RESPECTFULLY RECOMMENDS:

1. Heritage Permit Application HP2011-058, Under Part V of the Ontario Heritage Act, for Demolition of a Detached Garage, Construction of a New Detached Three Bay Garage and Workshop, and Construction of Additions to the Existing House at 31 Cross Street (Dundas) (PED12021) (Ward 13) (Item 5.1)

That Heritage Permit Application HP2011-058 be approved for demolition of a detached garage, construction of a new detached, three bay garage and workshop, and construction of additions to the existing house at 31 Cross Street (Cross-Melville Heritage Conservation District) (Dundas), subject to the following conditions:
(a) That a tree inventory and protection plan shall be submitted for all the trees within the area of construction impact, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(b) That the existing mature tree in the south side yard shall be protected from temporary or permanent construction impacts, as per the submitted tree protection plan, prior to any grading and for the duration of construction, to the satisfaction and approval of Planning staff;

(c) That the final details regarding the attachment of the proposed new additions, side porch and porte cochère to the existing stone walls shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(d) That specifications, samples, and/or brochures for the proposed stone foundation, stucco cladding and glazing on the proposed additions shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(e) That the final dimensions, design, and materials for all new doors, windows, and garage doors shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(f) That the dimensions and materials for all new fascia, roof flashings, columns, railings, and other exterior structures shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(g) That the repair methods, materials specifications, and mortar composition shall be submitted, to the satisfaction and approval of Planning staff, prior to any masonry repairs or re-pointing of the existing stone building walls or the stone wall along the front of the property;

(h) That the new asphalt surface and paving stones shall be within the limits of the existing gravel driveway, and that no existing shrubs or trees shall be removed or adversely impacted by the resurfacing;

(i) That the paving materials for the proposed terrace and detailed elevations and/or plans for any outdoor fireplace, walls, railings, or other fixtures/structures shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(j) That the elevation drawings depicting the proposed garage roof(s) shall be revised, to the satisfaction and approval of Planning staff and the Heritage Permit Review Sub-committee, prior to submission as part of any
application for a Building Permit;

(k) That any minor changes to the plans and elevations following Heritage Permit approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(l) That construction and site alterations, in accordance with this approval, shall be completed no later than January 31, 2014. If the alterations are not completed by January 31, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

(m) That the corridor addition between the new porch and rear addition shall be glazed, and revised elevation drawings showing this change shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.

2. Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough) (PED12014) (Ward 15) (Item 6.2)

That approval be given to Zoning Application ZAR-11-063, by Silverwood Homes Inc., Owner, for a change in zoning from the Urban Residential “R4-4” Zone, Modified, with a Special Exception, to the Urban Residential “R1-40” Zone, Modified, with a Special Exception, to permit one single detached dwelling unit in lieu of a semi-detached dwelling unit, for lands located at 111 Parkside Drive (Flamborough), as shown on Appendix “A” to Report PED12014, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED12014, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and the North Waterdown Secondary Plan.

3. Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster) (PED12010) (Ward 12) (Item 6.3)

(a) That approval be given to Official Plan Amendment Application OPA-11-014, by Redeemer University College, Owners, for Official Plan
Amendment No. [redacted], for a change in designation from “Low Density Residential” to “Institutional”, and a change in the road pattern of the Ancaster Meadowlands Neighbourhood IV - Secondary Plan, Map 1 - Land Use and Map 2 - Special Policy Areas, for lands known municipally as 452 Springbrook Avenue (Ancaster), as shown on Schedule “A” of Appendix “E” to Report PED12010, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED12010, be adopted by City Council.

(b) That approval be given to Urban Hamilton Official Plan Amendment No. [redacted] for the re-designation of portions of the subject lands to “Institutional” from “Low Density Residential 2b”, and a change in the road pattern on Map B.2.6-1 - Meadowlands Neighbourhood IV - Land Use Plan, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for lands known municipally as 452 Springbrook Avenue (Ancaster), as shown on Appendix “F” to Report PED12010;

(c) That approval be given to Zoning Application ZAC-11-060, by Redeemer University College, Owners, for changes in zoning from the Agricultural "A" Zone to the Residential “H-R4-548” Holding Zone, Modified, with a Special Exception and Holding Provision (Block 1) in Zoning By-law 87-57, and to the Major Institutional (I3) Zone (Block 2) in Zoning By-law 05-200, to permit land use regulations to facilitate a land exchange and the future residential development of the lands fronting onto Springbrook Avenue, on lands located at 452 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED12010, on the following basis:

(i) That the draft By-laws, attached as Appendices “G” and “H” to Report PED12010, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No. [redacted].

4. Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster) (PED12017) (Ward 12) (Item 6.4)

(a) That approval be given to Official Plan Amendment Application OPA-11-013, 2281453 Ontario Limited, Owner, to add a Specific Policy Area to the “Residential” designation on Schedule “B”, Land Use - Urban Area,
of the Ancaster Official Plan, to permit a Professional Business Office in the existing building, on the lands located at 114 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED12017, on the following basis:

(i) That the subject lands be identified as Specific Policy Area on Schedule “F”, Specific Policy Area;

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12017, be adopted by Council;

(iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Zoning By-law Amendment Application ZAC-11-059, 2281453 Ontario Limited, Owner, for changes in Zoning from the Residential “R3-289” Zone, Modified (Block 1), and the Existing Residential “ER” Zone (Block 2), to the Residential “R3-639” Zone, Modified, with a Special Exception, to permit a Professional Business Office in the existing building, on the lands located at 114 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED12017, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED12017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Map 1 of Schedule “B” of Zoning By-law No. 87-57;

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No. [Redacted].

5. Housekeeping Amendments to Comprehensive Zoning By-law 05-200, (PED12015) (City Wide) (Item 6.5)

(a) That approval be given to City Initiative CI-11-B to provide housekeeping amendments to the City’s Comprehensive Zoning By-law known as Zoning By-law 05-200;
(b) That the Zoning By-law, attached as Appendix “A” to Report PED12015, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

6. Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (PED12016) (Ward 15) (Item 6.6)

That approval be given to Official Plan Amendment No. of the former Region of Hamilton-Wentworth Official Plan (City Initiative CI-12-A), attached as Appendix “A” to Report PED12016, to reinstate policies inadvertently deleted related to the Clappison Corners Business Park.

7. Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, “Fairgrounds East”, on Lands Located at 8 Country Fair Way (Glanbrook) (PED12001) (Ward 11) (Item 6.7)

(a) That approval be given to Official Plan Amendment Application OPA-11-001, by Losani Homes Ltd., Owner, for Official Plan Amendment No. , for a change in designation on Schedule “B” of the Township of Glanbrook Official Plan from “Medium Density Residential” to “Low Density Residential” (Block 1) and from “Low Density Residential” to “Medium Density Residential” (Block 2), in order to permit the development of 51 lots for single detached dwellings and 5 blocks for street townhouse dwellings, for the lands located within “Fairgrounds East - Phase 3” (Glanbrook), as shown on Appendix “A” to Report PED12001, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12001, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Urban Hamilton Official Plan Amendment No. to amend Map B.5.1-1 - Binbrook Village Secondary Plan Land Use Plan from “Low Density Residential 2h” to “Low Density Residential 2e” (Block 1), and from “Low Density Residential 2e” to “Low Density Residential 2h” (Block 2), attached as Appendix “C” to Report PED12001, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands located within “Fairgrounds East - Phase 3” (Glanbrook).
c) That approval be given to **Zoning Application ZAC-11-004, by Losani Homes Ltd., Owner**, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Residential Multiple “RM3-223” Zone to the Residential “R4-273” Zone (Block 1); from the Residential “R4-222” Zone to the Residential “R4-273” Zone (Block 2) and the Residential Multiple “RM2-274” Zone (Block 3); and from the Residential Multiple “RM2-224” Zone to the Residential “R4-273” Zone (Block 4) and the Residential Multiple “RM2-274” Zone (Block 5), in order to permit 51 lots for single detached dwellings and 5 blocks for street townhouses, as shown on Appendix “A” to Report PED12001, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED12001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and will conform to the Glanbrook Official Plan upon finalization of Official Plan Amendment No.

(d) That approval be given to **Draft Plan of Subdivision Application 25T-200615(R), by Losani Homes Ltd., Owner**, to revise a portion of the previously approved Draft Plan of Subdivision for “Fairgrounds East”, subject to the following condition:

(i) That this approval apply to the Revised Draft Plan of Subdivision, “Fairgrounds East”, 25T-200615(R), prepared by Armstrong Hunter & Associates and Losani Homes Ltd., and certified by S. D. McLaren, O.L.S., dated May 19, 2011, showing 51 lots for single detached dwellings (Lots 1-51) and 5 blocks for street townhouses (Blocks 52-56), attached as Appendix “E” to Report PED12001, subject to the owner revising the Registered Subdivision Agreement to include the revised Draft Plan of Subdivision (attached as Appendix “E”) and with the revised Special Conditions, attached as Appendix “F”, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

8. **Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Hamilton Official Plan and Zoning By-law Nos. 6593 and 05-200, for Lands Located at 555 Sanatorium Road (Hamilton) (PED12009) (Ward 8) (Item 6.8)**

(a) That approval be given to **Amended Official Plan Amendment Application OPA-07-039, by Chedoke Health Corporation (Owner)**, to
amend Schedule “A” Landuse Plan and Schedule “J-1” Chedmac Planning Area Secondary Plan, in order to redesignate portions of the “Major Institutional” Designation to “Residential” in Schedule “A” Landuse Plan, and to redesignate the “Institutional” Designation to the “Low Density Residential” Designation, the “Medium Density Residential I” Designation, and the “Medium Density Residential II” in Schedule “J-1 Chedmac Planning Area Secondary Plan; and to further permit Single Detached Dwellings at a density of up to 20 units per hectare within the “Low Density Residential” Designation, and to permit townhouse units at a density below 30 units per hectare within the “Medium Density Residential I” Designation, on lands located 555 Sanatorium Road (Hamilton), as shown on Appendix “A” to Report PED12009, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED12009, be adopted by Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, and the Hamilton-Wentworth Official Plan.

(b) That approval be given to Amended Zoning Application ZAC-07-114, by Chedoke Health Corporation (Owner), for changes in zoning from the “AA/S-1363c” (Agricultural) District, Modified, and the “AA/S-1363” (Agricultural) District, Modified, to the “R-4” (Small Lot Single Family Dwelling) District, for Block 1; from the “AA/S-1363c” (Agricultural) District, Modified, and the “AA/S-1363” (Agricultural) District, Modified, to the “RT-20/S-1654” (Townhouse - Maisonette) District, Modified, with a Special Exception, for Block 2; from the “AA/S-1363” (Agricultural) District, Modified, to the “DE-2/S-1654” (Multiple Dwellings) District, Modified, with a Special Exception, for Block 3; from the “AA/S-1363” (Agricultural) District, Modified, to the Major Institutional (I3) Zone for Block 4; and from the Major Institutional (I3) Zone to the “RT-20/S-1654” (Townhouse - Maisonette) District, Modified, with a Special Exception, for Block 5, as shown on Appendix “A” to Report PED12009, for lands located at 555 Sanatorium Road, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED12009, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the draft By-law, attached as Appendix “D” to Report PED12009, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
(iii) That the amending By-law, attached as Appendix “D” to Report PED12009, be added to Schedule “A”, Map No. 1080, of Zoning By-law No. 05-200;

(iv) That the proposed changes in zoning will be in conformity with the Hamilton Official Plan upon approval of Official Plan Amendment No. 22.

(c) That approval be given to Amended Subdivision Application 25T-200724, by Chedoke Health Corporation (Owner), to establish a draft plan of subdivision on the property located at 555 Sanatorium Road (Hamilton), as shown on Appendix “A” to Report PED12009, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision Revision, 25T-200724, prepared by A. J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated June 9, 2009, showing 14 lots (Lots 1-14) for single detached dwellings, 1 block for townhouses (Block 15), 1 block (Block 16) for a multiple dwelling, 1 block for Institutional uses (Block 17), and creation of Street “A”, attached as Appendix “E” to Report PED12009, subject to the owner entering into separate Standard Form Subdivision Agreements for each identified phase of the development, as approved by City Council, and with the special conditions attached hereto as Appendix “A”, as amended;

(ii) Acknowledgement that there is a City share for upsizing of the existing 200mm watermain on Sanatorium Road;

(iii) That payment of Cash-in-lieu of Parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, with the exception of Townhouse Block 15 and Multiple Dwelling Block 16, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block;

With regard to Block 15 (Block Townhouses) and Block 16 (Multiple Dwelling), a parkland dedication, at a ratio of 1.0 ha per 300 dwelling units, will be required;

Additionally, Lots 1-14 (Single Detached residential) will require a parkland dedication of 5%;

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Lastly, Block 17 (Institutional) shall be exempt from parkland dedication;

All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(d) That upon finalization of the implementing By-laws, the Chedmac Planning Area Secondary Plan be revised to reflect the changes in road pattern and land use;

(e) That approval be given to Urban Hamilton Official Plan Amendment No. to redesignate portions of the existing Chedmac Secondary Plan, and to modify the existing residential designations of the Plan in order to permit 14 single lot units, a townhouse complex, and a multiple dwelling; and that the Amendment be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 555 Sanatorium Road (Hamilton), as shown on Appendix “H” to Report PED12009.

9. Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton) (PED12018) (Ward 1) (Item 6.10)

(a) That approval be given to Official Plan Amendment Application OPA-11-021, by Canadian Commercial (McMaster) Inc., Owner, to amend Schedule “B” Special Policy Areas of the Hamilton Official Plan and Schedule “1” Land Use Plan of the Ainslie Wood Westdale Secondary Plan in order to add a Site-Specific Policy to the “Residential” designation, as shown on Schedule “A” of Appendix “B” to Report PED12018, and add a Site-Specific Policy to the “Low Density Residential” designation, as shown on Schedule “B” of Appendix “B” to Report PED12018”, on lands located at 15 Emerson Street (Hamilton), on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12018, be adopted by Council.

(b) That approval be given to Amended Zoning Application ZAC-11-043, by Canadian Commercial (McMaster) Inc., Owner, for a change in zoning from the “C/S-1335a” (Urban Protected Residential, etc.) District, Modified, to the “G-3/S-1653” (Public Parking Lots) District, Modified, with a Special Exception, to permit a parking lot accessory to a commercial use, on lands located at 15 Emerson Street (Hamilton), as shown on Appendix “A” to Report PED12018, on the following basis:
(i) That the By-law, attached as Appendix “D” to Report PED12018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as “G-3/S-1653”;

(iii) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and will be in conformity with the City of Hamilton Official Plan upon finalization of proposed Official Plan Amendment No. 2.

(c) That approval be given to Urban Hamilton Official Plan Amendment No. 2 to add a Site-Specific Policy to portions of the subject lands on Map B.2.6-1 - Ainslie Wood Westdale - Land Use Plan, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for lands known municipally as 15 Emerson Street (Hamilton), as shown on Appendix “C” to Report PED12018.


That approval be given to Amended Zoning Application ZAC-01-011, by Bud’s Spas and Pools, Owner, for changes in zoning from the Agricultural “A” Zone to the Neighbourhood Commercial “H-C1-636” Holding Zone, Modified, with a Special Exception and Holding Provision, to permit a driveway, associated landscaping, and a private sanitary system for a spa and swimming pool business (Block 1), and from the Rural Commercial “C5-269” Zone, Modified, to the Neighbourhood Commercial “C1-631” Zone, Modified, with a Special Exception, to permit a spa and pool business (Block 2), on lands known as 587 and 591 Garner Road East, in the former Town of Ancaster, shown as Blocks 1 and 2 on Appendix “A” to Report PED11202, on the following basis:

(a) That the Draft By-law, attached as Revised Appendix “B” to Report PED11202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57;

(c) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning for Block 1. The
Holding provision will prohibit the development of the subject lands until such time as the following conditions have been satisfied:

(i) The assembly of 581, 587, and 591 Garner Road East, incorporating all of the affected parcels, to the satisfaction of the Director of Planning; and,

(ii) Site Plan approval for 581, 587, and 591 Garner Road has occurred for comprehensive development on the assembled parcels, to the satisfaction of the Director of Planning.

(d) That the proposed changes in zoning conform to the Places to Grow Growth Plan, and are consistent with the Provincial Policy Statement;

(e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan;

(f) That the proposed changes in Zoning are in conformity with the Town of Ancaster Official Plan, the Meadowlands Neighbourhood III Secondary Plan, and the new Urban Hamilton Official Plan.

11. Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209(a)) (Ward 11) (Outstanding Business List Item) (Item 8.2)

That Information Report PED11209(a) respecting, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook), be received.

12. Report 12-001 – Hamilton Municipal Heritage Committee (Item 8.5)

That the Hamilton Municipal Heritage Committee write a letter of support to the Beach Canal Lighthouse Group in their efforts to take over the Beach Canal Lighthouse.

13. Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408

(Clarke/Pearson)

(a) That the Confidential Memorandum “Ontario Municipal Board Pre Hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) –
PL650408” as presented to Planning Committee on January 31, 2012, be received;

(b) That the modifications to the said Secondary Plan for the Barton-Tiffany area, as previously modified by Council on November 30, 2011, set out in Appendix “A” to the said Confidential Memorandum, be approved;

(c) That the amendment to Zoning By-law 05-200 respecting the Barton-Tiffany lands attached as Appendix “B” to the said Confidential Memorandum be approved;

(d) That the “Proposed Site Specific Policy for White Star Lands” attached as Appendix “C” to the said Confidential Memorandum be approved;

(e) That the site specific zoning by-law amendment to Schedule “C” of By-law 05-200 respecting the White Star lands attached as Appendix “D” to the said Confidential Memorandum be approved;

(f) That the said Appendices “A”, “B”, “C” and “D”, together with such minor revisions thereto as may be satisfactory to the Director of Planning and the City Solicitor, shall be advanced by the City Solicitor as the basis for a settlement with the other parties to the proceeding or as the City’s position before the Ontario Municipal Board should a settlement on these terms not be achieved;

(g) That the Mayor and Clerk and the City Solicitor, as the case may be, are hereby authorized to execute any documentation, including Minutes of Settlement, required, in the opinion of the City Solicitor, to give effect to the above resolutions;

(h) That the said Confidential Memorandum dated January 31, 2012 and Appendix “E” remain confidential and withheld from public disclosure; and,

(i) That the said Appendices “A”, “B”, “C” and “D”, be released for public disclosure.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

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

DISCUSSION ITEMS

8.5 Report 12-001 Hamilton Municipal Heritage Committee

PRIVATE AND CONFIDENTIAL

12.1 Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408

The Agenda for the January 31, 2012 meeting of the Planning Committee be approved, was amended.

(b) DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest in relation to Item 8.3, Report PD01104(e) respecting, Business Licensing Fee Review (City Wide), as the report relates to the taxi industry in which he has a business interest. Councillor Ferguson abstained from voting on this matter.

Councillor Johnson declared a conflict of interest in relation to item 8.1, Report PED11202 respecting, Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster) (Ward 12), as the report relates to a family member’s business. Councillor Johnson abstained from voting on this matter.

(c) APPROVAL OF MINUTES

The Minutes of the January 12, 2012 Planning Committee meeting were approved.

The Minutes of the January 17, 2012 Planning Committee meeting were approved.
(d) DELEGATION REQUESTS

(i) Delegation Request from John Ariens, respecting an item on the Outstanding Business List (Item 4.1)

The delegation request, submitted by John Ariens, respecting an item on the Outstanding Business List, was approved.

(ii) Delegation Request from Graeme Smith, respecting the upcoming review of refreshment vehicle bylaws in Hamilton (Item 4.2)

The delegation request, submitted by Graeme Smith, respecting the upcoming review of refreshment vehicle bylaws in Hamilton, was approved.

(iii) Delegation Request from Don McPhail, respecting the Sign By-law (Item 4.3)

The delegation request, submitted by Don McPhail, respecting the Sign By-law, was approved.

Item 4.3, Delegation Request from Don McPhail, CARRIED on the following vote:

Yeas: Whitehead, Collins, Farr, Pearson, Johnson, Pasuta, Partridge, Clark
Total 8
Nays: Ferguson
Total: 1
Absent: None
Total: 0

(e) PUBLIC HEARINGS AND DELEGATIONS

(i) Delegation by John Ariens, respecting Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11) (Item 6.1)

John Ariens addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.
The delegation by John Ariens, respecting Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11), was received.

Item 8.4, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11), was brought forward and dealt with at this time.

(ii) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11) (Item 8.4)

Report PED12008, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road, was deferred until April to when the farm consolidation has closed.

(iii) Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough) (PED12014) (Ward 15) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12014, Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough), was closed.
The staff presentation respecting, Report PED12014, Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough), was waived.

For disposition on this Item, refer to item 2.

(iv) Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster) (PED12010) (Ward 12) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12010, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster), was closed.

The staff presentation respecting, Report PED12010, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster), was waived.

For disposition on this Item, refer to item 3.

(v) Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster) (PED12017) (Ward 12) (Item 6.4)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make
oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12017, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster), was closed.

The staff presentation respecting, Report PED12017, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster), was waived.

For disposition on this Item, refer to item 4.

(vi) **Housekeeping Amendments to Comprehensive Zoning By-law 05-200, (PED12015) (City Wide) (Item 6.5)**

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

**Public Speakers:**

(1) **Victor Veri – 971 Highway 6 N, Flamborough, On L8N 2Z7**

Mr. Veri addressed the issue of industrial lands and believes this is not a housekeeping amendment.
The public presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was received.

(2) Wayne Clayton – 332 McNeilly Rd., Stoney Creek, ON L8E 5H4

Mr. Clayton addressed the issue of item 9 and 10 will be separated while the remaining item deferred from this.

The public presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was received.

(3) Judy Lee – 22 Como Place, Hamilton, ON L9B 2W5

Ms. Lee addressed the topic of the park land in this area and agrees to this designation.

The public presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was received.

The public meeting respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was closed.

Councillor Duvall spoke to the park and presented a petition with respect to the property at 0 Di Cenzo Dr., Hamilton, ON to be zoned as a P1 Parkland.

The petition from 226 residents respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was received.

Sections 9 and 10 of the attached draft Zoning By-law, marked as Appendix “A” to Report PED12015, which has been prepared in a form satisfactory to the City Solicitor, be enacted, by City Council, while the remaining sections of the by-law were referred back to staff for further consideration.

For disposition on this Item, refer to item 5.
(vii) **Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (PED12016) (Ward 15) (Item 6.6)**

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12016, Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (Ward 15), was closed.

The staff presentation respecting, Report PED12016, Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (Ward 15), was waived.

For disposition on this Item, refer to item 6.

(viii) **Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, “Fairgrounds East”, on Lands Located at 8 Country Fair Way (Glanbrook) (PED12001) (Ward 11) (Item 6.7)**

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendment and revisions to a Draft Plan of Subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.
The public meeting respecting, Report PED12001, Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, “Fairgrounds East”, on Lands Located at 8 Country Fair Way (Glanbrook), was closed.

The staff presentation respecting, Report PED12001, Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, “Fairgrounds East”, on Lands Located at 8 Country Fair Way (Glanbrook), was waived.

For disposition on this Item, refer to item 7.

(ix) Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Hamilton Official Plan and Zoning By-law Nos. 6593 and 05-200, for Lands Located at 555 Sanatorium Road (Hamilton) (PED12009) (Ward 8) (Item 6.8)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendment and Draft Plan of Subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12009, Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Hamilton Official Plan and Zoning By-law Nos. 6593 and 05-200, for Lands Located at 555 Sanatorium Road (Hamilton), was closed.

Edward John, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.
The staff presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was received.

Don May, agent, addressed the committee with respect to the public notice and the intent that these will be directed to senior living.

The agent’s presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), was received.

Appendix C, Hamilton Zoning By-Law Amendment for lands located at 555 Sanatorium Road (Hamilton), was amended to add the following new provision under Section 2:

2. (a) That notwithstanding Section 10E.(2)(a) of Zoning By-law No. 6593, a Maisonette Dwelling or a Group of Maisonette Dwellings shall not be permitted.

Appendix G, Special Conditions of Draft Approval for 25T-200724, 555 Sanatorium Road (Hamilton), was amended to add a new Condition 16 as follows:

Traffic Planning and Community Services

16. That prior to registration of any phase, the owner shall confirm that the assumptions of the Addendum Traffic Study, dated September 2011, by IBI Group, are consistent with the findings of the OMB Decision respecting the Browlands, to the satisfaction of the Senior Project Manager, Traffic Planning and Community Services.

Councillor Whitehead indicated that he wishes to be included in any site plan process and that staff facilitate meetings with the Community respecting the site plan process.

For disposition on this Item, refer to item 8.
(x) **Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11) (Item 6.9)**

This item was tabled to the February 28, 2012 Planning Committee Meeting for the Councillor to further consult with the area residents.

Stephen Fraser, agent, indicated that the applicant has agreed to table Report PED10194(a), Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek), and the public meeting to the next meeting of Planning Committee on February 28, 2012.

(xi) **Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton) (PED12018) (Ward 1) (Item 6.10)**

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12018, Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton), was closed.

The staff presentation respecting, Report PED12018, Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton), was waived.

For disposition on this Item, refer to item 9.
(f) **DISCUSSION ITEMS**

(i) **Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster) (PED11202) (Ward 12) (Outstanding Business List Item) (Item 8.1)**

A Revised Appendix “B” to Report PED11202 was circulated to the Committee.

For disposition on this Item, refer to item 10.

(ii) **Business Licensing Fee Review (PD01104(e)) (City Wide) (Item 8.3)**

Report PD01104(e), respecting Business Licensing Fee Review (City Wide), was tabled to the February 28, 2012 meeting of the Planning Committee.

(g) **NOTICES OF MOTION**

Councillor Johnson introduced the following Notice of Motion:

(i) **1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street**

Where the Ontario Municipal Board approved the development of the lands to the Ontario Municipal Board approved development of a residential subdivision to the north and west;

And whereas, the OMB decision separates the lands from the remainder of the Stoney Creek Business Park resulting in the lands being a remnant parcel of Employment Lands;

And whereas the lands are not conducive to industrial development and industrial development is not compatible to the abutting new residential development;

And whereas the lands are occupied by residential dwellings,

Therefore, be it resolved that,

a) Staff be directed to bring forward Official Plan Amendments for the lands known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street to:
i) redesignate the lands from “Business Park” to “Urban” within the former Region of Hamilton-Wentworth Official Plan;

ii) redesignate the lands from “Industrial-Business Park” to “Residential” within the former City of Stoney Creek Official Plan; and

iii) redesignate the lands from “Business Park” to “Neighbourhoods” within the new Urban Hamilton Official Plan.

b) Staff be directed to bring forward a rezoning which will remove the lands from the Comprehensive Zoning By-law 05-200, being zoned “Prestige Business Park (M3) Zone”, and zone the lands the appropriate residential zone within the former City of Stoney Creek Zoning By-law 3692-92.

Staff were directed to come back with a report regarding this Notice of Motion.

(h) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments (Item 11.1)

Items requiring removal:

(a) Item C(ii): Planning and Development Engineering Division Operational Review (now Growth Management Division)

Item C(ii) on the Outstanding Business List, Planning and Development Engineering Division Operational Review (now Growth Management Division), was removed.

(b) Item G: Harmonised property data base

Item G on the Outstanding Business List, Harmonised property data base, was removed.
(c) **Item U:** Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton)

Item U on the Outstanding Business List, Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton), was removed.

(d) **Item BB:** Urban Chickens

Item BB on the Outstanding Business List, Urban Chickens, was removed.

(i) **PRIVATE AND CONFIDENTIAL**

The Planning Committee moved into Closed Session at 12:30 p.m.

At 12:30 p.m., Committee moved into Closed Session to consider a confidential matter pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 12:53 p.m.

(i) **Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408 (Item 12.1)**

The matter was referred to City Council for disposition.
(j) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 1:40 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Assistant
Office of the City Clerk
January 31, 2012
Special Conditions of Draft Plan Approval for 25T-200724,  
555 Sanatorium Road (Hamilton)

That this approval apply to the Draft Plan of Subdivision, 25T-200724, prepared by A. J Clarke and Associates Ltd., and certified by B. J. Clarke, O.L.S., dated June 9, 2009, showing 14 lots (Lots 1-14) for single detached dwellings, 1 block for townhouses (Block 15), 1 block (Block 16) for a multiple dwelling, 1 block for Institutional uses (Block 17), and creation of Street “A”, as attached as Appendix “E” to Report PED12009, subject to the owner entering into separate Standard Form Subdivision Agreements for each identified phase of the development, as approved by City Council, and with the following special conditions:

1. That, the owner shall agree to identify **Block 17 as Phase 1** and **Lots 1 to 14, inclusive, Block 15 and Block 16 as Phase 2** on the final Plan of subdivision, and to enter into a separate Subdivision Agreement for each phase with the City, to the satisfaction of Senior Director of Growth Management Division. The registration of Phase 1 shall occur prior to, or concurrently with, the registration of Phase 2, in order that the necessary improvements are secured.

2. That, **prior to registration of Phase 1**, the owner shall complete the following works:

   (i) To redirect the sanitary flows from the additional lands of the owner located at 442 Sanatorium Road that currently drains through the draft plan lands to the existing sanitary sewer on West 35th Street. Furthermore, the owner shall abandon the existing private sanitary sewer that crosses the Sanatorium Road right-of-way, to the satisfaction of the Senior Director of Growth Management Division.

   (ii) To complete any necessary works on the existing water services on the hospital lands that may include, but not be limited to, installation of water meter chambers, back flow preventers, etc., to the satisfaction of the Senior Director of Growth Management Division.

   (iii) To close the existing tunnel on the private lands, both sides, adjacent to the Sanatorium Road right-of-way. Further, the owner agrees to pay the City for the cost for removal of the existing tunnel within the existing right-of-way, to the satisfaction of the Senior Director of Growth Management Division.
(iv) To provide: a) locate on a detailed plan showing any existing communication services, hydro ducts, gas lines, etc., within the existing Sanatorium Road right-of-way that service the hospital lands; and b) a plan showing the preferred location of the private water service lines to the future 300mm watermain prior to completion of the Tender document for reconstruction of Sanatorium Road, to the satisfaction of the Senior Director of Growth Management Division.

3. That, prior to registration of Phase 1, the owner shall pay their proportionate share for the future urbanization of Sanatorium Road and completion of Street ‘A’ based on the City’s “New Roads Servicing Rate” in effect at the time of payment, to the satisfaction of the Senior Director of Growth Management Division.

4. That, prior to registration of Phase 1, Street ‘A’ be dedicated to the City of Hamilton as a public highway, by the owner’s certificate on the final plan of subdivision, to the satisfaction of the Senior Director of Growth Management Division.

5. That, prior to registration of Phase 1, the owner shall dedicate additional lands for road widening purposes required to accommodate the final design, as per the Class EA Study for Sanatorium Road, to the satisfaction of the Senior Director of Growth Management Division.

6. That, prior to registration of Phase 2, the owner shall demonstrate that a private service easement has been registered on the title of the subject lands over the existing private services that traverse Block 16, to the satisfaction of the Senior Director of Growth Management Division.

7. That, prior to registration of Phase 1, the owner shall agree to provide a stormwater drainage easement in favour of the City of Hamilton over Block 17, to the satisfaction of the Senior Director of Growth Management Division.

8. That, prior to registration of Phase 1, the owner shall agree to pay for the costs associated with the removal of the existing 200mm private watermain on Sanatorium Road from Redfern Avenue to Chedmac Drive, and its replacement with a 300mm watermain, including:

   (i) Equivalent cost to replace the existing 200mm watermain for its entire length.

   (ii) 100% of costs for replacement of the existing hydrants and 50% of costs of any additional street hydrants adjacent to the subject lands.
(iii) 50% of the costs of the 300mm dia. watermain on Sanatorium Road adjacent to the subject lands that extend beyond the limit of the existing private service.

(iv) 100% of the costs associated with reconnection of existing hospital water services to the future 300mm watermain on Sanatorium Road.

All to the satisfaction of the Senior Director of Growth Management Division.

9. That, prior to registration of Phase 1, the owner shall demonstrate that an adequate easement has been established over 442 Sanatorium Road in favour of Interval House for the purpose of providing a sanitary outlet through the said lands to the existing sewers on West 34th Street, in a form and to the satisfaction of the City of Hamilton Legal Services.

10. That, prior to servicing of Phase 2, the owner shall include in the engineering design split drainage for lots that have less than 1.20m sideyard setbacks, to the satisfaction of the Senior Director of Growth Management Division.

11. That, prior to servicing, the owner shall submit a Stormwater Management Report to demonstrate compliance with the SWM Report for Tiffany Pond, and to provide Level 1 quality control of surface runoff from the subject lands, to the satisfaction of the Senior Director of Growth Management Division.

12. That, prior to servicing of Phase 2, the owner shall include in the engineering design and cost estimate schedules provision to reconstruct pavement structure on Redfern Avenue, full depth, including but not limited to, curb and sidewalk reinstatement, boulevard sodding, etc., to the satisfaction of the Senior Director of Growth Management Division.

Development Planning

13. That, prior to servicing of Phase 2, the owner shall agree that an Urban Design brief be submitted and approved for Block 16 of the Draft Plan and included as an Appendix to the Subdivision Agreement, to the satisfaction of the Director of Planning.
Public Works (Traffic)

14. **That, prior to servicing of Phase 2**, the owner shall provide the driveway locations on Lots 1-16 and Block 16, to the satisfaction of the Senior Project Manager, Traffic Planning and Community Services. The driveway locations to these lots and block must be shown on approved engineering drawings submitted with the registered Subdivision Agreement.

Hamilton Conservation Authority

15. **That, prior to servicing**, the Developer shall receive written approval for all works affected by the *HCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04*, to the satisfaction of the Hamilton Conservation Authority and the City of Hamilton, Director of Planning.

Traffic Planning and Community Services

16. **That prior to registration of any phase**, the owner shall confirm that the assumptions of the Addendum Traffic Study, dated September 2011, by IBI Group, are consistent with the findings of the OMB Decision respecting the Browlands, to the satisfaction of the Senior Project Manager, Traffic Planning and Community Services.

Cost Sharing

That there is a City share for upsizing of the existing 200mm watermain on Sanatorium Road.
Present: Deputy Mayor T. Whitehead (Chair)
Councillors B. Clark, C. Collins, S. Duvall, J. Farr,
L. Ferguson, B. McHattie, S. Merulla, B. Morelli, T. Jackson,
B. Johnson, J. Partridge, M. Pearson, R. Powers

Absent with Regrets: Mayor B. Bratina – City Business
Councillor R. Pasuta – Personal Business

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

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-003 AND RESPECTFULLY RECOMMENDS:

1. Court Security Prisoner Transportation Program Funding Agreement (FCS12021) (City Wide) (Added as Item 5.1)

That the Mayor and City Clerk be authorized and directed to execute the necessary agreement with the Province of Ontario, attached as Appendix “A” to General Issues Committee Report 12-003, to provide the City its approved allocation under the Court Security Prisoner Transportation Program administered through the Ministry of Community Safety and Correctional Services.

Council – February 8, 2012
2. Report 12-001 of the Advisory Committee for Persons with Disabilities – January 10, 2012 (Item 8.1)

That Report 12-001 from the Advisory Committee for Persons with Disabilities, be received.

3. Report 12-001 of the Non-Union Compensation Sub-Committee – January 23, 2012 (Item 8.2)

(i) Review of Employment Policies for Political Staff (HUR11014)
(City Wide)

That Report HUR11014 respecting Review of Employment Policies for Political Staff, be received.

(ii) Salary Administration Policy/Job Evaluation Policy

That amended Salary Administration Policy attached as Appendix “B” to General Issues Committee Report 12-003 be approved.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

ADDED CONSENT ITEM

(i) Court Security Prisoner Transportation Program Funding Agreement (FCS12021) (City Wide) (Added as Item 5.1)

ADDED PRIVATE AND CONFIDENTIAL

(ii) City of Hamilton ats Bre-Ex Limited (LS10005(a)) (City Wide) (Added as Item 12.2)

(iii) Recent Communications from the Ombudsman’s Office (Added as Item 12.3)

On a motion the agenda was approved, as amended.
(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3)

On a motion the Minutes of the January 9, 2012 meeting of the General Issues Committee were approved as presented.

(d) DELEGATION REQUESTS (Item 4)

Request from Tammy Flores, on behalf of Stop the 407 ETR’s Abuse of Power respecting billing issues (Item 4.1)

On a motion the delegation request from Tammy Flores, on behalf of Stop the 407 ETR’s Abuse of Power respecting billing issues, was received.

(e) CONSENT ITEMS (Item 5)

(i) Count Security Prisoner Transportation Program Funding Agreement (FCS12021) (City Wide) (Added as Item 5.1)

On a motion the deliberation on Report FCS12021 respecting Count Security Prisoner Transportation Program Funding Agreement, were deferred to the end of the agenda.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Roger Cameron, Winston Morrison, Joe Rhodes, Amirah Hassan, on behalf of the Committee Against Racism, to present the final report on the Anti-racism symposium (Item 6.1)

Mr. Cameron, Mr. Morrison and Mr. Rhodes made a presentation before Committee on behalf of the Committee Against Racism, to present the final report on the Anti-racism symposium. Their comments included but were not limited to the following:

The presenters discussed the accomplishments of the Committee Against Racism, and the future initiatives of the Committee. The presenters also discussed the 2010 Anti-Racism Symposium which was focused around the theme of Anti-Racism Strategies for Hamilton. The presenters provided recommendations to the Committee with respect to Racial Equality Training for the City of Hamilton.
The Committee asked questions of the presenters. Comments included but were not limited to the following:

The Committee asked questions regarding the recommendations put forward by the presenters, and sought clarity with respect to some of the recommendations that were suggested. The Committee thanked the presenters for their contribution to today’s meeting.

The Committee was distributed with the power point presentation, a copy of which has been retained for the public record. The presentation is also available for viewing on the City of Hamilton website.

On a motion the presentation from Roger Cameron, Winston Morrison, and Joe Rhodes on behalf of the Committee Against Racism, to present the final report on the Anti-racism symposium, was received.

On a motion staff was directed to report back to the General Issues Committee respecting the recommendations put forth by the members of the Committee Against Racism, which read as follows:

(a) That Council direct the Access & Equity Office to release a report that details the number of total staff, Councillors, senior managers, and managers who has completed the Racial Equality training;

(b) That Council request on behalf of CAR, a copy of Hamilton Police Service’s Equity Policy;

(c) That all Councillors and their staff take Racial Equity training within one year of taking office;

(d) That Council approve the formation of an Access and Equity Standing Committee of Council;

(e) That Council direct Senior managers, included Human Resources, to develop and implement a plan of action with the outcome of making the City’s workforce more reflective of the City’s diverse population;

(f) That Council direct Human Resources to actively consult with CAR in the recruitment, hiring, promotion and retention process and that they report back regarding outcomes and updates every 6 months to CAR;

(g) That Council approve the City’s website to be translated into multiple languages to increase access to diverse communities, similar to the Cities of Mississauga and Toronto;
(h) That Council approve a feasibility study regarding the establishment of a resources centre that includes partners and will have a staffed telephone line, including anti-racism resources, education, and training for the community;

(i) That Council direct the Access and Equity office to work in collaboration with the CAR on the development of a public awareness campaign that will focus on the impact of racism, how to address it, as well as the purpose of the resource centre and help telephone line.

(ii) David Stephens respecting Relocation of Brian Timmis Stadium (Item 6.2)

Mr. Stephens was not in attendance. The Clerk indicated that Mr. Stephens’ approved delegation request has appeared on two Committee agendas, and he has not appeared on both occasions. Under the Procedural By-law, the Clerk indicated that Mr. Stephens’ approval to speak before Committee has expired, and will have to reapply if he still wishes to speak before Committee.

(g) PRESENTATION

(i) Auditor General Model (CM11006) (City Wide) (Item 7.1(a))

(ii) Implementation of the Hybrid Auditor General Model (AUD11028) (City Wide) (Item 7.1(b))

Art Zuidema, Director, Corporate Initiatives, gave a presentation to Committee respecting two reports, the first respecting the Auditor General Model and the other respecting the Implementation of the Hybrid Auditor General Model, with the assistance of a power point presentation. His comments included but were not limited to the following:

- Tasks and functions of the Auditor General model as well as the Hybrid Auditor General Model.
- Jurisdictional overview of what other Canadian municipalities have done to meet their audit needs.

Committee asked questions of Mr. Zuidema. Comments included but were not limited to the following:

Committee expressed concern with respect to the following:

- The request for new employee and the specific tasks that they would perform.
• The funding source of the new Auditor General position and subsequent staff.
• A requirement for Council to receive yearly updates as the three year pilot program moves along.
• The reporting structure of the Auditor General’s position with the City’s reporting structure.
• If savings are found where the funds will be directed.

The Committee was distributed with the power point presentation, a copy of which has been retained for the public record. The presentation is also available for viewing on the City of Hamilton website.

On a motion Reports CM11006 respecting Auditor General Model and AUD11028 respecting the Implementation of the Hybrid Auditor General Model were referred back to staff for further review and to address the concerns raised by the Committee.

(h) OTHER BUSINESS

(i) Outstanding Business List

On a motion the revised due dates for the following items were approved:

(i) Hamilton Waterfront Priorities
    Due Date: December 12, 2011
    Revised Due Date: March 21, 2012

(i) PRIVATE & CONFIDENTIAL

(i) Closed Session Minutes – January 9, 2012 (Item 12.1)

(aa) On a motion the Closed Session Minutes of the January 9, 2012 General Issues Committee were approved, as presented;

(bb) On a motion these Minutes are to 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 discussed the need to go in to closed session regarding Items 12.2 and 12.3.
On a motion Report LS10005(a) City of Hamilton ats Bre-Ex Limited and Recent Communications from the Ombudsman’s Office, was referred to the City Manager and the City Solicitor to discuss the confidentiality of the documents, and to have staff report back to the General Issues Committee within the next 48 hours.

(ii) City of Hamilton ats Bre-Ex Limited (LS10005(a)) (City Wide) (Item 12.2)

(iii) Recent Communications from the Ombudsman’s Office (Item 12.3)

There being no further business, the Committee adjourned at 1:30 p.m.

Respectfully submitted

Councillor T. Whitehead
Deputy Mayor

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
February 1, 2012
THE AGREEMENT effective as of the 1st day of January, 2012.

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as represented by the Minister of Community Safety and Correctional Services

(the “Ministry”)

- and -

City of Hamilton

(the “Recipient”)

WHEREAS:

A. The Ministry has established the Court Security Prisoner Transportation (CSPT) Program (the “Program”) to assist municipalities in offsetting their costs of providing CSPT services in their jurisdictions;

AND WHEREAS:

B. The Recipient is a municipality which provides security for court premises during hours of court operations and security of persons attending court; and transports prisoners and custodial minors (i.e., persons between twelve and seventeen years of age) between correctional institutions, custodial facilities and court locations for the purposes of court attendance;

C. Funding will be provided based on the municipality’s relative share of the total provincial court security-related costs, as confirmed in the 2010 Court Security Information Survey.

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Parties agree as follows:

ARTICLE 1 -- INTERPRETATION AND DEFINITIONS

1.1 Interpretation. For the purposes of interpretation:

(a) words in the singular include the plural and vice-versa;
(b) words in one gender include all genders;

(c) the background and the headings do not form part of the Agreement; they are for reference only and shall not affect the interpretation of the Agreement;

(d) any reference to dollars or currency shall be to Canadian dollars and currency; and

(e) “include”, “includes” and “including” shall not denote an exhaustive list.

1.2 Definitions. In the Agreement, the following terms shall have the following meanings:

“Agreement” means this agreement entered into between the Ministry and the Recipient and includes all of the schedules listed in section 28.1 and any amending agreement entered into pursuant to section 34.2.

"BPSAA" means the Broader Public Sector Accountability Act, 2010 (Ontario), including any directives issued pursuant to that Act.

“Court Security and Prisoner Transportation Services” means the services and activities eligible for funding, as set out in Schedule “B”.

“Expiry Date” means December 31, 2014.

“Effective Date” means the date set out at the top of the Agreement.

“Event of Default” has the meaning ascribed to it in section 14.1.

“Force Majeure” has the meaning ascribed to it in Article 26.

“Funding Period” means: the period commencing on the Effective Date and ending on the Expiry Date.

“Funding Year” means any of Funding Years 1, 2 or 3.

“Funding Year 1” means January 1, 2012 through December 31, 2012.

“Funding Year 2” means January 1, 2013 through December 31, 2013.

“Funding Year 3” means January 1, 2014 through December 31, 2014.
“Funds” means the money the Ministry provides to the Recipient pursuant to the Agreement.

“Indemnified Parties” means her Majesty the Queen in right of Ontario, her ministers, agents, appointees and employees.

“Maximum Funds” means $704,948.37 for Funding Year 1, $1,409,896.74 for Funding Year 2 and $2,114,845.11 for Funding Year 3.

“Notice” means any communication given or required to be given pursuant to the Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default, and includes any such period or periods of time by which the Ministry considers it reasonable to extend that time.

“Parties” means the Ministry and the Recipient and “Party” means either one of them.

“Project” means the undertaking described in Schedule “A”.

“Project Completion Date” means the date for completion of the Project, as set out in section 3.1.

“Report” means the report described in Schedule “C”.

“Timelines” means the dates and times set out in Schedule “A”.

ARTICLE 2 -- REPRESENTATIONS, WARRANTIES AND COVENANTS

2.1 General. The Recipient represents, warrants and covenants that:

(a) it is a validly existing legal entity with full power to fulfill its obligations under the Agreement;

(b) it has the experience and expertise necessary to carry out the Project; and

(c) unless otherwise provided for in the Agreement, any information the Recipient provided to the Ministry in support of its request for funds was true and complete at the time the Recipient provided it.
2.2 **Execution of Agreement.** The Recipient represents and warrants that:

(a) it has the full power and authority to enter into the Agreement; and

(b) it has taken all necessary actions to authorize the execution of the Agreement.

2.3 **Governance.** The Recipient represents, warrants and covenants that upon execution and for the period during which the Agreement is in effect, it:

(a) a code of conduct and ethical responsibilities for all persons at all levels of the Recipient’s organization;

(b) procedures to ensure the ongoing effective functioning of the Recipient;

(c) decision-making mechanisms;

(d) procedures to provide for the prudent and effective management of the Funds;

(e) procedures to enable the successful completion of the Project;

(f) procedures to enable the timely identification of risks to the completion of the Project and strategies to address the identified risks;

(g) procedures to enable the preparation and delivery of all Reports required pursuant to Article 7; and

(h) procedures to deal with such other matters as the Recipient considers necessary to ensure that the Recipient carries out its obligations under the Agreement.

2.4 **Supporting Documentation.** Upon request, the Recipient shall provide the Ministry with proof of the matters referred to in this Article 2.

**ARTICLE 3 -- TERM OF THE AGREEMENT**

3.1 **Term.** The term of the Agreement shall commence on the Effective Date and shall expire on the Expiry Date of December 31, 2014, unless terminated earlier pursuant to Articles 12, 13 or 14.
ARTICLE 4 -- FUNDS AND CARRYING OUT THE PROJECT

4.1 **Funds Provided.** The Ministry shall:

(a) provide the Recipient Funds up to the Maximum Funds for the purpose of carrying out the Project;

(b) provide the Funds directly to the Recipient through transfer payments in accordance with the payment schedule attached to the Agreement as Schedule “A”; and

(c) deposit the Funds into an account designated by the Recipient provided that the account:

(i) resides at a Canadian financial institution; and

(ii) is in the name of the Recipient.

4.2 **Limitation on Payment of Funds.** Despite section 4.1:

(a) the Ministry is not obligated to provide any Funds to the Recipient until the Recipient provides the insurance certificate or other proof as provided for in section 11.2;

(b) the Ministry is not obligated to provide Funds until it is satisfied with the Financial Reports;

(c) the Ministry may adjust the amount of Funds it provides to the Recipient in any Funding Year based upon the Ministry’s assessment of the information provided by the Recipient pursuant to section 7.1; and

(d) if the Recipient identifies that the Funds for the Funding Year are not expected to be used for the funding purposes, the Ministry may reallocate the Funds to other municipalities; and

(e) if, pursuant to the provisions of the Financial Administration Act (Ontario), the Ministry does not receive the necessary appropriation from the Ontario Legislature for payment under the Agreement, the Ministry is not obligated to make any such payment, and, as a consequence, the Ministry may:

(i) reduce the amount of the Funds and, in consultation with the Recipient, change the Project; or
(ii) terminate the Agreement pursuant to section 13.1.

4.3 **Use of Funds and Project.** The Recipient shall:

(a) carry out the Project:

   (i) in accordance with the terms and conditions of the Agreement; and

   (ii) in compliance with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the Project;

(b) use the Funds only for the purpose of carrying out the Project.

4.4 **No Changes.** The Recipient shall not make any changes to the Project, the Timelines and/or the Funds without the prior written consent of the Ministry.

4.5 **Interest Bearing Account.** If the Ministry provides Funds to the Recipient prior to the Recipient’s immediate need for the Funds, the Recipient shall place the Funds in an interest bearing account in the name of the Recipient at a Canadian financial institution.

4.6 **Interest.** If the Recipient earns any interest on the Funds:

(a) the Ministry may deduct an amount equal to the interest from any further instalments of Funds; or

(b) the Recipient shall pay an amount equal to the interest to the Ministry as directed by the Ministry.

4.7 **Maximum Funds.** The Recipient acknowledges that the Funds available to it pursuant to the Agreement shall not exceed the Maximum Funds.

4.8 **Rebates, Credits and Refunds.** The Recipient acknowledges that the amount of Funds available to it pursuant to the Agreement is based on the actual costs to the Recipient, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit or refund.
ARTICLE 5 -- ACQUISITION OF GOODS AND SERVICES

5.1 Acquisition. Subject to section 31.1, if the Recipient acquires supplies, equipment or services with the Funds, it shall do so through a process that promotes the best value for money.

ARTICLE 6 -- CONFLICT OF INTEREST

6.1 No Conflict of Interest. The Recipient shall carry out the Project and use the Funds without an actual, potential or perceived conflict of interest.

6.2 Conflict of Interest Includes. For the purposes of this Article, a conflict of interest includes any circumstances where:

(a) the Recipient; or

(b) any person who has the capacity to influence the Recipient’s decisions,

has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the Recipient’s objective, unbiased and impartial judgment relating to the Project and the use of the Funds.

6.3 Disclosure to Ministry. The Recipient shall:

(a) disclose to the Ministry, without delay, any situation that a reasonable person would interpret as either an actual, potential or perceived conflict of interest; and

(b) comply with any terms and conditions that the Ministry may prescribe as a result of the disclosure.

ARTICLE 7 -- REPORTING, ACCOUNTING AND REVIEW

7.1 Preparation and Submission. The Recipient shall:

(a) submit to the Ministry at the address provided in section 18.1, Reports, as set out in Schedule C, in accordance with the Timelines and requirements set out in Schedule A.

(b) submit to the Ministry at the address provided in section 18.1, any other reports as may be requested by the Ministry in accordance with the Timelines and content requirements specified by the Ministry;
(c) ensure that all Reports and other reports are completed to the satisfaction of the Ministry; and

(d) ensure that all Reports and other reports are signed on behalf of the Recipient by an authorized signing officer.

7.2 **Record Maintenance.** The Recipient shall keep and maintain:

(a) all financial records (including invoices) relating to the Funds or otherwise to the Project in a manner consistent with generally accepted accounting principles; and

(b) all non-financial documents and records relating to the Funds or otherwise to the Project.

7.3 **Inspection.** The Ministry, its authorized representatives or an independent auditor identified by the Ministry may, at its own expense, upon twenty-four hours’ Notice to the Recipient and during normal business hours, enter upon the Recipient’s premises to review the progress of the Project and the Recipient’s expenditure of the Funds and, for these purposes, the Ministry, its authorized representatives or an independent auditor identified by the Ministry may:

(a) inspect and copy the records and documents referred to in section 7.2; and

(b) conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds and/or the Project.

7.4 **Disclosure.** To assist in respect of the rights set out in section 7.3, the Recipient shall disclose any information requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, and shall do so in a form requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, as the case may be.

7.5 **No Control of Records.** No provision of the Agreement shall be construed so as to give the Ministry any control whatsoever over the Recipient’s records.

7.6 **Auditor General.** For greater certainty, the Ministry’s rights under this Article are in addition to any rights provided to the Auditor General pursuant to section 9.1 of the *Auditor General Act* (Ontario).
ARTICLE 8 – CREDIT AND PUBLICITY

8.1 Acknowledge Support. Unless otherwise directed by the Ministry, the Recipient shall, in a form approved by the Ministry, acknowledge the support of the Ministry in any publication of any kind, written or oral, relating to the Project, including for greater certainty, press releases, published reports, radio and television programs and public meetings, using the following standard:

“This Project has been made possible by a grant from the Ministry of Community Safety and Correctional Services."

8.2 Prior Written Approval. The Recipient agrees to obtain prior written approval from the Ministry before using any Government of Ontario or Ministry logo or symbol in any communications including press releases, published reports, television programs, public or private meetings, or in any other type of promotional material, relating to the Project or this Agreement.

8.3 Publication. The Recipient shall indicate, in any of its publications, of any kind, relating to the Project, that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Ministry.

ARTICLE 9 -- FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

9.1 FIPPA. The Recipient acknowledges that the Ministry is bound by the Freedom of Information and Protection of Privacy Act (Ontario) and that any information provided to the Ministry in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

ARTICLE 10 -- INDEMNITY

10.1 Indemnification. The Recipient hereby agrees to indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings, by whomever made, sustained, incurred, brought or prosecuted, in any way arising out of or in connection with the Project or otherwise in connection with the Agreement, unless solely caused by the negligence or wilful misconduct of the Ministry.
ARTICLE 11 -- INSURANCE

11.1 Recipient's Insurance. The Recipient represents and warrants that it has, and shall maintain for the term of the Agreement, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than five million dollars ($5,000,000) per occurrence. The policy shall include the following:

(a) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;

(b) a cross-liability clause;

(c) contractual liability coverage; and

(d) a 30 day written notice of cancellation, termination or material change.

11.2 Proof of Insurance. The Recipient shall provide the Ministry with certificates of insurance, or other proof as may be requested by the Ministry, that confirms the insurance coverage as provided for in section 11.1. Upon the request of the Ministry, the Recipient shall make available to the Ministry a copy of each insurance policy.

ARTICLE 12 -- TERMINATION ON NOTICE

12.1 Termination on Notice. The Ministry may terminate the Agreement at any time upon giving at least sixty (60) days Notice to the Recipient.

12.2 Consequences of Termination on Notice by the Ministry. If the Ministry terminates the Agreement pursuant to section 12.1, the Ministry may:

(a) cancel all further instalments of Funds;

(b) demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and/or
(c) determine the reasonable costs for the Recipient to wind down the Project, and:

(i) permit the Recipient to offset the costs determined pursuant to section 12.2(c), against the amount owing pursuant to section 12.2(b); and/or

(ii) subject to section 4.7, provide Funds to the Recipient to cover the costs determined pursuant to section 12.2(c).

ARTICLE 13 -- TERMINATION WHERE NO APPROPRIATION

13.1 Termination Where No Appropriation. If, as provided for in section 4.2(d), the Ministry does not receive the necessary appropriation from the Ontario Legislature for any payment the Ministry is to make pursuant to the Agreement, the Ministry may terminate the Agreement immediately by giving Notice to the Recipient.

13.2 Consequences of Termination Where No Appropriation. If the Ministry terminates the Agreement pursuant to section 13.1, the Ministry may:

(a) cancel all further instalments of Funds;

(b) demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and/or

(c) determine the reasonable costs for the Recipient to wind down the Project and permit the Recipient to offset such costs against the amount owing pursuant to section 13.2(b).

13.3 No Additional Funds. For purposes of clarity, if the costs determined pursuant to section 13.2(c) exceed the Funds remaining in the possession or under the control of the Recipient, the Ministry shall not provide additional Funds to the Recipient.

ARTICLE 14 -- EVENT OF DEFAULT, CORRECTIVE ACTION AND TERMINATION FOR DEFAULT

14.1 Events of Default. Each of the following events shall constitute an Event of Default:
(a) in the opinion of the Ministry, the Recipient breaches any representation, warranty, covenant or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:

(i) carry out the Project;

(ii) use or spend Funds; and/or

(iii) provide, in accordance with section 7.1, Reports or such other reports as may have been requested pursuant to section 7.1(b);

(b) the Recipient’s operations, or its organizational structure, changes such that it no longer meets one or more of the applicable eligibility requirements of the program under which the Ministry provides the Funds;

(c) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or is petitioned into bankruptcy, or files for the appointment of a receiver;

(d) the Recipient ceases to operate; and

(e) an event of Force Majeure that continues for a period of 60 days or more.

14.2 Consequences of Events of Default and Corrective Action. If an Event of Default occurs, the Ministry may, at any time, take one or more of the following actions:

(a) initiate any action the Ministry considers necessary in order to facilitate the successful continuation or completion of the Project;

(b) provide the Recipient with an opportunity to remedy the Event of Default;

(c) suspend the payment of Funds for such period as the Ministry determines appropriate;

(d) reduce the amount of the Funds;

(e) cancel all further installments of Funds;
(f) demand the repayment of any Funds remaining in the possession or under the control of the Recipient;

(g) demand the repayment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;

(h) demand the repayment of an amount equal to any Funds the Ministry provided to the Recipient; and/or

(i) terminate the Agreement at any time, including immediately, upon giving Notice to the Recipient.

14.3 **Opportunity to Remedy.** If, in accordance with section 14.2(b), the Ministry provides the Recipient with an opportunity to remedy the Event of Default, the Ministry shall provide Notice to the Recipient of:

(a) the particulars of the Event of Default; and

(b) the Notice Period.

14.4 **Recipient not Remediing.** If the Ministry has provided the Recipient with an opportunity to remedy the Event of Default pursuant to section 14.2(b), and:

(a) the Recipient does not remedy the Event of Default within the Notice Period;

(b) it becomes apparent to the Ministry that the Recipient cannot completely remedy the Event of Default within the Notice Period; or

(c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Ministry,

the Ministry may extend the Notice Period, or initiate any one or more of the actions provided for in sections 14.2(a), (c), (d), (e), (f), (g), (h) and (i).

14.5 **When Termination Effective.** Termination under this Article shall take effect as set out in the Notice.

**ARTICLE 15 -- FUNDS AT THE END OF A FUNDING YEAR**

15.1 **Funds at the End of a Funding Year.** Without limiting any rights of the Ministry under Article 14, if the Recipient has not spent all of the Funds allocated for the Funding Year, the Ministry may:
(a) demand the return of the unspent Funds; or

(b) adjust the amount of any further instalments of Funds accordingly.

ARTICLE 16 -- FUNDS UPON EXPIRY

16.1 Funds upon Expiry. The Recipient shall, upon expiry of the Agreement, return to the Ministry any Funds remaining in its possession or under its control.

ARTICLE 17 -- REPAYMENT

17.1 Debt Due. If:

(a) the Ministry demands the payment of any Funds or any other money from the Recipient; or

(b) the Recipient owes any Funds or any other money to the Ministry, whether or not their return or repayment has been demanded by the Ministry,

such Funds or other money shall be deemed to be a debt due and owing to the Ministry by the Recipient, and the Recipient shall pay or return the amount to the Ministry immediately, unless the Ministry directs otherwise.

17.2 Interest Rate. The Ministry may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

17.3 Payment of Money to Ministry. The Recipient shall pay any money owing to the Ministry by cheque payable to the “Ontario Minister of Finance” and mailed to the Ministry at the address provided in section 18.1.
ARTICLE 18 -- NOTICE

18.1 Notice in Writing. Notices and communications shall be in writing and shall be delivered by email, postage-prepaid mail, personal delivery or fax, and shall be addressed to the Ministry Contact and the Recipient, respectively, as set out below, or as either Party later designates to the other by Notice:

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<thead>
<tr>
<th>To the Ministry:</th>
<th>To the Recipient:</th>
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<tr>
<td>External Relations Branch</td>
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<td>Public Safety Division</td>
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<td>Ministry of Community Safety and Correctional Services</td>
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<tr>
<td>12th Floor, 25 Grosvenor Street</td>
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<td>Toronto ON M7A 2H3</td>
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<td>Attention:</td>
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<tr>
<td>Mr. Oscar Mosquera</td>
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<tr>
<td>Manager, Program Development Section</td>
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<td>Fax: 416-314-3092</td>
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<tr>
<td>Email: <a href="mailto:Oscar.Mosquera@ontario.ca">Oscar.Mosquera@ontario.ca</a></td>
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<td>City of Hamilton</td>
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<td>Hamilton City Hall</td>
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<td>71 Main Street West</td>
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<td>Hamilton ON L8P 4Y5</td>
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<td>Fax: 905-546-2095</td>
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<tr>
<td>Email: <a href="mailto:cmurray@hamilton.ca">cmurray@hamilton.ca</a></td>
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18.2 Notice Given. Notice shall be deemed to have been received:

(a) in the case of postage-prepaid mail, seven days after a Party mails the Notice; or

(b) in the case of email, personal delivery or fax, at the time the other Party receives the Notice.

18.3 Postal Disruption. Despite section 18.2(a), in the event of a postal disruption:

(a) Notice by postage-prepaid mail shall not be deemed to be received; and

(b) the Party giving Notice shall provide Notice by email, personal delivery or by fax.
ARTICLE 19 -- CONSENT BY MINISTRY

19.1 Consent. The Ministry may impose any terms and/or conditions on any consent the Ministry may grant pursuant to the Agreement.

ARTICLE 20 -- SEVERABILITY OF PROVISIONS

20.1 Invalidation or Unenforceability of Any Provision. The invalidity or unenforceability of any provision of the Agreement shall not affect the validity or enforceability of any other provision of the Agreement. Any invalid or unenforceable provision shall be deemed to be severed.

ARTICLE 21 -- WAIVER

21.1 Waivers in Writing. If a Party fails to comply with any term of the Agreement, that Party may only rely on a waiver of the other Party if the other Party has provided a written waiver in accordance with the Notice provisions in Article 18. Any waiver must refer to a specific failure to comply and shall not have the effect of waiving any subsequent failures to comply.

ARTICLE 22 -- INDEPENDENT PARTIES

22.1 Parties Independent. The Recipient acknowledges that it is not an agent, joint venturer, partner or employee of the Ministry, and the Recipient shall not take any actions that could establish or imply such a relationship.

ARTICLE 23 -- ASSIGNMENT OF AGREEMENT OR FUNDS

23.1 No Assignment. The Recipient shall not assign any part of the Agreement or the Funds without the prior written consent of the Ministry.

23.2 Agreement to Extend. All rights and obligations contained in the Agreement shall extend to and be binding on the Parties’ respective heirs, executors, administrators, successors and permitted assigns.

ARTICLE 24 -- GOVERNING LAW

24.1 Governing Law. The Agreement and the rights, obligations and relations of the Parties shall be governed by and construed in accordance with the laws of the Ministry of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement shall be conducted in Ontario.
24.2 **BPSAA.** For the purposes of clarity, if the Recipient is subject to the BPSAA and there is a conflict between any of the requirements of the Agreement and the requirements of the BPSAA, the BPSAA shall prevail.

**ARTICLE 25 -- FURTHER ASSURANCES**

25.1 **Agreement into Effect.** The Recipient shall do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

**ARTICLE 26 -- CIRCUMSTANCES BEYOND THE CONTROL OF EITHER PARTY**

26.1 **Force Majeure.** Subject to section 26.3, Force Majeure means an event that:

(a) is beyond the reasonable control of a Party; and

(b) makes a Party’s performance of its obligations under the Agreement impossible, or so impracticable as reasonably to be considered impossible in the circumstances.

26.2 **Force Majeure Includes.** Force Majeure includes:

(a) infectious diseases, war, riots and civil disorder;

(b) storm, flood, earthquake and other severely adverse weather conditions;

(c) lawful act by a public authority; and

(d) strikes, lockouts and other labour actions,

if such events meet the test set out in section 26.1.

26.3 **Force Majeure Shall Not Include.** Force Majeure shall not include:

(a) any event that is caused by the negligence or intentional action of a Party or such Party’s agents or employees; or

(b) any event that a diligent Party could reasonably have been expected to:

(i) take into account at the time of the execution of the Agreement; and
(ii) avoid or overcome in the carrying out of its obligations under the Agreement.

26.4 **Failure to Fulfil Obligations.** Subject to section 14.1(e), the failure of either Party to fulfil any of its obligations under the Agreement shall not be considered to be a breach of, or Event of Default under, the Agreement to the extent that such failure to fulfill the obligation arose from an event of Force Majeure, if the Party affected by such an event has taken all reasonable precautions, due care and reasonable alternative measures, all with the objective of carrying out the terms and conditions of the Agreement.

**ARTICLE 27 -- SURVIVAL**

27.1 **Survival.** The provisions in Article 1, any other applicable definitions, sections 4.6(b), 7.1 (to the extent that the Recipient has not provided the Reports, respecting the Reports required after the Funding Period in accordance with the Due Dates set out in Schedule A, or other reports as may be requested by the Ministry to the satisfaction of the Ministry), 7.2, 7.3, 7.4, 7.5, 7.6, Articles 8 and 10, sections 12.2, 13.2, 13.3, 14.1, 14.2(d), (e), (f), (g) and (h), Articles 16, 17, 18, 20, 24, 27, 28, 29, 30, 31 and 32, 33 and 34, 35 Schedule A, and all applicable cross-referenced provisions and schedules shall continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement.

**ARTICLE 28 -- SCHEDULES**

28.1 **Schedules.** The Agreement includes the following schedules:

(a) Schedule “A” – Terms of Reference;

(b) Schedule “B” – Court Security and Prisoner Transportation Services and Activities Eligible for Funding

(c) Schedule “C” – Annual Financial Report;

**ARTICLE 29 -- FURTHER FUNDS**

29.1 **Further Funds.** It is agreed and understood that the provision of the Funds in no way commits or obligates the Ministry to provide other or additional payments now or in the future.
ARTICLE 30 -- INSPECTION

30.1 Inspection. The Ministry reserves the right to inspect any aspect of the Project at any time.

ARTICLE 31 -- MANAGEMENT BOARD/TREASURY BOARD APPROVAL

31.1 Management Board Approval. This Agreement may be subject to approval by the Management Board/Treasury Board Secretariat of the Government of Ontario.

ARTICLE 32 -- JOINT AND SEVERAL LIABILITY

32.1 Joint and Several Liability. Where the Recipient is comprised of more than one entity, all such entities shall be jointly and severally liable to the Ministry for the fulfillment of the obligations of the Recipient under the Agreement.

ARTICLE 33 -- RIGHTS AND REMEDIES CUMULATIVE

33.1 Rights and Remedies Cumulative. The rights and remedies of the Ministry under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

ARTICLE 34 -- ENTIRE AGREEMENT

34.1 Entire Agreement. The Agreement constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

34.2 Modification of Agreement. The Agreement may only be amended by a written agreement duly executed by the Parties.

Article 35 -- FAILURE TO COMPLY WITH OTHER AGREEMENTS

35.1 Other Agreements. If the Recipient:

(a) has failed to comply (a “Failure”) with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or a Crown agency;
(b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;

(c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and

(d) such Failure is continuing,

the Ministry may suspend the payment of Funds for such period as the Ministry determines appropriate.
THE PARTIES HAVE EXECUTED THE AGREEMENT ON THE DATES SET OUT BELOW.

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as represented by the Minister of Community Safety and Correctional Services

per:

Date
Authorized Signatory for the Ministry
Name:
Position:

City of Hamilton
per:

Date
Authorized Signatory for the Recipient
Name:
Position:

Witness

Print Witness Name
SCHEDULE “A”

TERMS OF REFERENCE

1) PROJECT DESCRIPTION

The Ministry has established the Program to provide Funds to assist municipalities in offsetting their costs of providing CSPT services in their jurisdictions.

Funding will be provided based on each municipality’s relative share of the total provincial court security-related costs, as confirmed in the 2010 Court Security Information Survey.

The Recipient will provide security of persons taking part in or attending court proceedings, and provide security of the premises during the hours that judges and members of the public are normally present. Further, the Recipient will transport prisoners and custodial minors (i.e., 12-17 years old) between correctional institutions and/or custodial facilities and court locations for the purposes of attending trial;

2) PAYMENT AND REPORTING SCHEDULE

Funding Year 1 – January 1, 2012 to December 31, 2012:

A. First instalment: $176,237.09 will be paid on receipt of the executed Agreement.

B. Second instalment: $528,711.28 will be paid to the Recipient in April, by the end of the month.

Funding Year 2 – January 1, 2013 to December 31, 2013:

A. First instalment: $352,474.19 will be paid to the Recipient in January, by the end of the month.

B. Second instalment: $1,057,422.55 will be paid to the Recipient following the Ministry’s approval of Schedule C for Funding Year 1 – which must be received by the Ministry by April 15, 2013.
Funding Year 3 – January 1, 2014 to December 31, 2014:

A. First instalment: $528,711.28 will be paid to the Recipient in January, by the end of the month.

B. Second instalment: $1,586,133.83 will be paid to the Recipient following the Ministry’s approval of Schedule C for Funding Year 2 – which must be received by the Ministry by April 15, 2014.

C. The Recipient must submit Schedule C for Funding Year 3 to the Ministry by April 15, 2015.
SCHEDULE “B”

CSPT SERVICES AND ACTIVITIES ELIGIBLE FOR FUNDING

A. COURT SECURITY includes:

1. Facility Perimeter Security
   Costs associated with external and/or internal police presence during regular or non-
   regular hours to secure the perimeter of the facility, to respond to a specific threat or
   for high-profile matters.

2. Courtroom Security
   Costs associated with the presence of police staff in the courtroom to ensure the safety
   and security of the proceedings and attendees.

3. General Courthouse Security Presence
   Costs associated with the use of screening stations staffed by police services to screen
   all public visitors to the courthouse, including the use of magnetometers and x-ray
   machines, and police staff assigned to perform roving patrols of the court facility.

4. Prisoner Movement in Courthouse
   Costs associated with monitoring the movement of prisoners between holding cells
   and other areas within the courthouse.

5. Prisoner Guarding in Holding Cells
   Costs associated with guarding and monitoring of prisoners brought to court for trial
   and held in courthouse holding cells (where applicable).

6. Prisoner Feeding
   Costs associated with the provision of meals to prisoners required while in the custody
   of local police services for the purpose of attending court.

B. PRISONER TRANSPORTATION includes:

1. Prisoner Transport
   Costs associated with the movement of prisoners between correctional institutions
   and court locations for the purposes of attending trial.

2. Prisoner Transport - Youth
   Costs associated with the movement of custodial minors (i.e. 12-17 years old) between
   correctional and/or custodial facilities and court locations for the purposes of
   attending trial.

*PRISONER includes: Persons being held in custody as a result of provincial or federal
offence proceedings, including persons under immigration detention.
C. TRAINING, EQUIPMENT AND RECRUITING includes:

1. Training that is relevant to court security and prisoner transportation only.

2. Equipment that is unique to the member’s deployment within court security and prisoner transportation and does not include equipment that would be utilized if the member was deployed in any other capacity within the police service.

3. Recruiting that is relevant to the staffing of court security and prisoner transportation only. Costs may include advertising for applicants, physical fitness and/or psychological testing, applicant screening, interviews or any other related human resources expense.

---

COURT SECURITY AND PRISONER TRANSPORTATION do NOT include:

1. Court Administration
   Costs associated with performing court administrative duties including the scheduling of staff for daily deployment, the service of legal documents, the preparation/maintenance of Crown Brief materials, the entry of data into court information systems, preparing or swearing/affirming legal documentation, scheduling of court appearances or other duties of a related nature.
# SCHEDULE “C”

## ANNUAL FINANCIAL REPORT

### REPORTING MUNICIPALITY:

### CONTACT INFORMATION:

<table>
<thead>
<tr>
<th>Salutation:</th>
<th>First Name:</th>
<th>Last Name:</th>
<th>Title:</th>
</tr>
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<tbody>
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<tr>
<th>Tel:</th>
<th>Ext:</th>
<th>Fax:</th>
<th>Email:</th>
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<th>Address:</th>
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<table>
<thead>
<tr>
<th>City:</th>
<th>Postal Code:</th>
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</table>

### LOCAL POLICE SERVICE:

Name of Municipal or Regional Police Service or OPP Detachment:

### ANNUAL EXPENDITURE SUMMARY:

*PLEASE REVIEW THE ATTACHED GUIDELINES BEFORE COMPLETING THE FOLLOWING SECTION. THE GUIDELINES WILL PROVIDE DETAILS ON SERVICES AND ACTIVITIES ELIGIBLE FOR FUNDING.*

Funding Year 
Allocation (January 1, 201_ to December 31, 201_):

#### COURT SECURITY COSTS

- a) Total gross annual court security costs:
- b) Total annual payments provided to other municipalities for court security:
- c) Total annual payments received from other municipalities for court security:
- d) Total annual payments received from other funding sources for court security:
- e) **Total net annual court security costs (a + b - c - d):**

#### PRISONER TRANSPORTATION COSTS

- f) Total gross annual prisoner transportation costs:
- g) Total annual payments provided to other municipalities for prisoner transportation:
- h) Total annual payments received from other municipalities for prisoner transportation:
- i) Total annual payments received from other funding sources for prisoner transportation:
- j) **Total net annual prisoner transportation costs (f + g - h - i):**

**Total Net Annual Court Security and Prisoner Transportation Costs (e + j):**

### SIGNATURE OF AUTHORIZED OFFICIAL:

I, hereby certify that the information provided in the Annual Financial Report is true and correct and is in agreement with the books and records of the municipality and its consolidated entities.

<table>
<thead>
<tr>
<th>Title:</th>
<th>Print Name:</th>
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<th>Signature:</th>
<th>Date:</th>
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</table>
**Salary Administration Policy (amended)**

<table>
<thead>
<tr>
<th>POLICY STATEMENT</th>
<th>An employee’s salary may be increased, decreased or salary protected as a result of:</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>• a general economic adjustment;</td>
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<td>• a progressive step increase based on a performance appraisal rating of equal to or</td>
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<td>higher than effective performance;</td>
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<td></td>
<td>• staffing changes (for new employees, reclassifications, promotions, promotions to</td>
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<td>management positions, lateral transfers);</td>
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<tr>
<td></td>
<td>• transfer to another position;</td>
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<tr>
<td></td>
<td>• a temporary transfer to another position on an acting or career development basis,</td>
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<tr>
<td></td>
<td>or a secondment to a special project;</td>
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<td></td>
<td>• a job evaluation;</td>
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<td>• a market rate adjustment;</td>
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<td>• a supervisory differential adjustment; or</td>
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<td></td>
<td>• an adjustment to reflect the assignment of duties and responsibilities in addition</td>
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<td>to the employee’s regular position.</td>
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</table>

| PURPOSE | This policy identifies the terms and conditions under which salary changes may be enacted for the purposes of Salary Plan Placement (new employees, reclassifications, promotions, promotions to management positions and lateral transfers); Market Rates, Acting Pay, Additional Temporary Duties and Salary Protection as well as outlining how salaries are processed under these conditions. |

| SCOPE | This policy applies to all permanent, temporary or contract full-time employees of the City of Hamilton who have successfully completed their probationary period, including administrative support to elected officials. This policy excludes unionized employees. |

<table>
<thead>
<tr>
<th>DEFINITIONS</th>
<th>The following terms referenced in this Policy are defined as:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary Plan Placement</td>
<td>The City of Hamilton recognizes that staffing changes within the organization may affect an employee’s compensation. Actions taken with the Salary Plan Placement Policy vary depending on the reason for the movement. Five situations typically occur – hiring of new employees, job reclassifications, promotions, promotions to management positions and lateral transfers within the same salary/wage grade.</td>
</tr>
<tr>
<td>Market Rates</td>
<td>The Employer may establish a job rate that is different from that established through the job evaluation plan in response to market conditions or other factors such as &quot;hot skills&quot;. Such rates must be substantiated by difficulty recruiting employees, difficulty retaining staff or a skills shortage of a particular skill set in the local market and/or employment market research.</td>
</tr>
<tr>
<td>Acting Pay</td>
<td>When an employee temporarily assumes a substantial portion of the responsibilities of a higher position, and is no longer responsible for their own normal duties, the employee is considered to be in an acting capacity.</td>
</tr>
<tr>
<td>Temporary Additional Duties</td>
<td>Salary premiums for additional responsibilities are based on the following criteria:</td>
</tr>
<tr>
<td></td>
<td>• the temporary responsibilities are generally for a period of one to six months duration;</td>
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<tr>
<td></td>
<td>• the employee is responsible for specific projects; and</td>
</tr>
<tr>
<td></td>
<td>• the employee is required to demonstrate additional skill, effort, responsibility or working conditions over and above their current responsibilities</td>
</tr>
</tbody>
</table>
Salary Protection
An employee will be salary protected if changes in the job content result in a lower evaluation and salary grade for a job. This means that the employee(s) will continue to receive the same salary for the period of time set out in the Salary Protection section of the Salary Administration Policy.

PRINCIPLES
The following principles apply to this Policy:
1. Market Rates - Market rates will be reviewed annually to ensure they continue to be justified.
2. Expansion of salary range beyond job rate (up to a maximum of 8%) to be used for compensation premiums for additional temporary duties and/or special projects.
3. Retired or terminated employees are not entitled to retroactive adjustments for job evaluation reclassifications unless the employee was an active employee at the time of the job evaluation decision and/or Council approval of rate changes.
4. If an employee is within five years of eligibility for a planned retirement that meets OMERS eligibility requirements, the employee would be entitled to either the salary protection provisions at their current hourly rate or for such longer period that the employee would need to ensure no negative impact on their best five years of income for pension eligibility.

TERMS & CONDITIONS

Salary Plan Placement

New Employees
New employees are placed in the appropriate salary grade for their position, based on demonstrated skills, knowledge and experience.

Placement in the salary grade must reflect the current market conditions, and ensure adequate compensation for the skills, knowledge and experience the employee brings to the City.

Reclassification
Where changes in skill, effort, working conditions or responsibility result in a change in rating, the employee is moved to a different salary grade and their compensation is adjusted accordingly.

Adjustment to pay due to reclassification can be applied retroactively for a maximum of six months effective from the date that Human Resources receives the job evaluation documentation completely signed off by all parties. Employees that are considered ‘active employees’ and are in receipt of a pay cheque at the time of the reclassification will be entitled to retroactive adjustments.

<table>
<thead>
<tr>
<th>Position is rated</th>
<th>New Salary grade is</th>
<th>Employee is</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rated higher</td>
<td>Higher</td>
<td>placed at the minimum rate of the new salary grade or placed at a rate that gives a maximum of a five percent increase above current salary, whichever is greater</td>
</tr>
<tr>
<td>Rated lower</td>
<td>Lower but is within the higher salary grade</td>
<td>placed in the new salary grade at current salary if current salary falls within the new salary range, otherwise placed at rate at the top of the range</td>
</tr>
<tr>
<td>Rated lower</td>
<td>Lower and is</td>
<td>placed in the salary grade according to</td>
</tr>
</tbody>
</table>
Any employee who requires salary protection due to his/her job being reclassified and is within a planned retirement that meets OMERS eligibility requirements, would be entitled to either salary protection (red circling) provisions at their current hourly rate or for such longer period that the employee would need to ensure no negative impact on their best five years of income for pension eligibility. These employees may continue to be salary protected (red circled) to minimize the financial impact on their pension income if within five years of eligibility, as per OMERS eligibility requirements. Thereafter, the employees’ salary will be reduced to the maximum of the salary grade should the employee choose not to retire at the conclusion of the five year timeline. Salary protected (red circled) employees are not entitled to annual increases; their salary is protected up to the maximum of 5 years. Employees should notify their Compensation Specialist to ensure that the employee meets eligibility.

Salary progression increase dates do not change on reclassification.

Promotions

Employees promoted to a higher salary grade are placed in a rate within the new salary grade that allows a maximum of eight per cent increase in salary over their previous permanent salary grade or moves to the minimum rate of the new salary grade.

All promotional increases are calculated on an employee’s annual salary except where the employee’s bi-weekly hours are reduced as a result of the promotion. In these cases, the promotional increase is calculated on the employee’s bi-weekly rate.

Promotions to Management Positions

Salary determination for employees promoted to management positions considers the salary levels of the employee’s direct subordinates. Non-union management employees are placed in a rate within the salary grade that allows up to 10 per cent above the closest union subordinate, without going over the maximum rate for the grade to maintain appropriate compression differentials.

Placement in the grade cannot be above the maximum of the salary grade determined through internal equity.

Progressive salary increase dates change to reflect the effective date of the promotion. Employees promoted to the City Manager or General Manager/Executive Director positions will have a salary progression increase date of January 1.

Employees who are within three months of receiving a progressive salary increase in their former positions will have this considered in the calculation of the promotion increase.
Employee Move To Lower Salary Grade
Where an employee moves to a management position that has a lower salary grade than the employee’s current position, the employee is placed in the lower salary grade:

- at the rate within the salary range that provides the minimum financial impact when the lower salary grade overlaps the higher salary grade
- at the highest rate in the lower salary grade when the lower salary grade does not overlap the higher salary grade,

Lateral Transfers
Employees who move positions laterally maintain the rate of their previous position.

Salary Progression increase dates do not change to reflect the effective date of the transfer.

Performance assessments are based on a combination of the new position and the former position, where appropriate.

Compression Rates
The employer shall maintain a 10% wage differential between the top rate of the closest unionized subordinate and the top rate of the non-union management employee. These situations are reviewed annually or as required on a case by case basis and adjusted as a result of any rate or organizational changes.

Issues of salary compression between non-union positions are reviewed on a case-by-case basis. The employer may implement a 5% differential in these circumstances. Consideration may be given where an employee has had a previous acting assignment that enhanced his/her skill sets. Consideration will be given to the experience of the subordinates as well as the promoted employee in determining if compression pay is required.

Market Rates
Market rates will be established after discussions with Human Resources to determine justification based on defined market rate criteria for a minimum of one year by communicating to the employee that he/she will receive the base internal equity rate for the job in addition to a market adjustment that will be paid through additional duty pay. The market rate adjustment will be reviewed annually to determine if the market adjustment should continue for another year or if same is no longer required due to external market conditions. The additional duty pay will be discontinued if the market adjustment is no longer required and the employee will continue to receive the internal equity rate.

Notification to discontinue existing market rates no longer required due to external market conditions will be based on the following criteria:

- positions below the Director level - three weeks notice for each year the market premium was paid
- Director level and above - four weeks notice for each year the market premium was paid

Acting Pay
Acting Pay is remuneration for a period of time that an employee is actually performing the essential core duties of a position in a higher salary grade. Acting pay is not automatic and must be initiated by the Department Director and approved by Human Resources.
To qualify for acting pay, the temporary assignment must be for at least 30 days.

Employees in acting positions are placed in the salary grade for the higher position that allows a maximum eight percent increase over their current salary.

Temporary assignments for less than six months duration may be filled at the discretion of management. Temporary assignments for longer than six months are normally filled by a job competition or through an Expression of Interest procedure. If the acting assignment is one year in duration or longer, the position must be posted corporately. In extenuating circumstances, the requirement for a job competition may be waived, but this requires the approval of the appropriate General Manager and the Executive Director, Human Resources or designate.

An employee in an acting capacity may be appointed to fill the position on a permanent basis during the acting period without a formal job posting only if the acting position was filled through a formal job competition consistent with the corporate standard and the employee has performance appraisal ratings of equal to or greater than effective performance.

**Temporary Additional Duties**

The City of Hamilton views temporary additional duties of higher responsibilities as a means to provide employees with opportunities for development and growth in the workplace, as well as allowing the City to find short-term solutions to operational challenges. This policy is not intended to cover routine vacation relief.

Assignment on a shared basis to a group of employees must be considered before assigning temporary additional duty pay to just one employee.

Temporary additional duties are based on the following criteria:
- Duration is generally for a period of a minimum of one month up to a maximum of six months
- The employee is responsible for specific projects
- Not merely increase in workload
- Requirement for additional skill, effort, responsibility or working conditions than in current responsibilities
- Consultation with Human Resources on the plan for temporary additional duties

An appropriate business case must be made and approved by the Executive Director, Human Resources or designate, for extensions beyond six months for temporary additional duty pay due to extenuating circumstances.

Employees with temporary assignments meeting these criteria receive a salary premium of eight per cent over their current base salary for the duration of the temporary assignment. A temporary assignment is expected to be temporary. If additional responsibilities continue beyond the project period, or are expected to continue indefinitely, the position is submitted for review under the non-union job evaluation plan.

**Salary Protection**

An employee is salary protected at the rate of pay in effect when the salary protection is applied. When salary protected, the employee’s rate of pay is frozen, the employee is not entitled to any across the board increases e.g. cost of living adjustments.
Employees who apply for and are awarded a lower-valued position are not salary protected but will be placed in the new lower salary grade to provide the minimum financial impact. Salary protection does not apply to compression rates.

Employees holding downgraded positions or placed in lower-valued positions are entitled to salary protection when:
- no opportunity exists to move the employee to an equal or higher salary within the lower grade for the lower-valued position
- the salary grade of the new lower-valued position does not cross over the existing higher salary grade.

Employees are placed in the new lower salary grade according to the following table:

<table>
<thead>
<tr>
<th>Position</th>
<th>Maintain previous salary for</th>
<th>After Adjustment Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below Director</td>
<td>Three weeks per year of service to a maximum of 18 months, or until such time as the salary protection is no longer necessary</td>
<td>place at the highest rate in the lower salary grade to minimize financial impact</td>
</tr>
<tr>
<td>Director and above</td>
<td>Four weeks per year of service to a maximum of 18 months, or until such time as the salary protection is no longer necessary</td>
<td>place at the highest rate in the lower salary grade to minimize financial impact</td>
</tr>
</tbody>
</table>

**Pending Retirement Salary Protection (Red Circling)**

Employees within five years of a planned retirement that meet OMERS eligibility requirements, who would be eligible for salary protection, are red circled at their current rate of pay, to minimize financial impact.

These employees are red circled until one of the following occurs:
- the new lower salary grade crosses the current higher salary grade (catches up to the salary protected rate)
- five years have elapsed from the salary protection notice
- the employee retires

**RESPONSIBILITIES**

Operating departments are responsible for consulting with Human Resources and fulfilling the responsibilities detailed in this Policy to:
- ensure promotional, acting pay and temporary additional duty pay formulas are calculated correctly.
- ensure reporting and discussion of compression issues as required.
- ensure receipt of advice and guidance in matters relating to starting salaries, performance matters, eligibility for removal of status and/or reassignment or re-evaluation.
- ensure a development plan is developed between the Supervisor and the employee in unique situations where the employee falls short of the job qualifications.
- ensure market rates are justified for specific job(s).
- ensure salary protection timelines are calculated correctly and appropriate notification is provided by Human Resources to the employee(s).
Human Resources is responsible for administering the salary administration processes.

**COMPLIANCE**

Failure to comply with this Policy and its associated Procedures will result in the employee(s) not being compensated fairly and appropriately.

**RELATED DOCUMENTS**

The following related documents are referenced in this Policy:
2. OMERS Legislation.

**HISTORY**

This policy was approved by Council – 2002-02-13
Policy was revised on Council's direction – 2011-06-23
The revised policy was approved by Council – 2011-00-00
The Public Works Committee presents Report 12-002 and respectfully recommends:

1. Intersection Control List (PW12001) (Wards 8, 11, 15 & 5) (Item 5.1)

That the appropriate By-law to provide traffic control as follows, be passed:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Ferrino Ct.</td>
<td>Purnell Dr.</td>
<td>N/C WB</td>
<td>B</td>
<td>S. of Mohawk Rd.; W. of Garth St.</td>
</tr>
<tr>
<td>(b) Cedarwood Cres.</td>
<td>Sabrina Blvd.</td>
<td>N/C SB</td>
<td>A</td>
<td>N. of Rymal Rd.; E. of Garth St.</td>
</tr>
<tr>
<td>(c) Summerberry Way</td>
<td>Sabrina Blvd.</td>
<td>N/C NB</td>
<td>A</td>
<td>N. of Rymal Rd.; E. of Garth St.</td>
</tr>
<tr>
<td>(d) Summerberry Way</td>
<td>Hazelton Ave.</td>
<td>N/C EB</td>
<td>B</td>
<td>N. of Rymal Rd.; E. of Garth St.</td>
</tr>
<tr>
<td>(e) Alessio Dr.</td>
<td>Hazelton Ave.</td>
<td>N/C EB/WB</td>
<td>C</td>
<td>N. of Rymal Rd.; E. of Garth St.</td>
</tr>
<tr>
<td>(f) Spring Meadow Grove</td>
<td>Hazelton Ave.</td>
<td>N/C WB</td>
<td>B</td>
<td>N. of Rymal Rd.; E. of Garth St.</td>
</tr>
<tr>
<td>(g) Matteo Trail</td>
<td>Alessio Dr.</td>
<td>N/C NB</td>
<td>B</td>
<td>N. of Rymal Rd.; E. of Garth St.</td>
</tr>
</tbody>
</table>
2. Petition Winona Road Between Highway 8 and the Escarpment (PW12005) (Ward 11) (Item 5.2)

That Report PW12005, respecting Petition Winona Road Between Highway 8 and the Escarpment, be received.

3. Petition for Road Safety Improvements – Highway 8 between Jones Road and Glover Road (PW12006) (Ward 11) (Item 8.1)

   (a) That the speed limit on Highway 8 between Fruitland Road and Lewis Road be reduced from 70 km/h to 60 km/h;

   (b) That the existing part-time School Zone Flashing Speed Limit of 60 km/h on Highway 8 in the vicinity of Glover Road be reduced to 50 km/h in conjunction with the speed reduction noted above;

   (c) That the existing “Curve Warning” signs for both directions of travel on Highway 8 between Jones Road and Glover Road be replaced with “High Intensity Diamond Grade” reflective sign sheeting;

   (d) That a full traffic signal be installed at the intersection of Highway 8 and Glover Road in 2012 with funding from account 55916-461010;

   (e) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted

4. Road Cut Restoration – Appropriation Adjustments (PW12007) (City Wide) (Item 8.2)

   (a) That Appendix “A” attached to Report 12-002 respecting 2011 capital budget appropriation adjustments be approved;
(b) That the purchase order for the 2011 Road Cut program be extended by the amount in Appendix “A”;

(c) That the 2012 Capital Budget for Road Cuts be extended by the amount as outlined in Appendix “A”.

5. Appeal of Technical Standards and Safety Authority Order - Truck Wash at Rymal Road Operations Yard (LS12003/PW12010) (Ward 7) (Item 8.4)

(a) That the City Solicitor be authorized and directed to take all necessary steps to appeal the Inspector Order and any fees invoices issued against the City of Hamilton under the Technical Standards and Safety Act, 2000 and regulations there under, as described in Report LS12003/PW12010.

(b) That the City Solicitor and General Manager of Public Works be authorized, if and when they deem appropriate, to enter into discussions with the Technical Standards and Safety Authority and with any other relevant persons to attempt to resolve the issues related to the Inspector Order and any fees invoice issued, and to inform City Council on the outcome of such resolution.

6. Binbrook Road Tree Removal (PED12019) (Ward 11) (Item 8.5)

That the existing trees within the Binbrook Road municipal allowance, as outlined in Appendix “A” attached to Report PED12019, be removed to facilitate the urbanization of Binbrook Road in accordance with the approved Class Environmental Assessment (EA), in consultation with the Ward Councillor.

7. Request for Installation of a pedestrian-activated signal on Parkside Drive (Item 9.1 and 10.1)

(a) That a pedestrian-activated signal be installed on Parkside Drive in the vicinity of Victoria Street and the Waterdown Long Term Care Centre at 329 Parkside Drive to be funded out of the approved 2012 Uncommitted Capital Budget; and

(b) That the $5,000.00 annual cost to maintain a traffic signal be added to Traffic Operations current operating budget Department I.D. 466130 to ensure that maintenance and inspections at the new intersection can be provided.
8. Referral of Outstanding Business List Item to the General Issues Committee Budget Deliberations (Item 11.1)

That the Outstanding Business List Item respecting, Review of resources and budgeting for minor and major construction be referred to the General Issues Committees Budget Deliberations.

9. Waste Collection Procurement Process for 2013-2020 (PW11030e & PW11030d) (City Wide) (Items 7.2 & 7.3)

(a) That Information Item(g)(ii) of the Public Works Committee Report 12-002, respecting the Waste Collection Procurement Process for 2013-2020 (PW11030(e) and PW11030(d)), be lifted from the table and added as Item 9 to the Public Works Committee Report 12-002.

(b) That Item 9 (Reports PW11030(d) and PW11030(e) as well the motion contained in Item 9), respecting the Waste Collection Procurement Process, be referred to the General Issues Committee for discussion, no later than March 21, 2012.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

(i) That Item 8.3 on the Agenda respecting, Report PW12008, and Transit Fare Waiver and Equipment Use policy be removed from the agenda to allow staff further consultations.

(ii) Added as Item 10.1 Notice of Motion respecting the Installation of a Pedestrian-Activated signal on Parkside Drive.

The February 6, 2012 Public Works Committee Agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

(i) January 16, 2012 (Item 3.1)
The Minutes of the January 16, 2012 Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Daniel Rodrigues, Chair of the Clean City Liaison Committee, respecting agenda Items 7.2 & 7.3, Waste Collection Procurement Process for 2013-2020 (Item 4.1)

The Delegation Request from Daniel Rodrigues, Chair of the Clean City Liaison Committee, respecting agenda Items 7.2 & 7.3, Waste Collection Procurement Process for 2013-2020, was approved and the rules of order were waived to allow the delegation to be heard today.

(e) CONSENT ITEMS (Item 5)

(i) Intersection Control List (PW12001) (Wards 8, 11, 15 & 5) (Item 5.1)

On a Motion Report PW12001 was amended to include the installation of a 4-way stop at the intersection of Dumbarton Street & Cochrane Road.

(f) DELEGATIONS/PUBLIC HEARINGS (Item 6)

(i) Delegation by Lisa Schumph of the Salvation Army Lawson Ministries respecting support to changes to the ATS Eligibility Criteria (Item 6.1)

Lisa Schumph of the Salvation Army Lawson Ministries was not in attendance. Chair McHattie indicated that she would be given an opportunity to appear at a future meeting.


Daniel Rodrigues, Chair of the Clean City Liaison addressed the Committee and provided a handout for distribution.

Mr. Rodrigues indicated that due to the timing of the release of staff reports, his presentation focuses on staff Report PW11030(d), not the revised recommendations as shown in Report PW11030(e).

(a) On a Motion the presentation by Daniel Rodrigues, Chair of the Clean City Liaison Committee, respecting agenda Items 7.2 & 7.3,
Waste Collection Procurement Process for 2013-2020, was received.

(b) The handout attached as Appendix “B” to Report 12-002 was received.

(g) PRESENTATIONS (Item 7)

(i) Update on Drinking Water Backflow Prevention Program (no copy) (Item 7.1)

Dan McKinnon, Director of Water and Wastewater Operations addressed the Committee with the aid of a Power Point presentation. A copy of the presentation has been included in the official record.

Committee members asked for clarification on the installation of Water Backflow Prevention hot boxes at the property line and discussed the associated costs to property owners.

Committee members asked for clarification on legislation and where the responsibility to prevent cross contamination in buildings such as hospitals falls. Staff indicated that the Province mandates much of the requirements on buildings through Building Code; however the required annual testing often falls upon municipalities.

Councillors asked how staff are tracking new businesses to ensure they are captured in the inventory. Staff indicated that they are working with Horizon Utilities to capture new businesses as they come online.

On a Motion staff were directed to Report back to the Public Works Committee on issues around a third category of water users, specifically large water users serviced by a pipe width greater than an inch and a half that are required to install a hot box. Staff were directed to investigate permitting the installation of back water valves inside existing buildings for this category of users.

The staff presentation respecting Update on Drinking Water Backflow Prevention Program was received.

(ii) Waste Collection Procurement Process for 2013-2020 (PW11030e & PW11030d) (City Wide) (Items 7.2 & 7.3)

Beth Goodger, Senior Director of Operations & Waste Management addressed the Committee with the aid of a Power Point Presentation. A copy of the presentation has been included in the official record.
Staff provided an update on the questions raised by Committee at their January meeting. Staff outlined the options presented in Report PW11030(e) for Committees consideration.

Committee members asked for clarification on where budgeted estimates of savings came from as well as how the proposed 2012 budget would impact these numbers. Committee members asked for a projection of the savings in 2013 based on a 2012 budgetary increase.

Staff clarified that the savings are based upon the 2011 budget, which was $24.8 million. Staff indicated that the savings are based on lower RFP costs which will translate into real savings for the City in 2013.

Committee members asked for clarification on what system cost components represent costs received through the proponent bidders and what costs are represented by staff estimations.

Staff clarified that the Voucher system costing is based upon staff estimations of possible lost revenues from tipping fees at Community Transfer Centres.

Committee members asked how much the diversion rate has increased in the last decade. They also inquired into what the expected lifespan of the landfill was a decade ago.

Staff indicated that our diversion rate is now 49% overall and 55% for single family residential users. Staff discussed how diversion rates a decade ago were around 28%. Staff indicated that because of diversion efforts over the last decade they have maintained the landfill life capacity at 25 to 28 years.

Committee members asked for clarification on how the move to bi-weekly garbage collection increases diversion even if higher container limits are allowed.

Staff indicated that research and other municipalities experiences in bi-weekly systems shows that diversion goes up regardless of bag limits because more people begin using green carts that are picked-up weekly.

The staff presentation respecting Report PW11030e, Waste Collection Procurement Process for 2013-2020, was received.

No further action was taken on Reports PW11030d & PW11030e, respecting Waste Collection Procurement Process for 2013-2020.

On a Motion the Issue of Waste Collection Procurement Process for 2013-2020 was referred to the next Public Works Committee Meeting:

Refer to Council Motion in above item 9.
That Project 3 be approved as the Preferred Waste Collection System as follows:

(a) That the City’s Waste Collection System commencing April 1, 2013 consist of the following services:

(i) Weekly collection of Organic Waste;
(ii) Weekly collection of Garbage;
(iii) Weekly Leaf and Yard Waste collection;
(v) Weekly two-stream collection of Recyclable Materials;
(vi) Weekly two-stream Automated Recycling Cart collection;
(vii) Weekly front-end Bin Service for Garbage collection;
(viii) Supply of front-end Bin Containers for Recyclable Fibres and weekly front-end Bin Service for Recyclable Fibres collection;
(ix) Multi-day collection of Public Space Litter Containers and Public Space Recycling Containers;

(b) That the waste collection system in (a) include the following refinements:

(i) Collection of up to two (2) containers of garbage per residential unit on a weekly schedule; plus additional containers through a curb side tag system
(ii) Permit the use of alternative recycling containers to reduce escaped waste;
(iii) Supply of front-end garbage bin containers for garbage collection at municipal facilities;
(iv) Continue with Special Considerations for households with children, medical circumstances, home day cares and agricultural properties of up to three (3) containers weekly;
(v) Bulk waste reuse events as a pilot program;
(vi) Phase in of smaller green carts;

(c) That a tag system for additional garbage for curbside collection be available for purchase at specified locations at a cost of $2 per tag in blocks of five (5) tags;

(d) That the Special Considerations provisions in the Solid Waste Management By-law 09-067 be amended to allow for families with two (2) children under the age of four (4) to be eligible for Special Consideration;

(e) That appropriate amendments to Solid Waste Management By-law 09-067 be enacted to implement recommendations (a), (b), (c) and (d);
(f) That GFL Environmental East Corporation, be selected as the Successful Proponent for:

(i) Project 3 of Request for Proposals C11-30-11 which is comprised of:

1. Weekly collection of Organic Waste in Zones B1, B2 and B3;
2. Weekly collection of Garbage in Zones B1, B2 and B3;
3. Weekly Leaf and Yard Waste collection in Zones B1, B2 and B3;
5. Weekly two-stream collection of Recyclable Materials City-wide;
6. Weekly two-stream Automated Recycling Cart collection City-wide;
7. Weekly front-end Bin Service for Garbage collection City-wide;
8. Supply of front-end Bin Containers for Recyclable Fibres and weekly front-end Bin Service for Recyclable Fibres collection City-wide;
9. Multi-day collection of Public Space Litter Containers and Public Space Recycling Containers in Zones B1, B2 and B3;

(ii) Additional Work identified in Request for Proposals C11-30-11 including:

1. The collection of two (2) or more containers for bi-weekly collection of garbage;
2. A garbage tag system to supplement the curbside program;
3. Collection of blue boxes with lids and larger blue boxes;
4. The supply of bin containers at municipal facilities;
5. Bulk waste reuse events, at the discretion of the City.

(g) That the contract period be seven (7) years commencing April 1, 2013 with the potential extension of one (1), one (1) year term;

(h) That the General Manager of Public Works be authorized and directed to finalize the terms and conditions of the agreement with GFL Environmental East Corporation in accordance with the provisions of Request for Proposals C11-30-11;

(i) That the Mayor and City Clerk be authorized and directed to execute the agreement with GFL Environmental East Corporation, together
with any necessary documents, in a form satisfactory to the City Solicitor;

(j) That Capital Project 5121294500 Recycling Program - Vehicle Acquisition and Facility Modification, which was parked during the 2012 Capital Budget process be withdrawn from further consideration and the 2012 Capital Financing Strategy be amended to reflect a lower reliance on Future Fund financing;

(k) That the Outstanding Business Items referring to Waste Collection and Recycling Processing Procurement Processes for 2013-2020 as well as Activity Based Costing for Public Sector Waste Collection 2013-2020 be identified as completed and removed from the Public Works Committee Outstanding Business List;

(l) That the Outstanding Business Item referring to Illegal Dumping, Litter and Escaped Waste be identified as completed and removed from the General Issues Committee Outstanding Business List.

(h) DISCUSSION ITEMS (Item 8)

(i) Binbrook Road Tree Removal (PED12019) (Ward 11) (Item 8.5)

That the recommendation be amended through the addition of “in consultation with the Ward Councillor” following “Environmental Assessment (EA)”

(i) NOTICES OF MOTION (Item 10)

Councillor Collins introduced the following Notice of Motion

(i) Request for Installation of a pedestrian-activated signal on Parkside Drive (Item 10.1)

(a) That a pedestrian-activated signal be installed on Parkside Drive in the vicinity of Victoria Street and the Waterdown Long Term Care Centre at 329 Parkside Drive to be funded out of the Approved 2012 Uncommitted Capital Budget; and

(b) That the $5,000.00 annual cost to maintain a traffic signal be added to Traffic Operations current operating budget Department I.D. 466130 to ensure that maintenance and inspections at the new intersection can be provided.

On a Motion, the rules of order were waived to allow for the introduction of a Motion respecting Installation of a pedestrian-activated signal on Parkside Drive.
For disposition on this item refer to Item 7.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(a) Items Requiring Approval for Removal:

That the following items were removed from the Outstanding Business List.

(i) Item D - Petition for Road Safety Improvements on Highway 8, east of Jones Road to east of Glover Road

(ii) Item J - Petition Winona Road Between Highway 8 and the escarpment

(iii) Item O - Introduction of transit services to the new regional shopping complex on Centennial Parkway

(iv) Item Q - Pavement Cut Restorations

(k) ADJOURNMENT

There being no further business, the Public Works Committee adjourned at 1:34 p.m.

Respectfully submitted,

Councillor B. McHattie, Chair
Public Works Committee

Andy Grozelle
Legislative Coordinator
February 6, 2012
## PUBLIC WORKS

### Schedule A - 2011 Capital Budget Appropriation Adjustments

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Project Description</th>
<th>Budget</th>
<th>Increase/(Decrease)</th>
<th>Revised Budget</th>
<th>% Increase/(Decrease)</th>
<th>Revised Budget</th>
<th>Increase/(Decrease)</th>
<th>Revised Budget</th>
<th>REASON FOR ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>5141111101</td>
<td>Road Cut Restoration - 2011 Program</td>
<td>500,000</td>
<td>1,100,000</td>
<td>1,600,000</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1,100,000</td>
<td>Additional funds required to proceed with higher than anticipated road cuts in 2011 and backlog</td>
</tr>
<tr>
<td>5141211101</td>
<td>Road Cut Restoration - 2012 Program</td>
<td>1,000,000</td>
<td>250,000</td>
<td>1,250,000</td>
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<td>0</td>
<td>1,000,000</td>
<td>250,000</td>
<td>Additional funds required for road cut restorations in 2012 based on 2011 analysis.</td>
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<tr>
<td>5140661502</td>
<td>Large Meter Replacement/Repairs</td>
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<td>9,624,510</td>
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<td>10,974,510</td>
<td>-1,350,000</td>
<td>Surplus due to change in scope</td>
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<tr>
<td>5161111101</td>
<td>Road Cut Restoration - 2011 Program</td>
<td>500,000</td>
<td>1,100,000</td>
<td>1,600,000</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
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<td>Additional funds required to proceed with higher than anticipated road cuts in 2011 and backlog</td>
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<td>5161211101</td>
<td>Road Cut Restoration - 2012 Program</td>
<td>1,000,000</td>
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<td>0</td>
<td>0</td>
<td>1,000,000</td>
<td>250,000</td>
<td>Additional funds required for road cut restorations in 2012 based on 2011 analysis.</td>
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<td>5160866810</td>
<td>New Maintenance Building</td>
<td>8,000,000</td>
<td>-1,350,000</td>
<td>6,650,000</td>
<td>0</td>
<td>0</td>
<td>8,000,000</td>
<td>-1,350,000</td>
<td>Meter maintenance will be cared forward under project</td>
</tr>
</tbody>
</table>

| TOTAL INCREASE/(DECREASE) | 21,974,510 | 0 | 21,974,510 | 0 | 0 | 21,974,510 | 0 | 21,974,510 |
Dear Public Works Committee:

Members of the Public Works Committee, my name is Daniel Rodrigues and I am here to speak with you on behalf of the Clean City Liaison Committee (hereinafter referred to as the CCLC), of which I am the current Chair. The members of the CCLC appreciate the Public Works Committee requesting our input into today's discussion items through the invitation of PW representatives Councilors Tom Jackson & Chad Collins. Given the short timeline for reaction to the staff recommendation and appreciating that the CCLC members are all volunteers, many of whom have a full schedule and a full time job, we feel our presentation today provides reasonable recommendations for consideration. The recommendations contained within are the products of an excellent focused discussion based on research & information gleaned from various related Council reports. Unfortunately, we did not have access to the revised report provided to you today as Item 7.2, so our presentation is focused on the report previously presented at the January 16, 2012 PW meeting, which is indicated on today’s agenda as Item 7.3.

I would like to thank all the members of the CCLC for their input into today's presentation and in particular recognize the volunteer citizen member John Hawker, volunteer Business Representatives Brad Rich and Mac Sparrow, and Vice-Chair Ron Speranzini for taking time out of their busy lives to lend their expertise and informed opinions to this task.

ISSUE

The City of Hamilton is in the process of finalizing the residential curbside collection tendering process, and have brought forward a recommendation to move to a bi-weekly collection of garbage, while maintaining weekly collection of recycling and green cart materials. Included in the recommendation, the City is proposing certain enhancements to the curbside collection process including, but not limited to, leaf & yard waste to be collected weekly, bulk pick-up to be available to be picked-up bi-weekly, and the opportunity for changes to the blue box program allowing for either larger blue bins and/or blue bins with lids. Concern has been raised that there exists a correlation between curbside collection and litter/illegal dumping. The CCLC has been charged with reviewing the City's current and proposed collection process, and to offer a supporting recommendation aimed at reducing unsightly litter, and illegal dumping in an appropriate cost-effective manner. As this request extends beyond the curbside collection process and includes the Community Recycling Centres (CRCs), approved Commercial curbside collection properties, and multi-residential properties, latitude must be given to marry CCLC’s proposed recommendations accordingly.

STATEMENT OF FACTS (AS WE KNOW THEM TO BE):

A. That the CCLC has been requested to review the current curbside collection delivery model and proposed curbside collection options, otherwise known as “Projects”, and offer a recommendation to the Public Works Committee...
B. That the CCLC stay within the Clean City Mandate in bringing forth any recommendations...
C. That the current curbside delivery model has been recognized throughout North America as demonstrated by being the recipient of multiple awards from the Solid Waste Association of North America, which recognizes communities and waste management corporations who enact practices aimed at minimizing environmental impacts...
D. That any changes to curbside collection have both positive and negative effects, including higher diversion rates (positive) and higher incidences of illegal dumping (negative). While these responses can be temporary in nature, the negative aspects can add cost and an adverse wellness of the community overall...
E. That each of the proposed curbside collection Projects provide a cost savings benefit to the residents of the City of Hamilton...
F. That each of the proposed curbside collection Projects offer limited increased diversion benefits...
G. That each of the proposed curbside collection Projects include options for enhancements in response to residential concerns (eg. increased leaf & yard collection, increased availability of bulk collection, & larger blue bins and/or bins with lids)
H. That each of the proposed curbside collection Projects include options for enhancements which may provide some relief to illegal dumping and unsightly litter (this is implied, but not identified explicitly within the Projects), such as increased availability of bulk collection, & larger blue bins and/or bins with lids...
I. That each of the proposed curbside collection Projects do not directly address other avenues such as enforcement or CRC fees and use...
J. That each of the proposed curbside collection Projects do not include any provisions for increasing diversion in approved commercial properties and multi-residential properties...

RECOMMENDATIONS
Therefore based on the aforementioned information, the CCLC propose the following recommendations:

- That the new collection project chosen include the enhancement of larger blue bins, and/or bins with lids to minimize litter from escaped waste...
- That the new collection project chosen be used in its entirety for the duration of the contract (7-years) to provide stability for residents...
- That the PW Committee charge the CCLC with the responsibility of engaging resident stakeholders and commercial stakeholders in a review of CRC fees, voucher, or other avenues aimed at encouraging proper waste disposal and discouraging illegal dumping...
- That the CCLC provide advice and recommendations to staff and Council in developing & implementing programs which identify the causes & create measures to minimize illegal dumping, including the commencement of ‘pilot programs’ (eg. The use of social marketing)...
- That the PW Committee direct staff to review the City’s public space waste management initiatives and work with the CCLC to explore more opportunities for waste diversion in public spaces and at special events...

CLOSING
In closing, once again the CCLC appreciate the opportunity to present to the Public Works Committee today and look forward to your feedback and any questions you may have.

Sincerely,

Daniel Rodrigues
Chair, Clean City Liaison Committee

ENCLOSURE
THE BOARD OF HEALTH PRESENTS REPORT 12-001 AND RESPECTFULLY RECOMMENDS:

1. Parenting Program Changes (BOH12001) (City Wide) (Item 5.1)

   That Report BOH12001 respecting Parenting Program Changes, be received.

2. Public Health Accountability Agreement – Response to Ministry Draft OPHS Performance Targets for 2012 & 2013 (BOH11038(a)) (City Wide) (Item 8.1)

   a) That report BOH 11038(a) - Public Health Accountability Agreement – Response to Ministry Draft OPHS Performance Targets for 2012 & 2013 be received; and
b) That the Medical Officer of Health be authorized and directed to send the response outlined in Appendix “A” to Board of Health Report 12-001, regarding BOH recommendations for the 2012 and 2013 Performance Targets for the Ontario Public Health Standards for Hamilton to the Ministry of Health & Long Term Care.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

ADDED CONSENT ITEM

(i) Community Food Security Stakeholder Advisory Committee – Minutes from December 7, 2011 (Added item 5.2)

On a motion the agenda was approved, as amended.

(b) MINUTES (Item 3)

(i) November 28, 2011 (Item 3.1)

On a motion the minutes from the November 28, 2011 Board of Health Meeting, were approved.

(c) CONSENT ITEMS (Item 5)

(i) Community Food Security Stakeholder Advisory Committee – Minutes from December 7, 2011 (Added item 5.2)

On a motion the Community Food Security Stakeholder Advisory Committee, minutes from December 7, 2011, was received.

(d) DISCUSSION ITEMS (Item 8)

(i) Public Health Accountability Agreement – Response to Ministry Draft OPHS Performance Targets for 2012 & 2013 (BOH11038(a)) (City Wide) (Item 8.1)

Dr. Richardson addressed the Board respecting the Public Health Accountability Agreement – Response to Ministry Draft OPHS Performance Targets for 2012 & 2013. Her comments included but were not limited to the following:

Council – February 8, 2012
• Accountability agreement was signed between the City of Hamilton and the Province in November 2011.
• Part of the agreement states that performance indicators are established to track the progress of Public Health Services.
• Some of the indicators are communicable diseases, vaccination, immunization, youth smoking rates, falls among the elderly.
• Baseline information for indicators was collected from all health units, and the Ministry produced draft targets.
• Some Ministry targets are too high to be considered a benchmark, and immunization targets seem unreasonable to meet.

The Board discussed the matter. Their comments included but were not limited to the following:

• How the accountability agreement affects the funding of Hamilton Public Health.
• Will extra funding be required by the City or the Ministry to track the data for the performance indicators, set out in the Accountability Agreement.

(f) ADJOURNMENT (Item 13)

The Board of Health adjourned at 2:30 p.m.

Respectfully submitted,

Mayor B. Bratina, Chair
Board of Health

Christopher Newman
Legislative Coordinator
February 6, 2012
### City of Hamilton Accountability Agreement Performance Indicator Targets

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Ontario Median</th>
<th>Ontario Range</th>
<th>Your Baseline</th>
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</thead>
<tbody>
<tr>
<td>1% of high-risk food premises inspected once every 4 months while in operation</td>
<td>82%</td>
<td>15% - 100%</td>
<td>71%</td>
</tr>
<tr>
<td>Baseline Year: 2010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2% of pools and public spas by class inspected while in operation</td>
<td>73%</td>
<td>0% - 100%</td>
<td>17%</td>
</tr>
<tr>
<td>Baseline Year: 2010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3% of high-risk Small Drinking Water Systems (SDWS) inspections completed for those that are due for re-inspection</td>
<td>cannot be established</td>
<td>cannot be established</td>
<td>cannot be established</td>
</tr>
<tr>
<td>Baseline Year: unavailable</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time between health unit notification of a case of gonorrhoea and initiation of follow-up</td>
<td>80%</td>
<td>0% - 100%</td>
<td>Cannot be established</td>
</tr>
<tr>
<td>Baseline Year: 2010</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time between health unit notification of an Invasive Group A Streptococcal Disease (iGAS) case and initiation of follow-up</td>
<td>94%</td>
<td>3% - 100%</td>
<td>Cannot be established</td>
</tr>
<tr>
<td>Baseline Year: 2010</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### MOH/LTC Identified Targets

| Date: 23/12/2011 | 2012 Target | Rationale for 2012 Target | 2013 Target | Rationale for 2013 Target | 2011 actual if known | 2012 2013 | 2012 Target | Board of Health Rationale for 2012 Target | 2013 Target | Board of Health Rationale for 2013 Target |
|------------------|-------------|--------------------------|-------------|--------------------------|----------------------|---------------|------------|--------------------------|-------------|--------------------------|--------------------------|
| 1 Board of Health Accepts (Y/N) | 1 | yes | yes | 100% | as performance target 100% as minimum standard >95% | This target is currently in the OPHS standards and is consistent with our policies and procedures. | This target is currently in the OPHS standards and is consistent with our policies and procedures. |
| 2 | 73% | 0% - 100% | 75% | 100% | All boards of health are expected to meet the requirements as stated in the Ontario Public Health Standards. | 100% | yes | yes | as performance target 100% as minimum standard >95% | This target is currently in the OPHS standards and is consistent with our policies and procedures. | This target is currently in the OPHS standards and is consistent with our policies and procedures. |
| 3 | cannot be established | cannot be established | cannot be established | 100% | The target for this indicator is not negotiable. Baseline data is not available for this indicator. All boards of health are expected to complete the required inspections of high-risk SDWS as stated in the Ontario Public Health Standards. | 100% | yes | yes | as performance target 100% as minimum standard >95% | This target is currently in the OPHS standards and is consistent with our policies and procedures. | This target is currently in the OPHS standards and is consistent with our policies and procedures. |
| 4 | Time between health unit notification of an Invasive Group A Streptococcal Disease (iGAS) case and initiation of follow-up | This indicator measures the percentage of confirmed gonorrhoea cases where initiation of follow-up occurred within 1-2 business days | 80% | 0% - 100% | Cannot be established | 100% | As a baseline cannot be established, a target has been established based on the requirements as stated in the Ontario Public Health Standards. | 100% | yes | yes | 100 | This target is currently in the OPHS standards and is consistent with our policies and procedures. | 100 | This target is currently in the OPHS standards and is consistent with our policies and procedures. |
| 5 | Time between health unit notification of an Invasive Group A Streptococcal Disease (iGAS) case and initiation of follow-up | This indicator measures the percentage of confirmed iGAS cases where initiation of follow-up occurred on the same day as receipt of lab confirmation of a positive case | 94% | 3% - 100% | Cannot be established | 100% | iGAS is a serious disease that requires immediate follow-up. Historical data has also shown relatively low case counts for all boards of health. With improvements in business practices, it is anticipated that all boards of health will be able to initiate follow-up of all cases on the same day. | 100% | yes | yes | 100 | This target is currently in the OPHS standards and is consistent with our policies and procedures. | 100 | This target is currently in the OPHS standards and is consistent with our policies and procedures. |

Appendix "A" To Board of Health Report 12-001
### CITY OF HAMILTON

#### Accountability Agreement Performance Indicator Targets

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Ontario Median</th>
<th>Ontario Range</th>
<th>Your Baseline</th>
<th>2012 Target</th>
<th>Rationale for 2012 Target</th>
<th>2013 Target</th>
<th>Rationale for 2013 Target</th>
<th>2011 actual if known</th>
</tr>
</thead>
<tbody>
<tr>
<td>7a</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% of vaccine wasted by vaccine type that is stored/administered by the public health unit (HPV)</td>
<td>0.1%</td>
<td>0.0% - 16.6%</td>
<td>0.5%</td>
</tr>
<tr>
<td>7b</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% of vaccine wasted by vaccine type that is stored/administered by the public health unit (influenza)</td>
<td>2.7%</td>
<td>0.6% - 33.3%</td>
<td>2.3%</td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% of school-aged children who have completed vaccinations for Hepatitis B</td>
<td>80.3%</td>
<td>29.0% - 89.8%</td>
<td>74.7%</td>
</tr>
<tr>
<td>8b</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>% of school-aged children who have completed vaccinations for HPV</td>
<td>52.0%</td>
<td>1.7% - 65.0%</td>
<td>55.2%</td>
</tr>
<tr>
<td>Indicator</td>
<td>MOHLTC Identified Targets</td>
<td>Board of Health Proposed Targets</td>
<td></td>
<td></td>
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<td></td>
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</tbody>
</table>
| % of school-aged children who have completed immunizations for meningococcus | 86.7% | 52.5% - 93.8% | 88.1% | Yes | Yes | ≥88.1% | 90% | The VPD School Program currently undergoing a program review specifically aimed at increasing our rates of immunization. The review findings are expected to be implemented in the fall of 2012.

Rationale for 2012 Target: Maintain or improve current coverage rates. Due to the timing of the target negotiation process, it is acknowledged that significant performance improvement of school-based immunization programs in the 2011/2012 school year may not be achievable. As such, boards of health are required to maintain coverage rates or improve where possible. Target: 90.0% | 90.0% | 85% | The VPD School Program currently undergoing a program review specifically aimed at increasing our rates of immunization. The review findings are expected to be implemented in the fall of 2012.

Baseline Year: 2009/10
### MOHLTC Health Promotion Division Identified Targets

<table>
<thead>
<tr>
<th>Date: January 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2012 Target</strong></td>
</tr>
<tr>
<td><strong>% of youth (ages 12-18) who have never smoked a whole cigarette</strong></td>
</tr>
<tr>
<td>2009+2010</td>
</tr>
<tr>
<td>MHPS will monitor 2012 results but due to data quality, will only set a 2013 target using combined 2012-2013 data.</td>
</tr>
</tbody>
</table>

- **Achievement of targets** will result in continued improvement at the provincial level. Your health unit is in quartile 2 which has been assigned a target of +2% relative to your baseline based on current performance and room for further improvement. |
- **Achievement of targets** will result in continued improvement at the provincial level. Your health unit is in quartile 2 which has been assigned a target of +2% relative to your baseline based on current performance and room for further improvement. |

- **Agreement with no target for 2012** |

- **Ontario Range** |

- **Your Baseline** |

- **Your Baseline** |

### Board of Health Proposed Targets

<table>
<thead>
<tr>
<th>Board of Health Proposed Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2011 actual Y/N known</strong></td>
</tr>
<tr>
<td><strong>Board of Health</strong></td>
</tr>
<tr>
<td><strong>% of youth (ages 12-18) who have never smoked a whole cigarette</strong></td>
</tr>
<tr>
<td>2012</td>
</tr>
<tr>
<td>This indicator is not appropriate as a performance indicator as PHS is only one of many influencers over these rates. These are important and appropriate as health status indicators to monitor and set targets for. If status declines, it may indicate a need for additional resources to address local need, action by another influencer, greater collaboration across all local influencers, or advocacy for system or policy change. The Board of Health could accept this indicator with that understanding.</td>
</tr>
</tbody>
</table>

- **% of tobacco vendors in compliance with youth access legislation at the time of last inspection** |

- **2011** | 94% | 79%-100% | 79% | 250% |
| MHPS has documented that at the time of the last inspection, 90% compliance rate is effective in limiting youth access to tobacco products. |

- **Achievement of targets** will result in maintaining the current provincial tobacco vendor compliance rate. Your health unit has been assigned a tobacco vendor compliance rate target of 90% based on current performance and room for further improvement. A minimum of 90% tobacco vendor compliance rate has been documented as the level that effectively limits youth access to tobacco products and takes into consideration other confounding factors. |

- **Achievement of targets** will result in maintaining the current provincial tobacco vendor compliance rate. Your health unit has been assigned a tobacco vendor compliance rate target of 90% based on current performance and room for further improvement. A minimum of 90% tobacco vendor compliance rate has been documented as the level that effectively limits youth access to tobacco products and takes into consideration other confounding factors. |

- **Agreement with target of ≥90% for 2013** |

- **Ontario Range** |

- **Your Baseline** |

- **Your Baseline** |

### City of Hamilton - Public Health Services

<table>
<thead>
<tr>
<th>Accountability Agreement Performance Indicator Targets</th>
<th>Baseline Period</th>
<th>Ontario Median</th>
<th>Ontario Range</th>
<th>Your Baseline</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of youth (ages 12-18) who have never smoked a whole cigarette</td>
<td>2009+2010</td>
<td>84.2%</td>
<td>67.3%-92.5%</td>
<td>86.6%</td>
</tr>
<tr>
<td>% of tobacco vendors in compliance with youth access legislation at the time of last inspection</td>
<td>2011</td>
<td>94%</td>
<td>79%-100%</td>
<td>79%</td>
</tr>
</tbody>
</table>

Note the Ministry-established baseline (79%) for Hamilton did not take into account a full year of data, nor a negotiated reduced # of Test Shop inspections in order that PHS could participate in the MHPS/OTRU taxi pilot study. Based on our own data inventory/analysis the baseline compliance rate is approximately 87-92%. Reaching a 2013 target of ≥90% should not be a problem.
<table>
<thead>
<tr>
<th>City of Hamilton - Public Health Services</th>
<th>MOHLTC Health Promotion Division Identified Targets</th>
<th>Board of Health Proposed Targets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability Agreement Performance Indicator Targets</td>
<td>Date: January 2012</td>
<td>Date:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Fall-related emergency visits in older adults aged 65+ (rate per 100,000 per year)</td>
<td>2009</td>
<td>6,020</td>
<td>3817-8365</td>
<td>5,639</td>
<td>N/A</td>
<td>MHPSS will continue to monitor 2012 results but due to data lag, will only set a 2013 target.</td>
<td>5,470</td>
<td>N/A</td>
<td>Achievement of targets will result in a reversal of the current provincial trend of increasing falls rates among those aged 65 years+. Note that 2013 target reflects 2012 achievements. Your health unit is in quartile 2 which has been assigned a target of -3% relative to your baseline, based on current performance and room for further improvement.</td>
<td>Y</td>
<td>Y</td>
<td>N/A</td>
<td>Agree with no target for 2012</td>
<td>5,470</td>
<td>This indicator is not appropriate as a performance indicator as PHS is only one of many influencers over these rates. These are important and appropriate as health status indicators to monitor and set targets for. If status declines, it may indicate a need for additional resources to address local need, action by another influencer, greater collaboration across all local influencers, or advocacy for system or policy change. The Board of Health could accept this indicator with that understanding.</td>
</tr>
<tr>
<td>13</td>
<td>% of population (19+) that exceeds the Low-Risk Drinking Guidelines</td>
<td>2009+ 2010</td>
<td>32.2%</td>
<td>20.2%-36.5%</td>
<td>28.3%*</td>
<td>N/A</td>
<td>MHPSS will monitor 2012 results but due to data quality, will only set a 2013 target using combined 2012-2013 data.</td>
<td>27.1%</td>
<td>N/A</td>
<td>Achievement of targets will result in improvement at the provincial level. Your health unit is in quartile 2 which has been assigned a target of -4% relative to your baseline based on current performance and room for further improvement.</td>
<td>Y</td>
<td>Y</td>
<td>N/A</td>
<td>Agree with no target for 2012</td>
<td>27.1%</td>
<td>This indicator is not appropriate as a performance indicator as PHS is only one of many influencers over these rates. These are important and appropriate as health status indicators to monitor and set targets for. If status declines, it may indicate a need for additional resources to address local need, action by another influencer, greater collaboration across all local influencers, or advocacy for system or policy change. The Board of Health could accept this indicator with that understanding.</td>
</tr>
</tbody>
</table>
1. **Baby Friendly Initiative Status (category)**
   - **2011:** N/A
   - **Baseline Period:** Preliminary - Designated
   - **Your Baseline:** Intermediate
   - **2012 Target:** Advanced
   - **Rationale for 2012 Target:** MHPS’ goal is to have all public health units BFI Designated to support breastfeeding in Ontario. Currently your health unit is in the Intermediate category with an assigned target of Advanced.
   - **2013 Target:** Designated
   - **Rationale for 2013 Target:** MHPS’ goal is to have all public health units BFI Designated to support breastfeeding in Ontario. Your health unit will be in the Advanced category with the assigned target of BFI Designation.
   - **2011 actual if known:** No
   - **Board of Health Accepts (Y/N):** No

   **Plan:**
   - In preparation for 2014 designation
   - Plan for completion of all staff education, completion of 2nd Breastfeeding Survey data analysis; the collection and analysis of the 3rd Breastfeeding Survey data (to be submitted in 2014), plus the Advanced BFI Status Report requirements which include submission of Pre-Assessment Contract, pre-assessment site visit. Remaining “Advanced” requirements – external site visit and submission of External Assessment Contract and fee to BCC will take place in 2014.

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*95% Confidence Interval (24.9%, 31.7%)*