Committee of the Whole
MINUTES

9:30 a.m.
October 14, 2008
Albion Rooms
Hamilton Convention Centre

Present: Mayor F. Eisenberger
Deputy Mayor B. McHattie

Also Present: J. Rinaldo, Acting City Manager
J. Kay, General Manager/Chief, Hamilton Emergency Services
R. Male, Acting General Manager, Finance & Corporate Services
S. Stewart, General Manager, Public Works
J. Soldera, Acting General Manager, Community Services
T. McCabe, General Manager, Planning & Economic Development
Dr. E. Richardson, Medical Officer of Health
L. Pasternak, Senior Solicitor
S. Paparella, Legislative Assistant

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. Advisory Committee for Persons with Disabilities, Minutes of the August 12, 2008 (Item 4.1)

   (Mitchell/Ferguson)
   That the Minutes of the August 12, 2008 meeting of the Advisory Committee for Persons with Disabilities be received.

   CARRIED

2. Building and Licensing Division Operational Review Sub-Committee Report 08-002 respecting Animal Control Services (Item 6.1)

   (Ferguson/Clark)
   (a) That the Operational Review of the Animal Control Section of the Parking and By-law Services Division of the Planning and Economic Development Department, submitted by Performance Concepts

   CARRIED


Consulting, September 2007, attached as Appendix “A” to Report 08-002, be received.

(b) That the proposed Operational Review Work Plan, attached as Appendix “B” to Report 08-002, be received.

(c) That all of the staff recommendations, except Nos. 4, 6 and 8, as listed in the Operational Review Work Plan (attached as Appendix ‘B’ to Report 08-002), be approved.

(d) That, with respect to Recommendation No. 6 of the Operational Review Work Plan (attached as Appendix ‘B’ to Report 08-002), staff be directed to focus on developing a comprehensive Licensing Education Program.

(e) That additional funding, in the amount of $75,751, which is required to hire 1.0 FTE (Animal Control Community Relations Officer), be referred to the 2009 Budget process for consideration.

(f) That staff be directed to undertake a Business Process Review with respect to the streamlining of other Animal Control business functions, such as on-line dog licence and renewal, and report back to the Building and Licensing Division Operational Review Sub-committee.

(g) That staff be directed to prepare a comprehensive Animal Control By-law, which is to include animal limits, to be developed with input from the public and community stakeholders, for presentation to Committee of the Whole.

(h) That staff be directed to submit an enhancement to the 2009 Budget process, in the amount of $101,200, to hire an additional 1.5 FTE, as an Animal Control Clerk who would provide extended customer service hours and administrative support at the Animal Control Shelter.

(i) That staff be directed to undertake a feasibility study, with respect to hiring a full-time Veterinarian and report back to the 2009 budget process with recommended options.

(j) That staff be directed to explore the feasibility of undertaking an overall Technology Review for the Parking and By-law Services Division, to explore the capability of HANSEN, AMANDA or other alternative Corporate systems; in order to provide necessary performance, business and customer service information, report back to the Building and Licensing Division Operational Review Sub-committee.

(k) That staff be directed to investigate the costs associated with the implementation of mobile access for Animal Control Officers in the field and report back to the Building and Licensing Division Operational Review Sub-committee.
(l) That staff be directed to undertake an Equipment, Fleet and Facility Review of the Animal Control Section and report back to the Building and Licensing Division Operational Review Sub-committee.

(m) That staff be directed not take any further action with the Licensing of cats.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

Item 6.1, CARRIED, as amended, on a Standing Recorded Vote, as follows:

Total: 11
Nays: Eisenberger, B. McHattie, M. Pearson, R. Powers
Total: 4
Absent: Merulla
Total: 1

Councillor B. Clark wished to be recorded as OPPOSED to recommendations (e) and (h) of Item 6.1.

3. Prohibiting/Regulating the Use of Animals for Public Entertainment Purposes (PED08238) (City Wide) (Item 6.2)

(Mitchell/Whitehead)
(a) That Report PED080238 - Prohibiting/Regulating the Use of Animals for Public Entertainment Purposes, be received.

(b) That the Policy to prohibit the holding of rodeos and wild west shows in all City owned lands and facilities including, but not limited to Copps’ Coliseum, Mountain Arena and the Convention Centre, which was approved by Council at its meeting of February 13, 1990, be repealed.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

4. Review of Tools for Regulating Residential Rental Housing (PED07296(a)) (Wards 1, 8 and 10) (Item 6.3)

(McHattie/Whitehead)
(a) That Municipal Law Enforcement staff be directed to continue to monitor the initiatives being implemented by other Ontario municipalities for regulating residential rental housing, and provide an update to the Economic Development and Planning Committee in February, 2009.

(b) That the matter of a Zoning By-law Amendment to limit the number of bedrooms and/or habitable rooms in a dwelling be referred to Zoning
By-law Reform staff for further review and consideration in the development of regulations for the Residential Zones in the City of Hamilton Comprehensive Zoning By-law 05-200.

(c) That staff be directed to monitor the Main Street Housing Program along Main Street West in proximity to McMaster University, and along Upper James Street between Queensdale Avenue and Fennell Avenue in proximity to Mohawk College, to determine the effectiveness in encouraging higher density student housing within the program area, as outlined in Report PED07296(a), and report back to the Economic Development and Planning Committee through the annual report of the Downtown and Community Renewal Division.

(d) That Municipal Law Enforcement staff be directed to undertake a consultation process through the establishment of a Community Liaison Committee (CLC) in order to obtain input from the community to determine the appropriateness, potential effectiveness and the prospective extent of a strategy for regulating residential rental housing, including a Licensing By-law pursuant to the provisions of the Municipal Act, 2001, within the areas identified in Appendix “A” (Ainslie Wood - Westdale Secondary Plan area in Ward 1) to Report PED07296(a), Appendix “B” (Mohawk-Buchanan-Bonnington-Southam Neighbourhoods in Ward 8) to Report PED07296(a), and Appendix “C” (Guernsey Neighbourhood in Ward 10) to Report PED0796(a).

(e) That pursuant to Recommendation (d) to Report PED07296(a), the Community Liaison Committee (CLC) be constituted in a balanced manner to represent a variety of interests and stakeholders, including but not limited to, representatives from both McMaster University and Mohawk College, representatives from each educational students union, representatives from established community groups, local residents, not-for-profit housing groups, landlords and other interested parties from the identified areas.

(f) That staff be directed to report back to the Economic Development and Planning Committee in the second quarter of 2009 with the results of the consultation process, including input from the Community Liaison Committee (CLC) as contained in Recommendation (d) to Report PED07296(a), together with recommendations respecting the implementation of a Licensing By-law and/or other applicable measures in the City of Hamilton.

(g) That the item respecting Student Housing in Ainsliewood – Westdale Area (potential of a Community Improvement Plan to assist with re-conversion of dwellings) on the Economic Development and Planning Committee Outstanding Business List be identified as completed and removed from the List.
(h) That the City of Hamilton endorse the concept of a City Wide Residential Rental Housing Licensing By-law.

(i) That staff be directed to report back, to the Economic Development & Planning Committee, with an implementation strategy for a City Wide Residential Rental Housing Licensing By-law.

(j) That a Community Liaison Committee be established to assist staff in the preparation of the City Wide Residential Rental Housing Licensing By-law and the implementation strategy for that by-law.

**AMENDMENT CARRIED**

**MOTION AS AMENDED CARRIED**

The amendment to Item 6.3, as shown below, CARRIED as follows:

That recommendations (h), (i) and (j) be added to Report (PED07296(a) to read as follows:

(h) That the City of Hamilton endorse the concept of a City Wide Residential Rental Housing Licensing By-law.

(i) That staff be directed to report back, to the Economic Development & Planning Committee, with an implementation strategy for a City Wide Residential Rental Housing Licensing By-law.

(j) That a Community Liaison Committee be established to assist staff in the preparation of the City Wide Residential Rental Housing Licensing By-law and the implementation strategy for that by-law.


Total: 14

Nays: D. Mitchell, M. Pearson

Total: 2

5. **Roomers and Boarders – A Comprehensive Approach (PED05215(c)/SPH05066(c)) (Item 6.4)**

(Morelli/Pearson)

(a) That the By-law amending the definition of “lodging house” under the City’s Licensing Code and the fee for a Certificate of Compliance for a Lodging House under the City’s User Fees and Charges By-law, attached as Appendix C to Report PED05215(c)/SPH05066(c), be forwarded to Council for approval.
(b) That the level of lodging house inspections by Municipal Law Enforcement staff be reviewed (currently once every three years) and referred to the Building and Licensing Operational Review Subcommittee for appropriate prioritization.

(c) That the Comprehensive Rooming House Strategy pilot project be endorsed, contingent upon funding being obtained from the Federal/Provincial Delivering Opportunities for Ontario Renters (DOOR) Program or other sources.

(d) That staff be directed to report back to Emergency and Community Services Committee after the first year of the Comprehensive Rooming House Strategy pilot regarding the progress and evaluation of the pilot project.

(e) That the item respecting Roomers and Boarders be identified as completed and removed from the Emergency and Community Services Committee Outstanding Business List.

CARRIED

6. Tax and Rate Operating Budget Variance Report to August 31, 2008 (FCS08094) (Item 7.1)

(Ferguson/Duvall)
(a) That the 2008 Tax and Rate Operating Budget Variance Report to August 31, 2008 be received; and

(b) That staff continue with the mitigation measures previously approved within staff report CM08023, “Mitigation of Potential 2008 Tax Operating Variance”.

CARRIED

7. Waiving of Fees for the Proposed Marydale Park by the Catholic Youth Organization, 5999 Chippewa Road East, Glanbrook (Ward 11) (PED08236) (Item 7.2)

(Mitchell/Merulla)
(a) That Report PED08236 – Waiving of Fees for the Proposed Marydale Park by the Catholic Youth Organization, located at 5999 Chippewa Road East, Glanbrook, be received.

(b) That the use of the land located at 5999 Chippewa Road East, Glanbrook be deemed as charitable and non-profit and that the parkland dedication fee in the amount of $6,207 be exempt.

(c) That the balance of $65,593 be referred to the 2009 Capital Budget process for consideration.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED
8. Lead Water Service Replacement Loan Program (FCS07087(a)/PW07121(a)) (City Wide) (Item 7.3)

(Morelli/Bratina)
(a) That Council approve a Lead Water Service Replacement Loan Program for the purpose of assisting homeowners to reduce their risk of exposure to lead in tap water that could be coming from their lead water service line;

(b) That all applications made under the City’s Pilot Lead Water Service Replacement Loan Program continue to be processed and eligible under the Lead Water Service Replacement Loan Program;

(c) That the Lead Water Service Replacement Loan Program be funded through long-term receivable account #18011 – Lead Program Loan, with repayments occurring, as an annual charge, for each property added to the final tax billing; and

(d) That the interest bearing loans granted under the Lead Water Service Replacement Loan Program are based on the City’s ten (10) year cost to borrow and treated in a like manner as taxes over a ten (10) year period with a maximum loan of $2,000.

CARRIED

9. Non Union Sub-Committee Report 08-001, September 30, 2008 (Item 7.4)

(Clark/Duvall)
(a) That Councillor L. Ferguson be appointed Chair of the Non-Union Compensation Sub-Committee for 2008.

(b) That Councillor R. Powers be appointed Vice Chair of the Non-Union Compensation Sub-Committee for 2008.

(c) That the Terms of Reference for the Non-Union Compensation Sub-Committee, attached as Appendix A hereto, be approved.

CARRIED

10. Budget Steering Committee Report 08-002 – 2009 Budget (Item 7.5)

(Pearson/McHattie)
(a) That staff report back to the Budget Steering Committee in November with an update on the progress of mitigating the tax levy pressures.

(b) That the departmental guideline be 2% excluding pre-approved items and provincial impacts and that staff be directed to highlight efficiencies and/or justifications should a higher increase be requested.
(c) That Boards and Agencies be requested to submit a budget to Committee of the Whole based on a 2.0% guideline and that Boards be requested to justify any additional increase above the 2.0%.

(d) That, as a general guideline, user fees (excluding rate, golf, transit and ice fees) be increased by 3.4% and that any user fee adjustments other than 3.4% be forwarded for consideration with appropriate explanation.

(e) That public delegations be entertained at Committee of the Whole.

(f) That the 2009 Budget process/timeline attached hereto as Appendix A be approved.

(g) That staff submit a multi-year budget projection during the 2009 process and for subsequent budgets.

(h) That the City of Hamilton’s entitlement of $48m under Investing in Ontario be allocated per Option 1: (Refer to Appendix B (2009 Detail and Appendix C (2009-2018 forecast)

2009 Draft Capital Budget Summary re: $48m ($000’s)

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(i) That the 2009 Capital Budget be increased by 0.5% of the total tax levy ($3.15 million).

CARRIED

The following amending motion, as shown below LOST on a Recorded Vote, as follows:

(Whitehead/Duvall)
That recommendations (b) and (c) be amended by deleting the numbers “2%” and replacing them with the numbers “0%”, to read as follows:

(b) That the departmental guideline be 0% excluding pre-approved items and provincial impacts and that staff be directed to highlight efficiencies and/or justifications should a higher increase be requested.
(c) That Boards and Agencies be requested to submit a budget to Committee of the Whole based on a 0% guideline and that Boards be requested to justify any additional increase above the 0%.

Yeas: B. Clark, S. Duvall, R. Pasuta, T. Whitehead
Total: 4
Nays: F. Eisenberger, B. Bratina, T. Jackson, M. McCarthy, B. McHattie, S. Merulla, B. Morelli, D. Mitchell, M. Pearson
Total: 9
Absent: C. Collins, L. Ferguson, R. Powers
Total: 3

The main motion **CARRIED** on a Standing Recorded Vote, as follows:

Yeas: F. Eisenberger, B. Bratina, T. Jackson, M. McCarthy, B. McHattie, S. Merulla, B. Morelli, D. Mitchell, M. Pearson
Total: 9
Nays: B. Clark, S. Duvall, R. Pasuta, T. Whitehead
Total: 4
Absent: C. Collins, L. Ferguson, R. Powers
Total: 3

11. Operational Oversight Committee – DARTS (Item 8.1)

(Merulla/McHattie)

(a) That staff be authorized and directed as a condition of any contract between the City and DARTS to negotiate and implement an Operational Oversight Committee with a mandate to address service and operations related issues, and to provide accountability and transparency to Council and the community.

(b) That the Committee be comprised of 3 appointees from each of the City, DARTS, and the Advisory Committee for Persons with Disabilities or its designated representatives, and one (1) member of the Seniors Advisory Committee. The appointees of the City shall include the General Manager of Public Works and the City Solicitor, or their designated representatives and the General Manager of Public Works shall serve as the Committee Chair.

(c) That two voting members of City Council be appointed to the DARTS Board.

**AMENDMENT CARRIED**

**MOTION AS AMENDED CARRIED**
Item 8.1 \textbf{CARRIED} as follows:


Total: 12

Nays: B. Clark

Total: 1

Absent: C. Collins, L. Ferguson, R. Powers

Total: 3

12. \textbf{Ontario Municipal Board Hearing for Silverwood Homes Limited (LS08010) (Item 10.3)}

\textbf{(McCarthy/Jackson)}

(a) That Council support a partial settlement of Ontario Municipal Board appeals including Official Plan Amendment No. 109 (the Waterdown North Secondary Plan) as well as other development related appeals including the approval of a Draft Plan of Subdivision (25T-200621) and zoning for lands located on Parkside Drive, (Part of Lot 11, Concession 4), (OMB PL070395), in the former Town of Flamborough and that staff prepare appropriate Draft Plan of Subdivision Conditions and provisions for a site specific Zoning By-law, including conditions and provisions to specifically reflect Council’s continued position that the development proposed is premature from a traffic capacity perspective.

(b) That Report LS08010 - Ontario Municipal Board Hearing for Silverwood Homes Limited be released as public information.

\textbf{AMENDMENT CARRIED}

\textbf{MOTION AS AMENDED CARRIED}

\textbf{FOR THE INFORMATION OF COMMITTEE:}

(a) \textbf{CHANGES TO THE AGENDA (Item 1)}

The Committee Clerk noted the following changes to the agenda:

(i) Item 10.2 will not be accompanied by a staff report. However, staff will be providing you with a verbal presentation in closed session.

(ii) Added as Item 10.2 – Private and Confidential matter respecting the Ontario Municipal Board Hearings respecting MC2 Homes, Landmart and Silverwood Homes, North Waterdown Secondary Plan Area (Ward 15)
That the October 14, 2008 Agenda for the Committee of the Whole be adopted, as amended.  

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)

3.1 September 9, 2008

(Pasuta/Duvall)
That the Minutes of the September 9, 2008 meeting of Committee of the Whole be approved, as presented.  

CARRIED

3.2 September 18, 2008 (special)

(Whitehead/Clark)
That the Minutes of the September 18, 2008 special meeting of Committee of the Whole be approved, as presented.

CARRIED

(d) Request to speak to Item 6.3 Review of Tools for Regulating Residential Rental Housing by Sheldon Palmer (Item 5.1)

(Powers/Mitchell)

CARRIED

Mr. Palmer advised Committee of the Whole that he was in support of Report PED08238 and believed that the City was headed in the right direction with respect to Residential Rental Housing.

(e) Building and Licensing Division Operational Review Sub-Committee Report 08-002 respecting Animal Control Services (Item 6.1)

Marty Hazell, Director, Parking and By-law Services, provided a brief synopsis of the Building and Licensing Division Operational Review Sub-committee Report 08-002 respecting the Operational Review of the Animal Control Services.
Joe Xamin, Senior Project Manager, Implementation of Operational Reviews, provided a detailed overview and a Powerpoint presentation of the review of the City's Animal Control Services.

Paul Buckle, Manager of Animal Control, and Joe Xamin were available to answer questions.

(f) Review of Tools for Regulating Residential Rental Housing (PED07296(a) (Wards 1, 8 and 10) (Item 6.3)

Marty Hazell, Director, Parking and By-law Services, provided an introduction to Report PED07296. Subsequently, Kirsten McCauley, Planner I, Community Planning, provided a detailed PowerPoint presentation respecting the Review of Tools for Regulating Residential Rental Housing.

(g) Roomers and Boarders – A Comprehensive Approach (PED05215(c)/SPH05066(c)) (Item 6.4)

Debra Clarke provided a Powerpoint presentation and an overview of Report (PED05215(c)/SPH05066(c)).

(h) PRIVATE & CONFIDENTIAL (Item 10)

(Pearson/Jackson)
That Committee move into Closed Session, at 3:15 p.m., to approve the Minutes of the September 9, 2008 meeting of Committee of the Whole, to receive a verbal update respecting the HSR Pension Plan/OMERS Merger and Class Action Lawsuit, and to discuss Report LS08010 – Ontario Municipal Board Hearing for the Silverwood Homes Limited, pursuant to Section 8.1, Sub-section (e) of the City's Procedural By-law 03-301, and Section 239, Subsection (e) of the Ontario Municipal Act, 2001, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

CARRIED

(i) PRIVATE & CONFIDENTIAL – HSR Pension Plan / OMERS Merger and Class Action Lawsuit (Item 10.2)

As shown in the Closed Session Minutes, Committee reconvened at 4:15 p.m.

(Jackson/McCarthy)
That the staff update respecting the HSR Pension Plan/OMERS Merger and Class Action Lawsuit, be received.

CARRIED
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(j) PRIVATE & CONFIDENTIAL – Ontario Municipal Board Hearings respecting MC2 Homes, Landmart and Silverwood Homes, North Waterdown Secondary Plan Area (LS08010) (Ward 15)

As shown in the Closed Session Minutes, Committee reconvened at 4:15 p.m. and provided its recommendation, as shown in Item 12 above

(k) ADJOURNMENT (Item 11)

(Pearson/Clark)
There being no further business, the meeting adjourned at 4:25 p.m.

Respectfully submitted,

Mayor F. Eisenberger

Stephanie Paparella
Legislative Assistant
October 14, 2008