Committee of the Whole
MINUTES

9:30 a.m.
December 9/10, 2008
Albion Room
Hamilton, Ontario

Present:
Mayor F. Eisenberger

Also Present:
J. Rinaldo, Acting City Manager
P. Barkwell, Acting General Manager, Finance and Corporate Services
S. Stewart, General Manager, Public Works
J. Kay, General Manager, HES, Fire Chief
J.A. Priel, General Manager, Community Services
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

THE FOLLOWING WAS REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. CHANGES TO THE AGENDA

We have an Information Report respecting Lister Block added as Item 8.2
Three added delegation requests wishing to speak to the increase in parking meter rates and installation of parking meters. They are::
Ruth Lewis, International Village BIA to be added as 5.1(d)
Darlyne Mills, Downtown Dundas BIA to be added as 5.1(e)
Ed Streker, Stoney Creek BIA 5.1(f)

(Whitehead/Morelli)
That the agenda be adopted as amended. CARRIED.
2. **DECLARATIONS OF INTEREST**

None

3. **ADOPTION OF MINUTES**

None

4. **CONSENT ITEMS**

None

5. **DELEGATION REQUESTS**

(Whitehead/Powers)

That the following delegation requests be approved:

5.1 Requests to address Committee by the individual BIA’s

(a) Kathy Drewitt, Downtown Hamilton BIA

(b) Paul Wharton, Concession Street BIA

(c) Linda Naccarato, Waterdown BIA

(d) Ruth Lewis, International Village

(e) Darlyne Mills, Downtown Dundas BIA

(f) Ed Streker, Stoney Creek BIA

CARRIED.

6. **STAFF PRESENTATIONS**

6.1 Capital/Operating Budget Update

Joe Rinaldo provided an overview by power point. Highlights included the following:

Operating Budget
- Council Direction
That the presentation be received.  CARRIED.

7. PUBLIC DELEGATIONS

(a) Kathy Drewitt, Downtown Hamilton BIA

Ms. Drewitt addressed the following in her presentation:
- looking at increase of parking fees and would like to see the increase lowered but understands the economic difficulty council is facing
- supports a uniform fee across the city
- requests the free pre Christmas parking program be kept for one month prior to Christmas
- do not support paid on street parking hours being proposed
- acknowledge new technology for parking (i.e. credit cards) and suggests City explore those further
- caution vacancy rate will increase
- freeze decision to implement until 2010 until economy recovers and revisit in again 2009
(b) Paul Wharton, Concession Street BIA

Not in attendance

(c) Linda Rourke, Waterdown BIA – written submission provided
- against parking meters
- suggest rather than installing meters make it a two hour limit for parking on the street

(d) Ruth Lewis, International Village BIA

- agree with the increase to 1.00 is fine
- uniform rate per hour across the city rather than individual rates
- on street meters within the downtown continue the free Friday night/Saturday parking

(e) Darlyne Mills, Downtown Dundas BIA (written submission)

- don’t need a cookie cutter approach
- request that there not be an increase to the current meter rates in Dundas

(f) Ed Streker, Stoney Creek BIA

- no parking meters on street and two hour parking limit working very well
- there is a free parking lot
- rather than putting parking meters on the street you could install one of those machines in the lot.
- might need 30 to 40 meters for the area – how long would it take to get your money back?

(Pearson/Clark)
That the presentations be received. CARRIED.

8. DISCUSSION ITEMS

8.1 Budget Steering Committee Report 08-003, November 17, 2008 (includes: Approval of 2009 Tax Supported Capital Budget and 2009 Tax Supported User Fees)

1. Approval of 2009 Tax Supported Capital Budget (Item 4.1) (Collins/Clark)
(a) That the proposed 2009 Tax Supported Capital Levy of $80,810,000 identified in Table 1 of the Executive Summary
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of report FCS08112, be reduced by $3,150,000 to the 2008 level of $77,660,000;

(b) That the 2009 Tax Capital Budget & Financing Plan, attached as Appendix A to report FCS08112, be approved as amended per Appendix A of the December 9th Committee of the Whole slide presentations slides 15 and 16;

(c) That the Tax Supported Net Capital Funding Forecast 2009 – 2018, attached as Appendix B to report FCS08112, be approved; and

(d) That Reserve number 108024 be established for the Provincial Subsidy received under the Investing in Ontario Act in the amount of $48,007,919. CARRIED.

2. 2009 Tax Supported User Fees FCS08106 (Item 4.2)
(Pearson/Whitehead)
(a) That the 2009 User Fees contained in Attachment One to FCS08106, be approved and implemented; and

(b) That the City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the user fees contained within this report. CARRIED.

3. 2009 Tax Operating/Capital Outlook (item 4.3)
(Pearson/Collins)
That the presentation of the 2009 Tax Operating/Capital Outlook be received. CARRIED.

4. No New Net Staff
(Pearson/Collins)
(a) That there be no new net staff until Council provides future direction.

(b) That staff report back on eliminating redundant positions as part of the 2009 budget.

(c) That staff be directed to report back on impacts (i.e. essential services) and potential savings for shutdown opportunities.
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Split for voting purposes:

(a) Carried.
(b) Carried.
(c) Carried with Councillors Jackson, Ferguson, McHattie opposed.

5. Recommendation referred by Committee of the Whole at its meeting of November 10, 2008 (Item 5.2)
(Whitehead/Pearson)
That the following recommendation be received:

“That there be a moratorium on hiring any new employees, an assessment of eliminating redundant positions and an impact study of such an endeavour to ensure such a decision does not impact front line services. “

CARRIED.

6. Increasing Parking Meter Rates and Installing Paid Parking in All Commercial Areas (PED08059(b)) (City Wide) (Item 5.3)
(McHattie/Clark)
That the item to increase parking meter rates and installing paid parking in all commercial areas be deferred to the 2010 budget deliberations.

CARRIED.

7. Added Communication referred by Council respecting Conservation Halton 2009 Budget (item 5.4)
(Ferguson/Collins)
That the correspondence from Conservation Halton be received.

CARRIED.

8. BMA Consultant Fees (Item 5.5)
(Pearson/Whitehead)
(a) That staff be directed to conduct consultations with the Development community on the Planning and Engineering Development Fee Review;

(b) That the staff report with recommendations be considered by the Economic Development and Planning Committee during their budget deliberations;

(c) That with respect to fees increases that staff be directed to provide information as a supplemental and not part of the 2009 budget book.

CARRIED.

8.2 Lister Block Information report
(McHattie/Collins) Be received.

CARRIED.
9. MOTIONS

(Bratina/Mitchell)

(a) That staff meet as soon as possible with the proponent of an unsolicited offer to provide the city’s accommodation requirements at the city Centre and/or other downtown properties

(b) That staff report to council in a timely manner as to whether significant cost savings might accrue to the city as compared with our current City Hall renovations strategy by negotiating with the proponent for required accommodation space

(c) That Options regarding our accommodation needs be presented to council to include suspension of the City Hall Renovation Project until such time as the impacts of the current economic crisis on municipal finances is better known.

DEFEATED ON A RECORDED VOTE:

Yeas: Bratina, Duvall, McCarthy, Mitchell
Total: 4

Nays: Clark, Collins, Ferguson, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead, Eisenberger
Total: 12

10. NOTICES OF MOTION

None

11. PRIVATE AND CONFIDENTIAL

(Pearson/Clark)
That Committee move into closed session as the subject matters are with respect to solicitor client privilege, property acquisition and labour relations.

11.1 HSR Pension Plan / OMERS Class Action Lawsuit (City Wide) (FCS01027c))
11.2 Carpenter’s Union local 18 Update and report
11.3 CUPE 1041

10.4 ONA update

11.5 Councillor Collins Motion respecting property acquisition

(Jackson/Duvall)
That Committee reconvene in Open Session. CARRIED.

11.1 HSR Pension Plan / OMERS Class Action Lawsuit (City Wide) (FCS01027c))
(Jackson/Duvall)

a) That the Mediated Settlement of the Class Action Lawsuit filed against the City by members of the HSR Pension Plan, attached as Appendix “A” to Report FSC01027c) be approved;

b) That the Mayor and the City Clerk be authorized to enter into a Settlement Agreement in a form satisfactory to the City Solicitor;

c) That the City Solicitor be directed to wind up the Hamilton Street Railway Corporation effective January 1, 2009 or as soon thereafter as is practicable, and in connection therewith to accept all assets and liabilities of the Hamilton Street Railway Corporation, and without affecting any contrary position of the City with regard to the prior status of persons employed in the business of the Hamilton Street Railway, the City hereby formally recognizes all such persons as employees of the City on and after January 1, 2009;

d) That the mediated employee settlement in the approximate amount of $127,000 as outlined in report FCS01027(c) be approved;

e) That the attached Petition (Appendix B of Report # FCS01027(c)) be approved and forwarded to the Province of Ontario; and

f) That staff report back to Council with details of any Special Payments requirements regarding the HSR Plan, when available; and
g) That report “HSR Pension Plan/OMERS Class Action Lawsuit” FCS01027(c) remain private and confidential. CARRIED.

11.2 Carpenter’s Union local 18 Update (Clark/Duvall)
(a) That the City discontinue the Motion for Leave to Appeal in Ontario Superior Court Action No. 209/06.
(b) That Report LS07012(a) remain confidential. CARRIED.

Councillor Ferguson opposed

11.3 CUPE 1041 (Clark/Powers)
That this item be referred to City Council for consideration. CARRIED.

11.4 ONA update (no copy) (Duvall/Clark)
That the update on ONA be received. CARRIED.

11.5 Property acquisition (Collins/Duvall)
Whereas, City Council at its meeting of April 27, 2005 adopted Item 7.1 of the Planning and Economic Development Committee Report 05-009, being the Hamilton Wentworth District School Board Property Program (CM05011).

Whereas, recommendation (b) of the Planning and Economic Development Report 05-009 states “that the City of Hamilton not bid on any further Hamilton Wentworth District School Board sites other than what has been committed in Table 1, due to the declining capital reserves from which the purchases are funded”.

Whereas, pursuant to the Property Disposition Protocol of the Hamilton Wentworth District School Board, Notice had been received on the consideration of the disposition of two (2) school boards lands municipally known as 205 Berko Avenue, Hamilton formerly Vern Ames School located within Lawfield Neighbourhood and 1139 Greenhill Avenue, Hamilton and located in the Gershome Neighbourhood adjacent to Father O'Sullivan Park.
Whereas, the Lawfield Neighbourhood is currently deficient in Neighbourhood Parkland by 1.56 hectares (3.85 acres), based on the 2006 population data and the City of Hamilton Official Plan Parkland Policies.

Whereas, the Gershouse Neighbourhood would negatively impact the ability of the City of Hamilton to offer the existing level of recreational services from a program perspective through the loss of two (2) soccer fields, ball diamond and parkway walkway, and wherein the City of Hamilton at the current time is in a deficit position with regards to soccer pitches.

Therefore be it resolved:

a) That subject to the Hamilton Wentworth District School Board declaring the following lands surplus, that the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to submit a bona-fide offer for those lands being composed of:

i) Part Lot 7, Concession 6, Barton; As In Instrument HL150678, HL177812, HL 184203, HL184530, Except Parts 1 & 2, 62R-392, HL244151, HL189499, HL5611007, Except Part 1 on Plan 62R-17601; Hamilton, being the whole of PIN 16983-0031(LT), comprising an area of 2.0 hectares (5 acres) more or less, known municipally as 205 Berko Avenue; and

ii) Part of Lot 28, Concession 4 Saltfleet; As In AB175225, Except Parts 1, 2 & 6 Plan 62R8695 & Part 7, Plan 62R5638; S/T HL214933; Hamilton, being the whole of PIN 17099-0549(LT) comprising an area of 3.2 hectares (8 acres), municipally known as 1139 Greenhill Avenue.

b) That the purchase price and financing for the lands described in a)(i) and a)(ii) be subject to the conditions as contained in Confidential Appendix “A” attached hereto, and that the Confidential Appendix “A” remain confidential until Hamilton Wentworth District School Board acceptance.

c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor.

CARRIED.
Meeting adjourned at 2:30 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
COW, Council
December 9, 2008