Committee of the Whole
MINUTES 10-011

9:30 a.m.
March 8, 2010
Albion Room
Hamilton Convention Centre

Present:  Mayor F. Eisenberger
Deputy Mayor M. Pearson
Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
L. Ferguson, T. Jackson, M. McCarthy, B. McHattie,
B. Morelli, R. Pasuta, D. Mitchell, T. Whitehead

Absent with regrets:  Councilor S. Merulla – Illness
Councilor R. Powers – City business

Also Present:  C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate
Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic
Development
D. Cunliffe, Acting Fire Chief
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the
Whole/Budgets

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR
CONSIDERATION:

1.  CHANGES TO THE AGENDA

As part of the closed session portion of today’s agenda Committee will be
meeting as the Shareholders for Hamilton Utilities Corporation. At that
time we will be considering a resolution which is being introduced as Item
11.5
2. DECLARATIONS OF INTEREST

None

3. ADOPTION OF MINUTES

3.1 February 8, 2010

(Morelli/Pearson)
That the Minutes of February 8, 2010 be adopted as presented.
CARRIED

3.2 February 18, 2010 (special)

(Morelli/Pearson)
That the Minutes of February 18, 2010 be adopted as presented.
CARRIED.

3.3 February 22, 2010 (budget)

(Morelli/Pearson)
That the Minutes of February 22, 2010 be adopted as presented.
CARRIED.

4. CONSENT ITEMS

(Pearson/Collins)
That Items 4.1 and 4.2 be received. CARRIED.

4.1 Non Union Compensation Sub-Committee Minutes of February 12, 2010

4.2 Advisory Committee for Persons with Disabilities Minutes of January 12, 2010

5. DELEGATION REQUESTS

5.1 Request to address Committee by Colonel Sean McKee respecting Ceremonial Guard for the Royal Hamilton Light Infantry
6. PUBLIC DELEGATIONS

6.1 Ian Rowe, President, Wentworth Condominium Corporation No. 236 On behalf of Canadian Condominium Institute, Golden Horseshoe Chapter respecting residential tax matters affecting condominium corporations

Mr. Rowe addressed the following in his presentation to Committee:

(Mitchell/Pearson)
That the 5 minute rule be waived for this presentation. CARRIED.

Messrs. Ian Rowe and Tony Gatto addressed committee. Highlights of the presentation included the following:

- What is the Canadian Condominium Institute
- How Condominium Corporations benefit Cities
- Condos carry a burden of double taxation
- Fairness in taxation
- Brantford vs. Hamilton comparison

The delegation requested that Hamilton consider the following:

1. Hamilton recognize the value and contribution that condominium corporations make to the quality of civil society in our City Of Hamilton

2. City of Hamilton commit to providing services fairly and equitably to condominium residential owners as well as other freehold urban residential owners

3. Council instruct city staff to meet with representatives of Canadian Condominium Institute to devise a plan to mitigate the cost of services provided to other urban residences but denied to condominium residences and report back to committee
(Mitchell/Pearson)

(a) That the presentation be received;

(b) That staff be directed to meet with CCI to investigate and report back with a plan for attempting to mitigate the costs of services provided to condominium residences including:

- Garbage and Recycling collection
- Storm sewer annual cleaning
- Fire hydrant testing
- Parking/signage on roads
- Other related services

That the staff report also include information available from AMO and MPAC. CARRIED.

7. PRESENTATIONS

7.1 2009 Planning and Economic Development Performance Measures (PED10057) (City Wide)

Neil Everson provided a power point presentation highlighting the following:
- Building Permits and Assessment Growth
- 2009 Assessment Growth – Other municipalities
- 2009 Corporate Measures
- 2009 Projects and initiatives
- Shovel Ready Land
- 2009 Planning and Economic Development Measures
- 2009 Recognition
- Positive Media Coverage
- Brownfields Office
- 2009 Total Businesses
- 2009 Number of New Jobs
- Small Business Jobs 2009
- Small Business Enterprise Centre enquiries
- Film Office
- 2009 Gross Farm Receipts
- Hamilton Calling Program
- Downtown Vacancy Rate
- 2009 Downtown Measures
- Downtown Property Taxes
- City Magnets
- Conference Board of Canada – concern with analysis of information in the recent report published (Pearson/Duvall)
That Report PED10057 respecting 2009 Planning and Economic Development Performance Measures be received.  CARRIED.

7.2 2009 Economic Development and Real Estate Highlights (PED10058) (City Wide)

Neil Everson provided a power point presentation highlighting the following:
- Corporate Real Estate
- Industrial Real Estate
- 2009 Business Retention
- 2009 Agriculture and Food
- 2009 Research and Innovation
- 2009 Goods Movement
- 2009 Commercial Growth
- 2009 Institutional Investment
- Marketing Activities for 2009
- 2009 Brownfield Office
- 2009 Performance Summary
- 2010 Looking Forward

(Jackson/Collins)
That Report PED10058 respecting 2009 Economic Development and Real Estate Highlights be received.  CARRIED.

8. DISCUSSION ITEMS

8.1 Governance Review Sub-Committee Report 10-001

City Clerk Kevin Christenson provided an overview of the amended Procedural By-law.

Comments from members of Council included:

Section 7.4
Concern that cell phone can be turned to non-audible but device can remain on to record In Camera discussions.
2/3rds of the entire Council be required to walk on any motion that would substantively impact on the City budget. Clerk advised that this will require reconsideration at Council.

(Whitehead/Pearson)
That the definition of ex-officio be amended to include that an ex-officio shall be a voting member on all standing committees.

Amendment CARRIED

(Pearson/Mitchell)/Pasuta)
That the revised City’s Procedural By-law (attached hereto as Appendix “A) be approved, as amended.

Motion CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Whitehead, Pearson, Mitchell, Pasuta, McHattie, Duvall, Ferguson, Jackson
Total: 9
Nays: Clark
Total: 1
Absent: Powers, Morelli, McCarthy, Bratina, Collins, Merulla
Total: 6

8.2 Facility Naming Sub-Committee Report 10-001, February 12, 2010
(Whitehead/Pearson)
Renaming of Olympic Park to the “Mark Anthony Graham Memorial Olympic Park” (PW10017) (Ward 8) (Item 4.2)

That the park known as “Olympic Park”, located at the north-east corner of Upper Horning Drive and Mohawk Road West, be renamed to the “Mark Anthony Graham Memorial Olympic Park”.

CARRIED.

8.3 Interest Arbitration Award - City of Hamilton & Hamilton Entertainment Convention Facilities Inc. and the International Union of Operating Engineers, Local 772 (HUR10007) - (City Wide)

(McHattie/Pearson)
That Report HUR10007 respecting Interest Arbitration Award - City of Hamilton & Hamilton Entertainment Convention Facilities Inc. and the International Union of Operating Engineers, Local 772 be received.

CARRIED.
8.4 Emergency Air Monitoring (BOH10004/HES10005) (City Wide)

Rob Hall provided an overview of report and both he, Matthew Lawson, Dr Richardson, Dr Tran, and Dave Cundilffe were available to answer questions. MOE representative Bill Bardswick, Director, West Central Region was in attendance and addressed questions respecting response times, equipment used

(Ferguson/Collins)
That staff be directed to issue a Request for Proposal with the intention of contracting the services of the successful, qualified vendor to perform air monitoring as directed and report back with findings before awarding of any contract.

CARRIED.

9. MOTIONS

None

10. NOTICES OF MOTION

None

11. PRIVATE AND CONFIDENTIAL

11.1 Closed Session Minutes of February 8, 2010

(Whitehead/Ferguson)
That the Minutes of the Closed Session meeting of February 8, 2010 be approved. CARRIED.

11.2 Closed Session Minutes of February 18, 2010

(Whitehead/Ferguson)
That the Minutes of the Closed Session meeting of February 18 be approved. CARRIED.

(Whitehead/Ferguson)
That Committee move into closed session further to the following section of the City’s Procedural By-law and Municipal Act:

Section 8.1(d) as the matter pertains to labour relations or employee negotiations

As well Committee will be meeting as Shareholders of Hamilton Utilities Corporation pursuant to the Ontario Business Corporations Act.
11.3 Consideration for a Voluntary Recognition Agreement with the Labourers International Union of North America (LIUNA) Local 837 and the International Union of Operating Engineers (IUOE) Local 793 – Status Update and Direction

(Pearson/Pasuta)
(a) That the City not enter into a voluntary recognition agreement with either Labourers International Union of North America (LIUNA), Local 837 or the International Union of Operating Engineers (IUOE), Local 793 at this time; and

(b) That the contents of Report HUR10008 respecting the City and the Labourers International Union of North America (LIUNA), Local 837 and the International Union of Operating Engineers (IUOE), Local 793, remain confidential as it contains information related to labour relations. CARRIED.

Councillors Ferguson and Whitehead opposed

11.4 City Managers Office - Re-organization

(Ferguson/Jackson)
That the City Manager be directed to proceed with the Office Restructuring described in this report CM10003. CARRIED.

Councillor Clark opposed

11.5 HUC Shareholders meeting

Direction was provided in closed session.
12. GENERAL INFORMATION/OTHER BUSINESS

(Pearson/Pasuta)
That the Due Date be approved as noted.  

CARRIED.

11.1 Amendments to Outstanding Business Item

(a) Item Z: Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170
Due Date: March 8, 2010
Proposed New Due Date: April 13, 2010

13. ADJOURNMENT

The meeting adjourned at 4:05 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
March 8, 2010