



**CITY COUNCIL
MINUTES 12-019**

5:00 p.m.

Wednesday, October 10, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor R. Bratina

Councillors C. Collins, B. Clark, S. Duvall, J. Farr, L. Ferguson, T. Jackson, B. Johnson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, R. Pasuta, R. Powers, and T. Whitehead

Absent with regrets: Councillor M. Pearson, vacation

Mayor Bratina called the meeting to order and called upon Pastor Robin Ellis of Wentworth Baptist Church, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised there are no changes to the agenda:

(Ferguson/Partridge)

That the agenda for the October 10, 2012 meeting of Council be approved, as presented.

CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 United Way 2013 Campaign Kick-Off

The Mayor invited to the podium Len Lifchus, CEO of the United Way, and Nick Bontis, Hamilton Campaign Cabinet Chair for the United Way to announce the United Way 2013 Campaign Kick-off.

3.2 2012 Olympic/Paralympic Games - Athlete Recognition

The Mayor invited to the podium Joel Dembe and Summer Mortimer, two star Paralympians who have returned from the recently held 2012 Paralympic Games in London. He provided background information regarding the two athletes and presented them with a certificate and gifts from the City of Hamilton.

APPROVAL OF MINUTES

4.1 September 26, 2012

(Collins/Duvall)

That the Minutes of the September 26, 2012, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(McHattie/Morelli)

That Council Communications 5.1 through 5.8 be approved, as amended, as follows:

- 5.1 Correspondence from Ken Phillips, CAO/Secretary-Treasurer, Conservation Halton, respecting Conservation Halton 2013 Budget

Recommendation: Be received and a copy of Item 1 of General Issues Committee Report 12-024(a) be provided to Council's representative on the Conservation Halton Board to be presented to the Board for information.

- 5.2 Excerpt from House of Commons Debates (Hansard) – Statement by Chris Charlton, M.P., Hamilton Mountain, respecting pollution at Hamilton International/John C. Munro Airport

Recommendation: Be received.

- 5.3 Correspondence from Tony D'Amario, P.Eng., CAO/Secretary-Treasurer, Niagara Peninsula Conservation Authority, respecting 2011 Financial Statements

Recommendation: Be received.

- 5.4 Resolution from the City of Mississauga respecting “Banning the Sale of Cats and Dogs in Pet Stores”

Recommendation: Be received.

- 5.5 Resolution from Clearview Township respecting the Walker Industries Quarry Expansion – Clearview Township

Recommendation: Be received.

- 5.6 Request for Proclamation of Forensic Nurses Week 2012 – November 12 to 16, 2012

Recommendation: Be received.

- 5.7 Correspondence from the Ministry of the Environment respecting Application for Approval of Waste Disposal Sites Amending Rennie Street Waste Transfer/Processing Facility

Recommendation: Be referred to the General Manager of Planning and Economic Development for appropriate action.

- 5.8 Correspondence from QPA Solar Inc. requesting support for Individual Ground-Mount Solar PV Systems

Recommendation: Be received and referred to Planning staff for consideration.

CARRIED

(Partridge/Pasuta)

That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-026

(Bratina/Partridge)

That the TWENTY-SIXTH Report of the General Issues Committee be adopted, and the information section received. (attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-027

(Bratina/Partridge)

That the TWENTY-SEVENTH Report of the General Issues Committee be adopted, and the information section received. (attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-024(a)

(Bratina/Partridge)

That Report 12-024(a) of the General Issues Committee be adopted, and the information section received. (attached hereto)

CARRIED

PLANNING COMMITTEE REPORT 12-015

Item 3 Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook) (PED12177) (Ward 11) (Item 6.3)

(Johnson/Clark)

That Item 3 of Planning Committee Report 12-015 respecting Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook) be amended by adding subsection (d) as follows:

- (d) That staff be directed to review the process to ensure that there was no duplication of costs for the applicant and to consider reimbursement if warranted.

**Amendment CARRIED
Main Motion as amended CARRIED**

(Farr/Johnson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-028

Item 11 Hamilton Future Fund Report 12-002 – September 20, 2012 (Item 8.8)

- (a) **Good Shepherd Centre's Request for a Loan from the City of Hamilton (FCS12035) (Ward 1) (Referred by the General Issues Committee –July 9, 2012)**

Item 11(a) CARRIED on the following votes:

Yeas: Bratina, Collins, Farr, Duvall, Jackson, Johnson, Merulla, Morelli, Ferguson, Partridge, Pasuta, McHattie, Powers and Whitehead
Total: 14
Nays: Clark
Total: 1
Absent: Pearson
Total: 1

(Bratina/Partridge)

That the TWENTY-EIGHTH Report of the General Issues Committee be adopted, and the information section received. (attached hereto)

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE 12-008

Item 6 Wentworth Condominium Corporation #38 Water/Wastewater Billing Issue (FCS12056) (Ward 5) (Item 8.1)

(Johnson/Clark)

That Item 6 of Audit Finance and Administration Committee Report 12-008 respecting Wentworth Condominium Corporation #38 Water/Wastewater Billing Issue be deleted in its entirety and replaced with the following therein:

That staff be directed to provide a 50% credit adjustment to Wentworth Condominium Corporation (WCC) #38 for the \$48,935.93 combined water/wastewater billing experienced by Wentworth Condominium Corporation (WCC) #38 in August 2011.

**Amendment CARRIED
Main Motion as amended CARRIED**

Item 18 Governance Review Sub-Committee Report 12-003 (Item 8.11)

(a) Office Staffing for Ward Councillors 7 and 8 (Item 4.1)

(Clark/Jackson)

That subsection (iii) of Item 18 (a) of Audit Finance and Administration Committee Report 12-008 respecting office staffing for Ward Councillors 7 and 8 be amended by deleting it in its entirety and replacing with the following therein:

- (iii) That staff be directed to explore the ways and means to fund .5 FTE for Wards 1-6 and 9-15 and report back to the 2013 Budget Process.

**Amendment CARRIED
Main Motion as amended CARRIED**

(Johnson/Clark)

That the EIGHTH Report of the Audit, Finance and Administration Committee be adopted, as amended, and the information section received. (attached hereto)

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE 12-008

(Partridge/Pasuta)

That the EIGHTH Report of the Emergency and Community Services Committee be adopted, and the information section received. (attached hereto)

CARRIED

(Partridge/Pasuta)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

None

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes –September 26, 2012

(Powers/Johnson)

- (a) That the Closed Session Minutes of the September 26, 2012 meeting of Council be approved, as presented;
- (b) That the Closed Session Minutes of the September 26, 2012 meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

BY-LAWS

(McHattie/Morelli)

That Bills No. 217 to 232 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:

Bill No.

- 217** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule: 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 16 – Taxi Zones
Schedule 20 – School Bus Loading Zones
- 218** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 13 – Designated Traffic Lanes
- 219** To Amend By-law No. 07-170, A By-law To License and Regulate Various Businesses
- 220** To Amend By-law No. 12-031, A By-law for Responsible Animal Ownership
- 221** To Incorporate City Land Designated at Block 'C' on Plan 62M-206 into Sylvester Street
- 222** To Incorporate City Land Designated as Blocks 'B' and 'E' on Plan 62M-206 into Highridge Avenue
- 223** To Incorporate City Land Designated as Block 125 on Plan 62M-1128 into Hitching Post Ridge
- 224** To Incorporate City Land Designated as Block 'A' on Plan 62M-206 into Capri Crescent
- 225** To Incorporate City Land Designated as Block 126 on Plan 62M-1128 into Country Fair Way
- 226** Respecting Removal of Part Lot Control, Part of Block 107 of Registered Plan No. 62M-1050, "Summit Park – Phase 2, 10, 12 and 14 Blue Mountain Drive, Glanbrook
- 227** Respecting Removal of Part Lot Control, Lots 1, 2, 5-9, 12 and 13, Plan 62M-1172 159, 161, 167, 169, 171, 173, 175, 181 and 183 Penny Lane
- 228** Respecting Removal of Part Lot Control, Lots 48, 49, 52-54, 57, 58, 77, 78, 81-83, 85 and 86, Plan 62M-1172
27, 29, 35, 37, 39, 43, 45 Trafalgar Drive and 160, 162, 168, 170, 172, 178, 180 Penny Lane
- 229** Respecting Removal of Part Lot Control, Lots 59-61, 64-71 and 74-76, Plan 62M-1172
3, 5, 7, 9, 15, 17, 19 Trafalgar Drive and 136, 138, 140, 142, 148, 150, 152 Penny Lane
- 230** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 780 Upper Paradise Road, Hamilton
- 231** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 6363 White Church Road

Bill No.

232 To Confirm the Proceedings of City Council

CARRIED

(Powers/Pasuta)

That, there being no further business, the City Council meeting be adjourned at 6:40 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk



GENERAL ISSUES COMMITTEE

REPORT 12-026

(as approved by Council on October 10, 2012)

6:30 p.m.

Monday, September 24, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

-
- Present:** Deputy Mayor J. Partridge (Chair)
Mayor R. Bratina
Councillors B. Clark, C. Collins, S. Duvall, J. Farr,
L. Ferguson, B. Johnson, B. McHattie, S. Merulla, B. Morelli,
M. Pearson, R. Pasuta, T. Whitehead
- Absent with Regrets:** Councillor R. Powers – Personal
Councillor T. Jackson – Vacation
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THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-026 AND RESPECTFULLY RECOMMENDS:

1. **Presentation of the Neighbourhood Action Plans for Beasley, Keith, McQuesten and Stinson Neighbourhoods developed as part of the Neighbourhood Development Strategy (CM12013) (City Wide) (Item 4.1)**
 - (a) That the Neighbourhood Action Plans attached as Appendix A through D to Report CM12013 be endorsed;
 - (b) That Planning staff be directed to consult with the relevant Neighbourhood Hub or Neighbourhood Association on potential land use changes that could assist in the implementation of the Neighbourhood Action Plans where appropriate;
 - (c) That the completed Neighbourhood Action Plans attached as Appendix A through D to Report CM12013 be distributed to and reviewed by City of Hamilton staff and Neighbourhood Development Strategy Partners to determine suitable actions to assist in the implementation of the Neighbourhood Action Plans;

- (d) That staff be directed to report back to the appropriate standing committee on suitable implementation measures (including cost and resource implications) that will be undertaken by the City of Hamilton to support the implementation of the Neighbourhood Action Plans attached as Appendix A through D to Report CM12013.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

On a motion, the agenda was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) PRESENTATIONS

Chris Murray, City Manager

Comments included, but were not limited to, the following:

- Introduced the staff report and acknowledged the tremendous amount of work that has gone into the information to be presented at this meeting
- To give the sense of involvement on this project, Mr. Murray recognized the many staff in the audience
- Commented that the presentation of these Neighbourhood Action Plans is an important step to building trust and confidence with the residents in the neighbourhoods, and what is being presented is the straight goods on how we will move forward together with them on the Plans.

Paul Johnson, Director of Neighbourhood Development Strategies

Comments included, but were not limited to, the following:

- Thanked Council and Senior Management Team for their support of this project, which has allowed staff to build a strong relationship with residents of the neighbourhoods; also extended thanks to the HSR for providing transportation for the residents to attend this meeting
- Provided short staff presentation and video of neighbourhoods featuring comments from the residents

- Recommendations to endorse the plans also sends the message for staff from all City Departments to support the implementation of the plans
- Outlined timelines for strategy and investments secured to date.

**Matt Goodman, Vice President of Grant and Community Initiatives,
Hamilton Community Foundation**

Comments included, but were not limited to, the following:

- Thanks for the opportunity to share and present the work that is being undertaken in the neighbourhoods
- Partners in this important piece of work
- Mutual goal of strengthening Hamilton's neighbourhoods

Paul Johnson introduced a video on the South Sherman Hub which was designed, edited, filmed and created by residents in that community.

Suzanne Brown, City Manager's Office

Comments included, but were not limited to, the following:

- Planning process undertaken in three of the neighbourhoods: Keith, McQuesten and Stinson
- Beasley Neighbourhood did planning on their own
- Created a neighbourhood action planning process that has created comprehensive community plans that address everything that happens in neighbourhoods
- Start with assets (what is good and positive)
- Committed to implementation of the plans and focus in neighbourhoods
- Implementation is more crucial than planning
- Role of planning team is to create plans, talk to the neighbourhood and now to advocate for their implementation
- Community engagement very important through surveys, door-to-door events and newsletters
- Various "quick wins" such as community cleanups, alleyway cleanups, community garden in Keith, park make-overs, summer camp have engaged residents in the neighbourhoods and are evidence of positive change
- Every single plan talks about beautification, parks and green spaces
- Biggest overwhelming theme was community pride
- Strong partnerships across the City, even before plans were completed
- Resident in each Neighbourhood has agreed to be the lead on every action to ensure that the implementation happens.

Following her comments, Ms. Brown introduced a neighbourhood video which provided a visual presentation of all of the work that has been happening.

Chair Partridge called upon representatives from each of the neighbourhoods whose plans were being presented:

(i) Beasley Neighbourhood – Paul Elia

Comments included, but were not limited to, the following:

- Local artist and former resident of Beasley Neighbourhood
- Has been involved with the Neighbourhood Association for four years
- Past events have included barbeques, movie nights, town hall meetings, neighbourhood garbage pick up and more
- Beasley Neighbourhood is bounded by Main Street, James Street, Wellington Street and the CN Rail Tracks and is one of the oldest neighbourhoods in the City, named after Richard Beasley, one of Hamilton's first settlers
- Beasley is now one of the most culturally diverse and economically challenged neighbourhoods in the City
- Beasley Neighbourhood Association (BNA) was formed six years ago; membership has grown each year; connects residents, city services and elected officials so that needs are met; meetings are held twice a month
- BNA made history by drafting its own Community Charter

(ii) Keith Neighbourhood – Steve Rowe

Comments included, but were not limited to, the following:

- Keith Neighbourhood has sense of family
- Industries included Otis Elevator, Burlington Steel, Westinghouse, International Harvester
- Looking for ways to help and improve the community and enhance green space; make sure people parks are for people and dogs have park of their own
- Will work to develop community orchard; increase neighbourhood's health, safety and security; enhance recreational activities
- Changing perception of community is important
- Will work to eliminate Brownfields and adapt reuse for industrial properties

(iii) McQuesten Neighbourhood – Patricia Reid

Comments included, but were not limited to, the following:

- McQuesten Neighbourhood is very unique. Bounded by the Red Hill Valley and Parkdale Avenue, Queenston Road to just north of Barton Street; remarkably diverse neighbourhood

- Neighbourhood is comprised of long-term homeowners, new Canadians and refugees, Aboriginal peoples, CityHousing Hamilton tenants and apartment dwellers
- Population ranges from infants to the very elderly and ethnically, racially, religiously and financially diverse
- Neighbourhood has long been identified with many challenges; however, over the past 10 years, residents have been building on strengths and relationships
- Have been fortunate to have funding from the Hamilton Community Foundation; have had great support from Councillor Merulla monetarily and through advocacy
- Want to thank City for helping to develop this plan
- Vision: we the residents of McQuesten are proud of and engaged in community
- This journey is a process; no easy remedy, but a lot of hard work; inviting neighbours and city to walk that journey with them; see vibrant neighbourhood

(iv) Stinson Neighbourhood – Lucio Barcaroli

Comments included, but were not limited to, the following:

- Worked very hard to bring forward plan; not going into detail
- Talk more about the fact of the culture that came out of this entire process
- Bounded by Wellington Street to Wentworth Street, and from Main Street to the Escarpment
- Everyone was heard; the process was doable because of City staff
- Ask that this process continue to be funded and become a model for how communities and cities can work together

The presentations provided by staff and the speakers' notes are available for viewing on the City's website.

On a motion, the presentations from the representatives of Beasley, Keith, McQuesten and Stinson Neighbourhoods, were received.

(d) Presentation of the Neighbourhood Action Plans for Beasley, Keith, McQuesten and Stinson Neighbourhoods developed as part of the Neighbourhood Development Strategy (CM12013) (City Wide) (Item 4.1)

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas: Bratina, Partridge, Farr, Morelli, Merulla, Collins, Duvall, Whitehead,
Pasuta, Ferguson, Johnson, Pearson, Clark
Total Yeas: 13
Total Nays: 0
Absent: McHattie, Jackson, Powers
Total Absent: 3

(d) ADJOURNMENT

There being no further business, the Committee adjourned at 8:55 p.m.

Respectfully submitted

Councillor J. Partridge
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk



GENERAL ISSUES COMMITTEE REPORT 12-027

(as approved by Council on October 10, 2012)

2:00 p.m.

Tuesday, September 25, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor B. Clark – Illness

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-027 AND RESPECTFULLY RECOMMENDS:

- 1. Independent External Review of HECFI Operations - Phase II (Request for Proposals) - Staff Report (CM11013(d)) (City Wide)**
 - (a) That the City Manager be directed to negotiate an Operating Agreement with Global Spectrum/Live Nation for the operation of Copps Coliseum and Hamilton Place;
 - (b) That the City Manager be directed to negotiate an Operating Agreement with The Carmen's Group for the operation of the Hamilton Convention Centre;
 - (c) That the Operating agreements negotiated in Recommendations (a) and (b) of Report CM11013d be in a form acceptable to the City Solicitor and be subject to Council approval;
 - (d) That all transitional costs incurred for the transfer of management of the HECFI facilities be charged to the Corporate Contingency Account to be funded from future Operating Surpluses or Tax Stabilization Reserve;
 - (e) That the City Manager prepare a HECFI Facilities transition plan for Council approval;

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- (f) That the budget reductions outlined in Report CM11013(d) be forwarded to the 2013 Budget process for consideration.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda:

On a motion, the agenda was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) PRESENTATIONS

Tony Tollis prefaced his presentation by introducing the members of the Staff Advisory Team, representatives from KPMG, Gary Graham from Gowling Lafleur Henderson LLP, John Hertel, CEO of HECFI and the HECFI Management Team.

With the assistance of a power point presentation, Mr. Tollis spoke to the following:

- Background/History
- Project costs to date
- Options: Status Quo (Baseline); City Managed Solution; One Private; Multiple Private and City/Private
- Total five-year costs
- Total five-year savings from baseline
- Summary rankings
- Other significant considerations
- Five-year annualized budget impacts
- Year One annualized budget impact
- Basic Operating Agreement Terms
- Estimated timelines
- Review of recommendations

Copies of the presentation were distributed and is available for viewing on the City of Hamilton website.

On a motion, the staff presentation respecting Independent External Review of HECFI Operations – Phase II (Request for Proposals) Staff Report, was received.

(d) PRIVATE & CONFIDENTIAL

On a motion, the Committee move into Closed Session pursuant to sub-sections (b) and (d) of the City's Procedural By-law and Sections 239.2(b) and (d) of the Municipal Act as the subject matter pertains to: (b) personal matters about an identifiable individual, including municipal or local board employees and (d) labour relations or employee negotiations, respecting the Independent External Review of HECFI Operations – Phase II (Request for Proposals) Staff Report.

The Committee reconvened in Open Session at 4:04 p.m.

No action to report.

(e) Independent External Review of HECFI Operations - Phase II (Request For Proposals) - Staff Report (CM11013(d)) (City Wide)

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	Bratina, Partridge, McHattie, Farr, Morelli, Merulla, Collins, Duvall, Jackson, Whitehead, Pasuta, Power, Ferguson, Johnson, Pearson
Total Yeas:	15
Total Nays:	0
Absent:	Clark
Total Absent:	1

(f) ADJOURNMENT

There being no further business, the Committee adjourned at 4:08 p.m.

Respectfully submitted

Councillor J. Partridge
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk



GENERAL ISSUES COMMITTEE
REPORT 12-024(a)
(as approved by Council on October 10, 2012)

9:30 a.m.
Friday, September 28, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Mayor R. Bratina – Illness
Councillor B. Clark – Personal
Councillor J. Farr – Personal
Councillor R. Powers – City Business

**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-024(a) AND
RESPECTFULLY RECOMMENDS:**

- 1. 2013 Tax Budget Guideline and Preliminary Outlook (FCS12065) (City Wide) (presentation was deferred from the September 19, 2012 General Issues Committee) (Item 4.1)**
 - (a) That 2013 user fees (excluding golf, transit and ice fees) be increased by an inflation rate of 2.3% (Ontario CPI), and that any user fee adjustments, other than inflationary, be forwarded for consideration with appropriate explanation;
 - (b) That Boards & Agencies be requested to submit a 2013 budget based on a guideline of 0% increase, and that any increase be forwarded for consideration with appropriate explanation;
 - (c) That, in an effort to achieve the goal of an overall tax impact of zero percent for City Services, all City departments target a 2013 budget guideline of 0% increase, and that any increase be forwarded for consideration with appropriate explanation.

2. Ontario Municipal Partnership Funding Reconciliation Funds

- (a) That the Mayor write a letter to the Government of Ontario requesting the Ontario Municipal Partnership Funding reconciliation funds as soon as possible, as were highlighted in the 2010 budget deliberations;
- (b) That when Hamilton Day takes place at the Provincial Legislature, the Fairness to Hamilton Sub-Committee pursue the OMPF reconciliation funds.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The agenda was approved as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3)

The minutes from the September 13, 2012 meeting were approved.

(d) STAFF PRESENTATIONS (Item 4)

(i) 2013 Tax Budget Guideline and Preliminary Outlook (FCS12065) (City Wide) (presentation was deferred from the September 19, 2012 General Issues Committee) (Item 4.1)

Rob Rossini, General Manager, Finance & Corporate Services, addressed the Committee with the aid of a Power Point Presentation. A copy of the Power Point presentation was distributed to members of the Committee and is available for viewing on the City of Hamilton website.

Staff gave an overview of the 2013 Tax Budget Guideline and Preliminary Outlook. The presentation touched upon the following:

Mr. Rossini gave an overview of the preliminary outlook for the 2013 Budget and explained the budget with respect to the tax impact, compensation, provincial impacts, corporate costs, and social services. The primary goals of the 2013 Budget deliberations were reiterated to the Committee.

Please refer to item 1 for disposition.

(ii) 2013 Capital Budget (no copy) (continued from September 13, 2012 General Issues Committee) (Item 4.2)

Mike Zegarac Director, Financial Planning and Policy, addressed the Committee with the aid of a Power Point Presentation. A copy of the PowerPoint presentation was distributed and is available for viewing on the City of Hamilton website.

Mr. Zegarac spoke to the capital budget priorities, discretionary capital budgets, capital re-investment and the Community Infrastructure Improvement Fund. Mr. Zegarac proceeded to explain the options available to Council.

Committee members asked several questions of clarification and provided the following direction to staff:

The Committee indicated that they are interested in obtaining more details with respect to what changes would occur to the recreation facilities budget priorities, prior to choosing one of the options put before the Committee at today's meeting.

The presentation respecting the 2013 Capital Budget was received.

(e) ADJOURNMENT (Item 5)

There being no further business, the Committee adjourned at 11:45 a.m.

Respectfully submitted,

Deputy Mayor, Judi Partridge
General Issues Committee

Christopher Newman
Legislative Coordinator
Office of the City Clerk



PLANNING COMMITTEE REPORT 12-015

As Amended by Council on October 10, 2012

9:30 am

Tuesday, October 2, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Absent with Regrets: Councillor B. Clark (Chair) – personal

THE PLANNING COMMITTEE PRESENTS REPORT 12-015 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Municipal Heritage Committee – Minutes 12-008 (Item 5.1)

That the Hamilton Municipal Heritage Committee – Minutes 12-008, be received.

2. Resignation from Terri Mines from the Heritage Policy and Design Committee and the Hamilton Permit Review Subcommittee (Item 5.2)

That the resignation from Terri Mines from the Heritage Policy and Design Committee and the Hamilton Permit Review Sub-Committee, be approved.

3. Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook) (PED12177) (Ward 11) (Item 6.3)

That approval be given to **Zoning Application ZAA-12-012, by Mark and Katherine Comley, Owners**, for a change in zoning from the General Agriculture "A1" Zone to the General Agriculture "A1-278" Zone, with a Special Exception, in order to prohibit the construction of any residential dwelling(s), for the lands located at 6363 White Church Road (Glanbrook), as shown on Appendix "A" to Report PED12177, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED12177, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule "B" of Zoning By-law No. 464;
- (c) That Schedule "A" of the draft by-law, attached to Report PED12177 as Appendix "B", be amended to revise the configuration of the lands to be rezoned to reflect the revised 0.6 ha (1.5 acre) lot configuration being a rectangular configuration approximately 75 m wide by 80 m deep;
- (d) That staff be directed to review the process to ensure that there was no duplication of costs for the applicant and to consider reimbursement if warranted.

4. Correspondence from the Municipality of Central Huron requesting Legislative amendments to transfer the provision and employment of School Crossing Guards to the Minister of Education (referred from the September 12, 2012 Meeting of Council) (Item 8.1)

- (a) That the Correspondence from the Municipality of Central Huron requesting Legislative amendments to transfer the provision and employment of School Crossing Guards to the Minister of Education (referred from the September 12, 2012 Meeting of Council), be received;
- (b) That the City of Hamilton request the Minister of Education to change the *Education Act* to making the Minister responsible for the costs of the Crossing Guard Program;
- (c) That this resolution be forwarded to the Minister of Education and Minister of Transportation.

5. Hamilton Municipal Heritage Committee – Report 12-005 (Item 8.2)

That the Hamilton Municipal Heritage Committee write a letter, including the comments included in Appendix A to Heritage Committee Report 12-005, to the

Ministry of Community and Social Services in response to their correspondence regarding the draft Design of Public Spaces in the Built Environment (Accessibility Standards for the Built Environment) under the *Accessibility for Ontarians with Disabilities Act, 2005*.

6. OPA, ZBA and Draft Plan of Subdivision Appeals for non-decision by Parkside Hills Inc. for the property known municipally as 619 Centre Road, Hamilton (in the former municipality of Flamborough) (LS12031) (Delivered under separate cover) (Item 12.1)

- (a) That Report LS12031, OPA, ZBA and Draft Plan of Subdivision Appeals for non-decision by Parkside Hills Inc. for the property known municipally as 619 Centre Road, Hamilton (in the former municipality of Flamborough), be received;
- (b) That Report LS12031, OPA, ZBA and Draft Plan of Subdivision Appeals for non-decision by Parkside Hills Inc. for the property known municipally as 619 Centre Road, Hamilton (in the former municipality of Flamborough), remain confidential;
- (c) That the recommendations and reasons for said recommendations contained in Appendix "A" to report LS12031 form the basis for the City's position in respect of, or possible settlement of, the appeals by Parkside Hills of its OPA, ZBA and Draft Plan of Subdivision appeals to the OMB in respect of the property known municipally as 619 Centre Road, Hamilton (former municipality of Flamborough) scheduled to be heard on October 23.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

PRIVATE AND CONFIDENTIAL

- 12.1 OPA, ZBA and Draft Plan of Subdivision Appeals for non-decision by Parkside Hills Inc. for the property known municipally as 619 Centre Road, Hamilton (in the former municipality of Flamborough) (LS12031) (Delivered under separate cover)

The Agenda for the October 2, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)**(i) September 18, 2012**

The Minutes of the September 18, 2012 Planning Committee meeting was approved.

(d) DELEGATION REQUESTS (Item 4)**(i) Delegation Request from Lawrence Pearce respecting the by-law against parking large recreational vehicles in front property (Item 4.1)**

The delegation request from Lawrence Pearce respecting, the by-law against parking large recreational vehicles in front property, was approved for a future meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**(i) Delegation Request from Hamilton Habitat for Humanity respecting Section 37 of the Planning Act – Affordable Housing as a Community Benefit (Item 6.1)**

John Ariens, representing Hamilton Habitat for Humanity, presented with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

The presentation from John Ariens, respecting Section 37 of the Planning Act – Affordable Housing as a Community Benefit, was received.

Staff was directed to present alternatives to the Planning Committee related to Section 37 of Hamilton's new Urban Official Plan that seeks to increase the height and/or density of new multi-unit developments with the goal and objective of increasing Hamilton's affordable housing stock.

(ii) Delegation Request from Mike Whaling respecting an illegal business (Item 6.2)

The delegation from Mike Whaling was referred to the October 16, 2012 meeting of the Planning Committee.

(iii) Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook) (PED12177) (Ward 11) (Item 6.3)

In accordance with the provision of the Planning Act, Vice-Chair J. Farr 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.

Alvin Chan, Planner, provided an overview with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting PED12177, Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook), was received.

Roberto Aburto, agent, highlighted the changes with aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The agent's presentation respecting PED12177, Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook), was received.

Mark Comley, applicant, expressed that the 1.5 acre was lot to manage source water protection and commented that he would prefer to have the 1.5 acre lot to avoid additional costs and time.

The applicant's presentation respecting PED12177, Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook), was received.

The public hearing respecting PED12177, Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook), was closed.

Report PED12177, Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 6363 White Church Road (Glanbrook), was amended by adding a new sub-section (c), as follows:

- (c) That Schedule "A" of the draft by-law, attached to Report PED12177 as Appendix "B", be amended to revise the configuration of the lands to be rezoned to reflect the revised 0.6 ha (1.5 acre) lot configuration being a rectangular configuration approximately 75 m wide by 80 m deep.

For disposition on this Item, refer to item 3.

(f) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following items were removed from the Outstanding Business List:

- (a) Item H: Losani Homes, Royal Winter Drive, Binbrook
- (b) Item W: Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas)

(g) PRIVATE AND CONFIDENTIAL (Item 12)

The following confidential report was approved in open session, as follows:

- (i) **OPA, ZBA and Draft Plan of Subdivision Appeals for non-decision by Parkside Hills Inc. for the property known municipally as 619 Centre Road, Hamilton (in the former municipality of Flamborough) (LS12031) (Delivered under separate cover) (Item 12.1)**

For disposition on this Item, refer to item 6.

(h) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 11:00 a.m.

Respectfully submitted,

Councillor J. Farr
Vice-Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk



GENERAL ISSUES COMMITTEE

REPORT 12-028

(as approved by Council on October 10, 2012)

9:30 a.m.

Wednesday, October 3, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor M. Pearson - Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-028 AND RESPECTFULLY RECOMMENDS:

1. Smith's Knoll War of 1812 Bicentennial Activities (PED12179) (Ward 9) (Item 5.1)

That Report PED12179 respecting Smith's Knoll War of 1812 Bicentennial Activities, be received.

2. Employee Suggestion Program (CM12014) (City Wide) (Item 5.2)

That Report CM12014 respecting Employee Suggestion Program, be received.

3. Traffic Islands Requiring Beautification/Allocation of Capital Budget Enhancements for Roads and Sidewalks/Floral Traffic Islands (PW12076) (City Wide) (Budget Outstanding Business List) (Item 5.3)

That Report PW12076 respecting Traffic Islands Requiring Beautification/Allocation of Capital Budget Enhancements for Roads and Sidewalks/Floral Traffic Islands, be received.

4. Cell Tower Lease/Licence Agreements: Revenue Policy (FCS12063) (City Wide) (Outstanding Business List) (Item 8.1)

- (a) That the annual net proceeds of all cell tower licences/leases on City of Hamilton property (excluding Boards & Agencies and cell towers on the Right of Way) be credited to the respective Ward Special Capital Reserve Fund (Wards 1-8) or the Former Area Municipal Capital Reserve Fund;
- (b) That Appendix A to the Telecommunication Tower and Antenna Protocol, entitled "Procedure for the Installation of Broadcasting Communication Facilities on City of Hamilton Properties", be amended to reflect recommendation (a) above.

5. Health Impacts Reducing Interim Federal Health Program (BOH12023) (City Wide) (Outstanding Business List) (Item 8.2)

That Report BOH12023 respecting Health Impacts Reducing Interim Federal Health Program, be received.

6. Hamilton Downtown/West Harbourfront Remediation Loan Program Application (RLP-12-02) and Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-12-03) – 134 Cannon Street East (PED12174) (Ward 2) (Item 8.3)

- (a) That a conditional loan commitment totaling \$400,000 for the Mary Street Knitting Mill Property Limited, the registered owner of the property located at 134 Cannon Street East (parent company, the Hamilton Realty Capital Corporation, Richard Abboud, President), be authorized and approved in accordance with the terms and conditions of the Hamilton Downtown/West Harbourfront Remediation Loan Program;
- (b) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-12-03, submitted by the Hamilton Realty Capital Corporation on behalf of Mary Street Knitting Mill Property Limited, owner of the property at 134 Cannon Street East, for an ERASE Redevelopment Grant not to exceed \$1,493,400, payable to the Mary Street Knitting Mill Property Limited over a maximum of 10 years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (c) That the Mayor and City Clerk be authorized and directed to execute loan agreements, together with any ancillary documentation required, to effect recommendations (a) and (b), above, in a form satisfactory to the City Solicitor;

- (d) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Downtown/West Harbourfront Remediation Loan Program and Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

7. Accelerate Shovel-ready Strategy for Industrial Servicing and Transportation (ASSIST) Incentive Program Review (PED12171) (City Wide) (Item 8.4)

- (a) That the 2010 Capital Budget Program Accelerated Shovel-ready Strategy for Industrial Servicing and Transportation (ASSIST) Incentive Program Review, be discontinued;
- (b) That the \$2 Million in approved funding be reallocated to the City's Unallocated Capital Reserve Account No. 108020 and earmarked for Parkland Acquisition, i.e., Surplus School Sites.

8. Public Art Procurement Process Review (PED12180) (City Wide) (Outstanding Business List Item) (Item 8.5)

- (a) That the Public Art Call for Artists Policy, attached hereto as Appendix "A", be approved;
- (b) That the Public Art acquisition procedures be refined and implemented by Tourism and Culture Division staff to reflect the principles and guidelines set out in the Public Art Call for Artists Policy for all new Public Art acquisitions.
- (c) That Public Art acquisitions, as identified in the Public Art Call for Artists Policy, be exempt from the City's Procurement Policy, with such exemptions to be reflected in the Procurement Section's 2012 annual amendments to the Procurement Policy By-law.

9. Capital Projects Status and Closing Report as of June 30, 2012 (FCS12074) (City Wide) (Item 8.6)

- (a) That the June 30th, 2012, Capital Projects' Status and Projects' Closing Report and the attached Appendices A, B, C, D, and E to Report FCS12074 for the tax levy and the rate supported capital projects be received for information;

- (b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to Report FCS12074 in accordance with the Capital Closing Policy and that the net transfers be applied as listed below and as detailed by project in Appendix B to Report FCS12074:

Summary of Net Transfers

	\$ To\From)
<u>Dedicated Reserves/Projects</u>	
Rate Reserves	(53,739)
Unallocated Capital Levy Reserve	296,834
Net Transfers	<u>243,096</u>

10. Projected Retirements (HUR12014) (City Wide) (Item 8.7)

That the City not pursue an early retirement incentive program, given the City's pending wave of retirements which enables Senior Management to identify sufficient positions through normal attrition which can be redeployed to sustainable service delivery requirements, emerging service needs or can be deleted.

11. Hamilton Future Fund Report 12-002 – September 20, 2012 (Item 8.8)

(a) Good Shepherd Centre's Request for a Loan from the City of Hamilton (FCS12035) (Ward 1) (Referred by the General Issues Committee –July 9, 2012)

- (i) That the Good Shepherd Centre be loaned \$3 million from Future Fund A, to be paid back within a five year term on a flexible/stepped repayment schedule with interest charged;
- (ii) That an additional \$2 million be loaned to the Good Shepherd Centre under the same terms and conditions as the \$3 million loan in (a) above i.e., 5-year term at an estimated 2.3% interest rate, to be funded from the City's General Reserves and set-up as a loan receivable;
- (iii) That the rate of interest for the loan be set at 5-year debenture plus 25 points, for an estimated rate of interest of 2.3%;

- (iv) That the loan be awarded on the condition of the Good Shepherd Centre entering into an agreement with the City of Hamilton that includes the provision that both the loan and interest can not be forgiven.

(b) Opening of the Future Fund to Applications - Spring 2013 (Item 8.2)

- (i) That the amended Hamilton Future Fund Application attached hereto as Appendix "B", be approved;
- (ii) That the Future Fund pursue the following general timelines for applications:
 - (aa) Fund B opens to applications, October 15, 2012
 - (bb) Fund B closes to applications, March 15, 2013
 - (cc) Review of Applications, including presentations if necessary, middle of May 2013.

12. Accessibility to Council Chambers and Meeting Rooms at Hamilton City Hall for Disabled Persons

That staff be directed to file the necessary Heritage documents to permit the installation of barrier-free access, such as automatic door openers, into the Council Chambers and meeting rooms within City Hall that are available to the public.

13. Acquisition of 2555 Creekside Drive, Dundas from 1475780 Ontario Inc. (Alterra (Spencer Creek) Ltd./Richard Liebtog) (PED12172) (Ward 13) (Item 12.2)

- (a) That an Option to Purchase with an Authority to Enter, executed by 1475780 Ontario Inc., scheduled to close on December 12, 2012, subject to satisfactory environmental review, to acquire 0.32 ha (0.79 acres) of land described as Block 11, Plan 62M-963, in the former Town of Dundas, now in the City of Hamilton, being all of PIN 17481-0388(LT) and known municipally as 2555 Creekside Drive, shown on Appendix "A" attached to Report PED12172, be approved on the basis of the recommendations contained in Report PED12172, and the details of the transaction be made public upon completion of the purchase;
- (b) That the funding for this purchase be generated from area rating to the former municipality of Dundas;
- (c) That, as consideration, the amount of \$2, paid to the owners pursuant to the agreement, be deducted from the purchase price;

- (d) That the purchase price and related fees be borrowed from the City's Unallocated Capital Reserve, with the loan repayments beginning in 2013 amortized over 10 years at an interest rate of 3% (current 10-year external borrowing rate) to be area-rated;
- (e) That the completion of this Option to Purchase be conditional upon the City being permitted a period of 60 days from the date of acceptance of the Option to Purchase, to enter upon the property for the purpose of carrying out physical and environmental inspections, investigations and testing pursuant to the Authority to Enter provided by the Owner to the City. Following these investigations, should the City not be satisfied with the findings, the City may terminate this agreement;
- (f) That the Mayor and Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor;
- (g) That costs incurred for Real Estate (inclusive of an appraisal) and legal expenses be funded from area rating and credited to Account No. 45408-3560150200 (Property Purchases and Sales);
- (h) That Legal Counsel be authorized and directed to manage and settle the Ontario Municipal Board appeal on the basis that the subject transaction proceeds and written confirmation is received from the Ontario Municipal Board that the Owner has withdrawn its appeal and that the said appeal file is closed;
- (i) That the contents of Report PED12172 remain confidential.

14. Wentworth Lodge Construction Litigation (PW12073/LS12029) (City Wide) (Item 12.3)

That the contents of Report PW12073/LS12029 respecting Wentworth Lodge Construction Litigation remain confidential.

15. Application for Approval to Expropriate Part of 1375 Upper Wentworth Street (PED12178/PW12072) (Ward 7) (Item 12.4)

- (a) That the Acting City Solicitor be authorized and directed to proceed with the necessary steps to expropriate the following real property, which the Manager of Real Estate has been unable to purchase through negotiations,

<u>Municipal Address</u>	<u>Owner</u>	<u>Description</u>
Part of 1375 Upper Wentworth Street	James and Carlene Brown	Part of Lot 10, Concession 8, Geographic Township of Barton, now City of Hamilton, designated as Part 4, Plan 62R-19154, being part of PIN No. 16920- 0005.

for the purposes of constructing a sidewalk connection on the east side of Upper Wentworth Street;

- (b) That the Acting City Solicitor be authorized and directed to prepare, and the City Clerk sign, an Application for Approval to Expropriate by the City of Hamilton the property known as Part of 1375 Upper Wentworth Street, Part of Lot 10, Concession 8, Geographic Township of Barton, now City of Hamilton, designated as Part 4, Plan 62R-19154, for the purposes of constructing a sidewalk connection on the east side of Upper Wentworth Street;
- (c) That the Application of the City of Hamilton, signed by the City Clerk, to expropriate property known as Part of 1375 Upper Wentworth Street, Part of Lot 10, Concession 8, Geographic Township of Barton, now City of Hamilton, designated as Part 4, Plan 62R-19154, be authorized, and that the said Applications be hereby received, and that the Acting City Solicitor be authorized and directed to cause the necessary Notices in these Applications to be served on the registered owner(s) of the property affected and, for advertisement of the said Notice of Application for Approval to Expropriate to be placed in The Hamilton Spectator, or other local newspaper, for three consecutive weeks;
- (d) That the Acting City Solicitor be authorized and directed to forward to the Chief Inquiry Officer any Request for Hearings received, and to report such information to City Council;
- (e) That in the event no Request for Hearing is received, the Acting City Solicitor be authorized and directed to introduce the Expropriation By-Law to City Council;
- (f) That the Manager of Real Estate, Economic Development Division of the Planning and Economic Development Department, be authorized and directed to obtain an external fee appraisal of the property if and when necessary;
- (g) That all the costs of the expropriation be charged to Account Number 59259-4031011222 (Annual New Sidewalk Program).

16. Corporate Organizational Changes 2012 (CM12016) (City Wide)

- (a) That Report CM12016 respecting Corporate Organizational Changes 2012 be received;
- (b) That the transfer of the Recreation Division's Facilities and Capital Programs and the associated FTE's to Public Works, as per Report CM12016, be approved;
- (c) That the transfer of Fire Services and Emergency Medical Services and the associated FTE's to the Community Services Department, as per Report CM12016, be approved;
- (d) That the transfer of FTE's between divisions within Planning and Economic Development and within Public Works, as per Report CM12016, be approved;
- (e) That Human Resources be directed to implement the compensation recommendation of the General Manager of Public Works with respect to the Director of Corporate Assets and Strategic Planning;
- (f) That the contents of Report CM12016 remain confidential as it relates to identifiable individual(s).

17. Alleyway Encroachment – 14 James Street North (PW12059(a)/LS12021(a)/PED12158(a)) (Ward 2) (Item 12.6)

That the contents of Report PW12059(a)/LS12021(a)/PED12158(a) respecting Alleyway Encroachment – 14 James Street North, remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

ADDED DELEGATION REQUESTS

- (i) Danielle Boissoneau respecting Enbridge Pipelines (Added Item 4.1)
- (ii) Elysia Petrone respecting Enbridge Pipelines (Added Item 4.2)
- (iii) Diane Fields respecting Enbridge Pipelines (Added Item 4.3)

- (iv) Dr. Diane Gower Dent, on behalf of The Friends of Auchmar, respecting the Auchmar Estate (Added Item 4.3)
- (v) Brock Browett, to present a proposal regarding the Auchmar Estate (Added Item 4.4)

STAFF PRESENTATION

- (vi) Typographical Error – Subject Line should read, “Tourism Hamilton Mobile App” (Item 7.1)

NOTICE OF MOTION

- (vii) City Representation on the Hamilton Chamber of Commerce Light Rail Transit Task Force (Added Item 10.1)

PRIVATE & CONFIDENTIAL

- (viii) Alleyway Encroachment – 14 James Street North (PW12059(a)/LS12021(a)/PED12158(a)) (Ward 2) (Added Item 12.6)

On a motion, the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF PREVIOUS MINUTES

On a motion, the September 19, 2012 Minutes of the General Issues Committee meetings were approved, as presented.

(d) DELEGATION REQUESTS

On a motion, the following delegation requests were approved:

- (i) Danielle Boissoneau respecting Enbridge Pipelines (Added Item 4.1)
- (ii) Elysia Petrone respecting Enbridge Pipelines (Added Item 4.2)
- (iii) Diane Fields respecting Enbridge Pipelines (Added Item 4.3)
- (iv) Dr. Diane Gower Dent, on behalf of The Friends of Auchmar, respecting the Auchmar Estate (Added Item 4.4)
- (v) Brock Browett, to present a proposal regarding the Auchmar Estate (Added Item 4.5)

(e) CONSENT ITEMS

Items 5.1 to 5.3 inclusive were moved to the Discussion Agenda.

(f) PRESENTATIONS

(i) Tourism Hamilton Mobile App (Item 7.1)

Sue Monarch, Acting Manager of Tourism, provided introductory comments which included, but were not limited to, the following:

- Tourism Hamilton App is a significant step forward with the opening of the new visitors' centre in the Lister Block
- Pleased to launch another tool which sets Hamilton apart from other cities i.e., Visit Hamilton App
- Not only a functional tool, but it is a user friendly experience and is a superior product
- It is an itinerary planner and an experience for visitors
- Involves e-market strategy; visitors will always be connected whenever and wherever

Ms. Monarch introduced Andy Zimmerman, e-Marketing Co-ordinator, to walk through the Mobile App, which will be available on iPhone, iPod touch and iPad and released in the next 24 hours. Staff is looking to move this App into the Google/Android market.

During his presentation, Mr. Zimmerman advised that this is Hamilton's first city-wide application and offers nine "tiles", including:

- Why Hamilton
- Where to Stay
- What to Do
- Where to Eat
- Events
- Photos
- Itineraries
- Getting Here and Around
- Contact Us

Ms. Monarch recognized and thanked all staff who contributed to bring this project to fruition, and acknowledged the contributions of Tyler Cowie and Adrian Duyzer of factorE, the program developers.

On a motion, the presentation with respect to the Tourism Hamilton Mobile App, was received.

(g) DISCUSSION AGENDA

(i) Smith Knoll War of 1812 Bicentennial Activities (PED1179) (Ward 9) (Item 5.1)

Councillor Clark provided a verbal update with respect to the project and thanked staff and colleagues

(ii) Employee Suggestion Program (CM12014) (City Wide)

On a motion, the City Manager and Director of Human Resources were directed to report back to the Committee with respect to how a stronger relationship of trust can be built between the union and non-union employees and management relative to providing opportunities for City employees to be able to participate in performance-improving suggestions. **CARRIED**

(iii) Allocation of Islands Requiring Beautification; Allocation of Capital Budget Enhancements for Roads and Sidewalks; Floral Traffic Islands (PW12076) (City Wide) (Outstanding Business List)

On a motion, staff was directed to develop a policy related to the maintenance of floral traffic islands and round-a-bouts as part of the 2013 budget process.

(iv) Accelerate Shovel-ready Strategy for Industrial Servicing and Transportation (ASSIST) Incentive Program Review (PED12171) (City Wide) (Item 8.4)

On a motion, sub-section (b) was amended by deleting, "Land Banking Program (for a total commitment of \$6 Million)", and replacing it with "Unallocated Capital Reserve Account No. 108020 and earmarked for Parkland Acquisition, i.e., Surplus School Sites" in lieu thereof.

The Amendment **CARRIED** and the Main Motion, as amended, **CARRIED**.

(v) Good Shepherd Centre's Request for a Loan from the City of Hamilton (FCS12035) (Ward 1) (Referred by the General Issues Committee – July 9, 2012)

On a motion, the following was added as sub-section (b) and the balance of the sections re-numbered accordingly:

- (b) That an additional \$2 million be loaned to the Good Shepherd Centre under the same terms and conditions as the \$3 million loan in (a) above i.e., 5-year term at an estimated 2.3% interest rate, to be funded from the City's General Reserves and set-up as a loan receivable;

The Amendment **CARRIED** on the following recorded vote:

Yeas: McHattie, Farr, Morelli, Merulla, Jackson, Duvall,
Whitehead, Partridge, Pasuta, Powers, Ferguson
Total Yeas: 11
Nays: Clark
Total Nays: 1
Absent: Bratina, Collins, Johnson, Pearson
Total Absent: 4

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

Yeas: McHattie, Farr, Morelli, Merulla, Jackson, Duvall,
Whitehead, Partridge, Pasuta, Powers, Ferguson
Total Yeas: 11
Nays: Clark
Total Nays: 1
Absent: Bratina, Collins, Johnson, Pearson
Total Absent: 4

(h) MOTIONS

Accessibility to Council Chambers and Meeting Rooms at Hamilton City Hall for Disabled Persons

On a motion, the words, "disabled door openers" were deleted and replaced with the words, "barrier-free access, such as automatic door openers", in lieu thereof.

The Amendment **CARRIED** and the Main Motion, as amended, **CARRIED**.

(i) NOTICES OF MOTION

Councillor J. Farr introduced the following Notice of Motion:

City Representation on the Hamilton Chamber of Commerce Light Rail Transit Task Force

Whereas, the City of Hamilton has committed substantial staffing and financial resources in the preparation of a Light Rail Transit (LRT) Plan, to be completed and ready for submission to Metrolinx by late December 2012/January 2013, and;

Whereas, the next step in the LRT process is for Metrolinx to submit an LRT implementation recommendation to the Province of Ontario by June 2013, and;

Whereas, Hamilton City Council is on record as desiring 100% capital funding from the Province of Ontario for LRT, and;

Whereas, notwithstanding City Council's funding position, Metrolinx has asked GTAH municipalities to participate with them in consideration of alternative funding mechanisms to build LRT such as tax incentive financing, and;

Whereas, on October 13, 2011, John Howe, Vice President, Investment Strategy and Project Evaluation, at Metrolinx stated to Council that the (LRT) project "has such potential and prospect" and that Metrolinx is very "bullish" on Hamilton, yet the City has not yet been aggressive on a government relations project to secure LRT funding for Hamilton, and;

Whereas, the Chamber of Commerce has an LRT Task Force which includes all of the relevant Hamilton partners, including McMaster University, Hamilton and Halton Homebuilders Association, Hamilton Realtors' Association and others.

Therefore be it resolved:

- (a) That the City of Hamilton join the Chamber of Commerce LRT Task Force and jointly implement a government relations project to encourage the Province of Ontario to fund LRT in Hamilton,
- (b) That three Councillors and the Mayor, or designate, represent the City of Hamilton on the Chamber of Commerce's LRT Task Force, supported by the City Manager;
- (c) That this LRT Task Force report back to the General Issues Committee on deliberations of the Chamber Task Force and the results of the government relations project on a regular basis.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)

- (i) On a motion, the revised due dates for the following items on the Outstanding Business List were approved:

City Manager

Item C: Open Data
Due Date: October 17, 2012
Revised Due Date: November 21, 2012

Planning

Item A: Canadian Ballet Youth Ensemble
Due Date: September 19, 2012
Revised Due Date: November 21, 2012

Item C: Auchmar Estates
Due Date: October 3, 2012
Revised Due Date: October 17, 2012

Item D: HABIA Terms of Reference and Strategic Plan
Due Date: September 19, 2012
Revised Due Date: October 17, 2012

Item G: Hamilton LEEDing the Way
Due Date: September 19, 2012
Revised Due Date: November 7, 2012

Public Works

Item A: North End Traffic Management Study
Due Date: December 5, 2012
Revised Due Date: Q2 2013

- (ii) On a motion, the following items were removed from the Outstanding Business List:

Community Services

Item A: 2012 Proposed Provincial Budget and Changes to the Discretionary Benefits

Corporate Services

Item C: Cell Towers Licence Renewal Agreements
(Item 8.1)

Planning

Item Q: Public Art Procurement Process (Item 8.5)

Public Health

Item A: Changes to the Interim Federal Health Program (Item 8.2)

2012 Budget Deliberations

Item D: Early Retirement Packages (Item 8.7)

Item F: Public Works 2012 Council-REFERRED Program Enhancements

Item G: List of Traffic Islands requiring Beautification (Item 5.3)

Item H: Allocation of Capital Budget Enhancements for Roads and Sidewalks (Item 5.3)

Item I Floral Traffic Islands (Item 5.3)

Recess and reconvene at 1:00 p.m.

(k) PRIVATE & CONFIDENTIAL

12.1 Minutes of Closed Session Meetings – September 6, 2012

On a motion, the Minutes of the Closed Session Meeting of the General Issues Committee held on September 6, 2012 were approved. These Minutes will remain confidential and restricted from public disclosure.

On a motion, the Committee moved into closed session at 1:16 p.m. pursuant to sub-sections (b), (c), (e) and (f) of the City of Hamilton's Procedural By-law and Section 239.2(b), (c), (e) and (f) of the Municipal Act as the subject matters pertain to:

- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the Municipality or Local Board;
- (e) litigation or potential litigation, including matters before administrative tribunals affecting the municipal or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

respecting:

12.2 Acquisition of 2555 Creekside Drive, Dundas, from 1475780 Ontario Inc. (Alterra (Spencer Creek) Ltd./Richard Liebttag) (PED12172) (Ward 13)

12.3 Wentworth Lodge Construction Litigation (PW12073/LS12029) (City Wide)

- 12.4 Application for Approval to Expropriate Part of 1375 Upper Wentworth Street (PED12178/PW12072) (Ward 7)
- 12.5 Corporate Organizational Changes 2012 (CM12016) (City Wide)
- 12.6 Alleyway Encroachment – 14 James Street North (PW12059(a)/LS12021(a)/PED12158(a)) (Ward 2)

The Committee reconvened in Open Session at 3:55 p.m.

- 12.2 Acquisition of 2555 Creekside Drive, Dundas, from 1475780 Ontario Inc. (Alterra (Spencer Creek) Ltd./Richard Liebtag) (PED12172) (Ward 13)

See Item 13 for the disposition of this Item.

- 12.3 Wentworth Lodge Construction Litigation (PW12073/LS12029) (City Wide)

Direction provided to staff In Camera.

See Item 14 for the disposition of this Item.

- 12.4 Application for Approval to Expropriate Part of 1375 Upper Wentworth Street (PED12178/PW12072) (Ward 7)

See Item 15 for the disposition of this Item.

- 12.5 Corporate Organizational Changes 2012 (CM12016) (City Wide)

See Item 16 for the disposition of this item.

Sub-section (e) of the recommendations **CARRIED** on the following recorded vote:

Yeas:	McHattie, Farr, Morelli, Collins, Duvall, Jackson, Partridge, Powers, Johnson, Clark
Total Yeas:	10
Nays:	Whitehead
Total Nays:	1
Absent:	Bratina, Merulla, Pearson, Ferguson, Pasuta
Total Absent:	5

**12.6 Alleyway Encroachment – 14 James Street North (PW12059(a)/
LS12021(a)/PED12158(a)) (Ward 2)**

Direction provided to staff in Camera.

See Item 17 for the disposition of this item.

(I) ADJOURNMENT

There being no further business, the Committee adjourned at 4:00 p.m.

Respectfully submitted

Councillor B. McHattie
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

PUBLIC ART CALL FOR ARTISTS POLICY

(Draft August 31)

1.0 PURPOSE

To direct the development of documents and processes used in the acquisition of works of *public art* by the City of Hamilton.

2.0 DEFINITION

Public Art

Public art is created by artists or in collaboration with artists through a public process and existing in publicly accessible City of Hamilton property.

3.0 CITY OF HAMILTON PROCUREMENT POLICY

The documents and processes used to acquire works of Public Art by the City of Hamilton shall be in compliance with the following sections of the Procurement Policy By-Law:

- Policy # 2 Approval Authority;
- Policy # 17 Conflicts of Interest; and,
- Schedule A – Statement of Ethics for Public Procurement.

4.0 PRINCIPLES

The documents and processes used to acquire works of Public Art by the City of Hamilton shall:

- Be open, transparent and competitive;
- Treat all artists participating in an objective and equitable fashion;
- Maximize value by encouraging the submission of a large number of high-quality of proposals;
- Consider durability, ongoing maintenance, public safety and any other relevant technical issues in all evaluations;
- Encourage excellence and creativity in design;

- Recognize and encourage new ideas and innovation;
- Recognize diversity in types of public art, artists' approach and artists' experience;
- Respect the intellectual rights of the artist;
- Encourage art reflective of the community through the use of public consultation and citizen juries; and,
- Be in compliance with all City of Hamilton conflict of interest policies.

5.0 ACQUISITION PROCESS GUIDELINES

The following process guideline is intended as a general guide and may be adjusted to allow for the specific project requirements in terms of the scale and type of art, project goals/themes and contextual issues resulting from public consultation.

5.1. Initial Public Consultation

Public art staff conducts a focus group and/or public meeting to determine theme(s) or subject(s) for the public art that has meaning for the community.

This along with site, budget and technical information is used by public art staff to develop a Call for Artists document. This document is used to solicit submissions from artists.

5.2. Initial Submission

The Call for Artists document is posted on the City's public art webpage, promoted via the internet through arts and community groups and other appropriate means.

Typical initial submissions requirements as outlined in the Call for Artists document may include:

- a. A one page artist's concept statement.
- b. Conceptual sketch of proposed work(s).
- c. Curriculum vitae of the Artist(s).
- d. Images of recent relevant work by the principal Artist(s).
- e. Other criteria specific to the project.

5.3. Initial Adjudication

Initial submissions are reviewed for basic compliance with the Call for Artist document requirements by public art staff. Compliant submissions are provided to the Jury for review.

The Jury meets to adjudicate submissions against criteria outlined in the Call for Artists document that may include:

- a. Concept and approach.
- b. Qualifications and professional experience.
- c. Quality of previous work.
- d. Other criteria specific to the project.

A number of artists' submissions that best meet the criteria will be selected by the Jury to make a detailed submission. A minimum number of three and maximum of six submissions is preferred.

5.4. Detailed Submission

The artists selected in the initial adjudication are invited to make a second more detailed submission.

Typical Submissions Requirements as outlined in the Call for Artists document may include:

- a. Site plan.
- b. Plan, elevation and section drawings to scale.
- c. A maquette and/or fully colour renderings.
- d. Details of sub-consultants or sub-contractors.
- e. Fabrication and installation plan.
- f. A brief statement for long-term maintenance and conservation.
- g. Artist's concept statement for public review.
- h. Any other information specific to the project.

An honorarium is paid to artists for completion of this work.

5.5 Detailed Submission Review

Detailed submissions are reviewed for basic compliance and compliant submissions are provided to jurors for review.

Technical advisors meet to review the material and fabrication methods proposed against the material guidelines included in the Call for Artists document and good conservation standards for the purpose of identifying any major concerns.

Each artist is sent a standard set of interview questions, based on the criteria set out in the Call for Artist document.

Artists, whose submissions have a material or fabrication issue, will receive a letter identifying the issue and requesting that the artist address the issue at the interview.

Artist Interviews

The Jury is assembled to interview each artist.

Artists are asked to respond to the set of questions that they received via letter or e-mail.

Those artists that received a notification of material or fabrication issue are asked to indicate how they will address that concern.

Artists are not to provide any new information at this stage that will alter the general content or the conceptual intent of their proposal.

Artists may be asked to make minor revisions to their submissions to reflect material or fabrication changes recommended by technical advisors. If a material or fabrication concern is not addressed to the satisfaction of the jury, the submission may be rejected.

5.7 Final Public Consultation

The short listed artists' detailed submissions are presented to the public. The public are asked to review the proposals and comment on how the proposal responds to the following:

- a. The competition theme(s).
- b. The local physical and social context.

This information is collected and analyzed by City staff. The information is provided to the Jury for consideration in the final adjudication of the site responsiveness and community engagement criteria or other relevant criteria. The information is not binding on the Jury.

5.8 Final Adjudication

The Jury is assembled to discuss the information provided to date and to adjudicate the submissions in terms of the public consultation information and against criteria outlined in the Call for Artists document that may include:

- a. Technical Requirements.
- b. Site Responsiveness and Community Engagement.
- c. Proposal Resolution.
- d. Project Details.
- e. Artistic Excellence.
- f. Any other criteria specific to the project.

The Jury develops a consensus score for all of the short listed submissions in each of the criteria. The submission with the highest score is awarded the commission.

A document outlining the reasoning for the Jury's decision is to be made available to the artists and public.

6.0 THE JURY

The jury shall typically consist of a diverse group of citizen volunteers with various interests in the community, site and project theme along with artists and those with expertise in the arts. All members of the Jury should have respect for the creative process and be comfortable working in group situations. The Jury shall be advised on process and technical issues by City staff.

The size of a Jury is dependent on the scope and complexity of the project but generally shall be a maximum of seven exclusive of advisors.

Jury meetings shall be facilitated by City staff and shall make decisions by consensus.

Jury members shall be selected by the City's public art staff in consultation with the local Councillor, relevant City staff and community stakeholders.

The names of all jurors shall remain confidential until the winning submission is announced.



HAMILTON FUTURE FUND

FUND APPLICATION FORM

Fund Application

Please prepare your fund application using the following criteria guidelines and provide all information to the questions on page 2 of this application.

Applications submitted without complete information and required attachments will be an automatic decline.

Fund Application Guiding Principles

Although the fund application is reviewed by the Future Fund Board of Governors and recommendations are submitted to City Council for consideration, the final decision for any approvals rests with City Council.

Applications to the Hamilton Future Fund will be evaluated by the Board of Governors based on the Mission Statement and Guiding Principles established by the Board (appendix A attached). Only applicants located in and requesting funding for project initiatives in the city of Hamilton, that meet this criteria will be considered.

To that end, HFF Board of Governors will place a priority on granting initiatives where:

- applicant is a not-for-profit, registered charitable organization or leveraged partnership
- funds will be used to create legacy projects/initiatives for present and future Hamiltonians
- project provides a permanent benefit, long-term impact and return on investment
- clear long-term impact for economic growth and/or improved quality of life
- process for timely evaluation and indicators in place for specific measurable results
- Sunset clause - funds will be rescinded if project is not substantially completed within two years from the date of final approval by Council
- Ensure equality access to all community organizations requesting funding

Application Deadlines for submissions:

October 15, 2012 – Future Fund Open to Applications

March 15, 2013 – Future Fund Closes to Applications

Mid-May 2013 - Future Fund will review applications, determine who will proceed to the next phase and request presentations when necessary

120 days timeframe approval/declines (pending final approval by Hamilton City Council)

Next Steps: Please complete the questions on page 2 and submit to : Hamilton Future Fund, c/o Andy Grozelle, Legislative Co-ordinator, Clerk's Office, 71 Main Street West, Hamilton, Ontario, L8P 4Y5, by fax at (905) 546-2095, by e-mail at andy.grozelle@hamilton.ca.

Fund Application - Page 2

Hamilton Future Fund Application

Please prepare your application to HFF by providing the following Information. Applications submitted without complete information and required attachments will be an automatic decline.

- 1. Provide detailed information about your community organization including:**
 - contact person, name, address, phone, email, other locations
 - registered charitable or business number
 - other partners included in this project.

- 2. Provide attachments to this application:**
 - current budget and financial statements (prepared by a certified accountant)
 - registered or incorporated business documentation
 - list of Directors and contact information

- 3. Amount of funds requested - include;**
 - total itemized cost of project
 - total operating and capital expenses

- 4. Minimum amount of funding that will allow this project to go forward.
Options in case of reduced funding available**
 - due to the volume of requests for funding only part of this request may be approved.
 - please provide project breakdowns and funds required for each component.
 - conditions and restrictions may be attached to the funding approval.

- 5. Other Funders are contributing to this project – include:**
 - private investors, donors
 - municipal, provincial and federal funding
 - corporate sponsorships/donations**N.B. include contact names and funding amounts**

- 6. Provide an overview of this initiative including:**
 - description of goals and objectives
 - clear business plan for success

- 7. Indicate How will this project be sustainable and provide permanent benefit to Hamiltonians:**
 - explicit, measurable long-term impact
 - a return on investment for the Hamiltonians

- 8. Indicate how the project will improve the prosperity of one or more of the following ways:**
 - enhancing the community's economic prosperity
 - including potential for economic development
 - supporting tax competitiveness with neighbouring municipalities
 - supporting downtown redevelopment
 - supporting the development of key economic clusters
 - supporting job creation
 - enhancing the community's social fabric

- enhancing community life

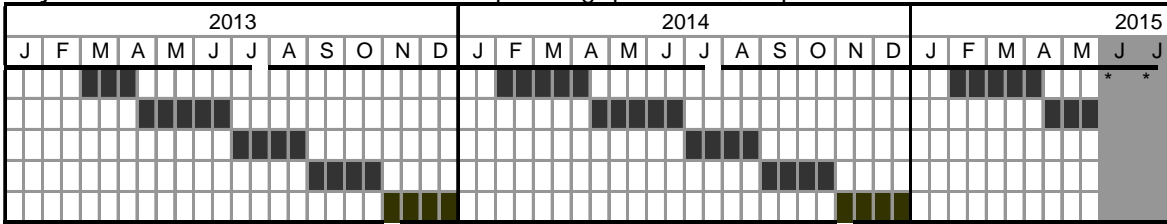
Fund Application - page 3

9. Indicate how funds granted from the HFF to this initiative achieve specific measurable goals.

Describe the process you will use to develop regular evaluation progress reports to be submitted to the HFF Board of Governors starting 6 months into the project. Your process for evaluation will incorporate:

- reporting timeline to match funding request.
- specific performance criteria
- clearly-articulated expected outcomes
- indicators for measuring the achievement of expected outcomes
- regular reporting to the HFF Board on the achievement of outcomes.

10. Project Schedule – start to finish: include planning, production, expected finish



** expected Sunset Clause enactment date

11. Recognition of Funding

The HFF requires recognition of funding with invitations to and participation in any public ceremonies or dedications. Please provide plans for HFF recognition to be incorporated into this project.

12. Next Steps : Presentation to the HFF Board of Governors

Public presentations to the Board will not be automatic however *may* be requested for applications that are selected as priority funding.

13. Internal Applications

Applications from Departments, Agencies or Boards of the City of Hamilton, must be accompanied with an approval from the appropriate Standing Committee of Council authorizing the application to the Future Fund.

On behalf of the Hamilton Future Fund Board of Governors we appreciate you taking the time and effort to prepare this application for funding. A letter will be sent to the contact person listed on this application to confirm receipt of this request and details around timing for review by the Board of Governors.

Yours truly,
 Hamilton Future Fund
 Board of Governors



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 12-008

AS AMENDED BY COUNCIL ON OCTOBER 10, 2012

Thursday, October 4, 2012

9:30 a.m.

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

Present: Councillors B. Johnson (Chair), B. Clark and B. Morelli

**Absent
with Regrets:** Councillor R. Powers – Other City Business
Councillor M. Pearson – Vacation

Also Present: Councillor C. Collins

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 12-008 AND RESPECTFULLY RECOMMENDS:

1. Employee Attendance Performance Measures Q2 2012 (HUR12013) (City Wide) (Item 5.1)

That Report HUR12013, respecting Employee Attendance Performance Measures Q2 2012, be received.

2. Municipal Service Centres – Customer Service Feedback (FCS12071) (City Wide) (Item 5.2)

That Report FCS12071, respecting Municipal Service Centres – Customer Service Feedback, be received.

3. Monthly Status Report of Tenders and Requests for Proposals for August 2, 2012 to August 31, 2012 (FCS12018(f)) (City Wide) (Item 5.3)

That Report FCS12018(f), respecting the Monthly Status Report of Tenders and Requests for Proposals for August 2, 2012 to August 31, 2012, be received.

Council – October 10, 2012

4. Wastewater User Fee Billing Verification Initiative (FCS12075) (City Wide) (Item 5.4)

That Report FCS12075, respecting the Wastewater User Fee Billing Verification Initiative, be received.

5. 2011 Standard & Poor's Credit Rating (FCS12078) (City Wide) (Item 7.1)

That Report FCS12078, respecting the 2011 Standard & Poor's Credit Rating, be received.

The following Item 6 was amended by deleting it in its entirety and replacing with the following there in:

6. Wentworth Condominium Corporation #38 Water/Wastewater Billing Issue (FCS12056) (Ward 5) (Item 8.1)

~~That staff be directed to offer Wentworth Condominium Corporation #38 a Two (2) year interest-free payment arrangement in response to the water/wastewater billing issue experienced by Wentworth Condominium Corporation (WCC) #38 in August 2011.~~

That staff be directed to provide a 50% credit adjustment to Wentworth Condominium Corporation (WCC) #38 for the \$48,935.93 combined water/wastewater billing experienced by Wentworth Condominium Corporation (WCC) #38 in August 2011.

7. Committee Against Racism Report (CAR12001) respecting the UNESCO Coalition of Municipalities (Item 8.2)

That the Committee Against Racism Report CAR12001, respecting the UNESCO Coalition of Municipalities, be received.

8. UNESCO Declaration Required to Join the Canadian Coalition of Municipalities Against Racism and Discrimination (Item 8.2(a))

Whereas, the Canadian Commission for UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Canadian Coalition of Municipalities Against Racism and Discrimination and to be part of UNESCO's international Coalition launched in 2004; and,

Whereas, the Federation of Canadian Municipalities (FCM) endorses the Call for a Canadian Coalition of Municipalities Against Racism and Discrimination and encourages its members to join; and,

Whereas Municipal governments in Canada, along with other levels of government, have responsibilities under Canada's Charter of Rights and Freedoms as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton agrees to join the Coalition of Canadian Municipalities Against Racism and Discrimination and, in joining the Coalition, endorses the Common Commitments and agrees to develop or adapt its own unique Plan of Action accordingly.
- (b) That these Common Commitments and the Municipality's unique Plan of Action will be an integral part of the Municipality's vision, strategies and policies.
- (c) That in developing or adapting and implementing its own unique Plan of Action toward progressive realization of the Common Commitments, the Municipality will cooperate with other organizations and jurisdictions, including other levels of government, Aboriginal peoples, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights.
- (d) That the Municipality will set its priorities, actions and timelines and allocate resources according to its unique circumstances, and within its means and jurisdiction. The Municipality will exchange its expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.

9. Follow Up of Audit Report 2010-08 – Human Resources – Recruitment and Selection (AUD12016) (City Wide) (Item 8.3)

- (a) That Report AUD12016, respecting the follow up of Audit Report 2010-08, Human Resources – Recruitment and Selection, be received.
- (b) That staff be directed to ensure that the written Employment Services Policies and Procedures, as outlined in recommendation #2 of Appendix A to Report AUD12016, respecting the follow up of Audit Report 2010-08 – Human Resources Recruitment and Selection, be made a priority.

10. Annual Follow Up of Outstanding Audit Recommendations (AUD12018) (City Wide) (Item 8.4)

That Report AUD12018, respecting the 2012 Annual Follow up of Outstanding Audit Recommendations, be received.

11. Comparison Chart to Support Item 8.4 – Report AUD12018, respecting the Annual Follow up of Outstanding Recommendations (Item 8.4(a))

That the Comparison Chart to Support Item 8.4 – Report AUD12018, respecting the Annual Follow up of Outstanding Recommendations, be received.

12. Follow Up of Audit Report 2010-09 – Facilities Maintenance and Administrative Controls (AUD12015) (City Wide) (Item 8.5)

That Report AUD12015, respecting the follow up of Audit Report 2010-09, Facilities Maintenance and Administrative Controls, be received.

13. Follow Up of Audit Report 2010-07 – Information Services (IS) – Business Process Management (AUD12013) (City Wide) (Item 8.6)

That Report AUD12013, respecting the follow up of Audit Report 2010-07, Information Services (IS) Business Process Management, be received.

14. Audit Report 2012-03 – Construction Contracts Review (AUD12014) (City Wide) (Item 8.7)

That Report AUD12014, respecting Audit Report 2012-03 – Construction Contracts Review, be referred to the General Issues Committee for discussion during the 2013 budget process.

15. Audit Report 2012-05 – Long Term Contract Review - Recycling Collection Services (Blue Box Collection) (AUD12017) (City Wide) (Item 8.8)

- (a) That Report AUD12017 respecting Audit Report 2012-05, Long Term Contract Review - Recycling Collection Services (Blue Box Collection), be received;
- (b) That the Management Action Plan, attached as Appendix “A” to Report 12-008, be approved; and,
- (c) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plan (attached as Appendix “A” to Report 12-008) implemented.

16. Value for Money Audit Program (AUD12019) (City Wide) (Item 8.9)

- (a) That Report AUD12019, respecting the Value for Money Audit Program, be received;

- (b) That the City retain a search firm to provide suitable candidates for hire for the Value for Money Audit Program and that its fee be paid first from salary gapping in the Audit Services' budget and then, if needed, from the initial reserve funding previously provided for by Council in the 2012 Audit Services' budget; and,
- (c) That an additional amount of up to a maximum of \$177,790 from the Tax Stabilization Reserve to run the program through the 2013 fiscal year, be approved.

17. 2011 Reserve Report (FCS12072) (City Wide) (Item 8.10)

That the 2011 Reserve Report and the 2011 Reserves Detail Report, with 2010 Comparative figures and 2012 Projections, attached as Appendix "A" to Report FCS12072, be received.

The following Item 18(a)(iii) was amended by deleting it in its entirety and replacing with the following there in:

18. Governance Review Sub-Committee Report 12-003 (Item 8.11)

(a) Office Staffing for Ward Councillors 7 and 8 (Item 4.1)

- (i) That the hiring of 1.0 contract FTE Administrative Assistant I retroactive from September 1, 2012 until May 31, 2013 for each of Ward 7 and 8 Councillors Offices, be funded from the Tax Stabilization Reserve, and divided equally for the remainder of 2012 fiscal year, to assist the respective Councillors with their larger constituency workloads;
- (ii) That full funding for the 2.0 FTE Administrative Assistant I positions for both Ward 7 and 8 Councillors offices be forwarded on to the 2013 budget process;
- ~~(iii) That staff be directed to further explore options to assist with inequities of staffing in the individual wards and report back to Governance review Sub-Committee.~~
- (iii) That staff be directed to explore the ways and means to fund .5 FTE for Wards 1-6 and 9-15 and report back to the 2013 Budget Process.

(b) Delegated Authority of Council during a Municipal Election

That Report LS12016, respecting Delegated Authority during an Election, be received.

(c) Update to Staff Report Document Formatter template to reflect 2012 – 2015 Strategic Plan (CM12012) (City Wide)

That no changes be made to the position of the City's Strategic Plan in the Document Formatter Template.

19. Grants Sub-Committee Report 12-003 (Item 8.12)

(a) Convention and Sport Grants Review (GRA12012) (City Wide) (Item 4.1)

That Report GRA12012, respecting the Convention and Sports Grants Review, be received.

(b) Appeals for Special Events – 2012 Community Partnership Program (GRA12010) (City Wide) (Item 5.3)

(i) That funding in the amount of \$3,000 for the St. John Ambulance's 100th Anniversary Celebration, to be funded from the Community Partnership Program – Special Events budget, be approved.

(ii) That funding in the amount of \$3,000 for the Hamilton Signals Association's 100 Years of Military Communication in Hamilton, to be funded from the Community Partnership Program – Special Events budget, be approved.

(iii) That funding in the amount of \$2,000 for the Paris to Ancaster Bicycle Race's Race & Tour, to be funded from the Community Partnership Program – Special Events budget, be approved.

(iv) That the funding request in the amount of \$10,000 for the Church of St. Anthony of Padua's St. Gabriel Feast, to be funded from the Community Partnership Program – Special Events budget, be denied.

(c) Binbrook Fair (Item 6.1)

That one-time funding in the amount of \$3,333.77 for bleachers at the 2012 Binbrook Fair, to be funded from the Community Partnership Program uncommitted reserve, be approved.

20. Hamilton Status of Women Advisory Committee Resignation (Item 11.3)

That the resignation from the Hamilton Status of Women Advisory Committee, submitted by Catherine M. Pead, be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

- (i) Added as Item 4.1 – a delegation request from Matthew Sweet, Open Streets Hamilton, respecting Green Venture's Community Partnership Program grant application for Open Streets Hamilton
- (ii) Added as Item 4.2 – a delegation request from Pete Wobschall, Director, Green Venture, respecting Green Venture's Community Partnership Program grant application for Open Streets Hamilton
- (iii) Added as Item 8.2(a) – UNESCO Declaration Required to Join the Canadian Coalition of Municipalities Against Racism and Discrimination
- (iv) Added as Item 8.4(a) – a Comparison Chart to support Item 8.4 – Report AUD12018, respecting the Annual Follow up of Outstanding Recommendations

The agenda for the October 4, 2012 Audit, Finance & Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) September 10, 2012 (Item 3.1)

The Minutes of the September 10, 2012 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Matthew Sweet, respecting Green Venture's Community Partnership Program grant application for Open Streets Hamilton (Item 4.1)

Consideration of the delegation request from Matthew Sweet, respecting Green Venture's Community Partnership Program grant application for Open Streets Hamilton, was tabled until such time as the Chair of the Grants Sub-committee and the City Treasurer have had an opportunity to further review the matter.

(ii) Pete Wobschall, Director, Green Venture, respecting Green Venture's Community Partnership Program grant application for Open Streets Hamilton (Item 4.2)

Consideration of the delegation request from Pete Wobschall, Director, Green Venture, respecting Green Venture's Community Partnership Program grant application for Open Streets Hamilton, was tabled until such time as the Chair of the Grants Sub-committee and the City Treasurer have had an opportunity to further review the matter.

(e) 2011 Standard & Poor's Credit Rating (FCS12078) (City Wide) (Item 7.1)

Adam Gillespie and Bhavini Patel, of Standard & Poor's were in attendance to speak to the S&P Report. Adam Gillespie provided a PowerPoint presentation and a detailed handout respecting the City of Hamilton's credit rating.

The presentation provided details respecting the ratings process, which in essence is the gathering of information, both public and confidential; S&P's interactions with management; their internal analysis; the rating committee; and the publishing process. The following areas were also highlighted in the presentation:

- The credit rating process
- Analytical framework for rating international local and regional government (LRG) ratings
- Assessing the Individual Credit Profile (ICP)
- Examining Hamilton's credit rating
- Peer comparison

A full copy of the presentation and handout are available on line or through the Office of the City Clerk.

The presentation provided by Adam Gillespie and Bhavini Patel, of Standard & Poor's, respecting the City of Hamilton's credit rating, was received.

(f) Follow Up of Audit Report 2010-08 – Human Resources – Recruitment and Selection (AUD12016) (City Wide) (Item 8.3)

Staff was directed to report back to the Audit, Finance & Administration Committee with a time frame of when they expect each of the recommendations, outlined in Appendix A to Report AUD12016, respecting the follow up of Audit Report 2010-08 – Human Resources Recruitment and Selection, will be completed.

(g) Annual Follow Up of Outstanding Audit Recommendations (AUD12018) (City Wide) (Item 8.4)

That was staff directed to provide an update, respecting the outstanding recommendations, outlined in Appendix A to Report AUD12081, regarding the Annual follow up of Outstanding Audit Recommendations, along with a compliance percentage target, to the Audit, Finance & Administration Committee within three (3) months.

(h) Value for Money Audit Program (AUD12019) (City Wide) (Item 8.9)

The Director of Audit Services was directed to report back, to the Audit, Finance and Administration Committee, once the appropriate staff have been hired and a work plan has been developed.

(i) Grants Sub-Committee Report 12-003 (Item 8.12)

Item 2 of the Grants Sub-Committee Report 12-003, respecting Green Venture for Open Streets Hamilton (SE-9) (GRA12006(a), which reads as follows, was tabled until such time as the Chair of the Grants Sub-committee and the City Treasurer have had an opportunity to further review the matter:

“2. Green Venture for Open Streets Hamilton (SE-9) (GRA12006(a)) (City Wide) (Item 4.2)

- (a) That Report GRA12006(a), respecting Green Venture for Open Streets Hamilton (SE-9), be received.
- (b) That the funding request in the amount of \$4,000 for the Green Venture Open Streets Hamilton, to be funded from the 2012 Community Partnership Program, be denied.”

(j) Benefit Payouts

- (a) Staff was directed to provide a report to the Audit, Finance & Administration Committee that provides detailed information regarding the following:
 - (i) Defined Benefit Plans;
 - (ii) How much is accruing annually;
 - (iii) What the current assessment is;
 - (iv) What is the total projected payment of any unused vacation, sick days or any other royalty that the City is required to pay out at the time of an employee's retirement; and,
- (b) The General Manager of Finance & Corporate Services was directed to consult with Councillors Johnson, Clark and Morelli, respecting the contents of the report, in order to ensure that it addresses all the information required.

(k) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Items 11.1 and 11.2)

- (a) The proposed new due date for the following Outstanding Business List item was approved:
 - 1. KPMG - Evaluation of the City of Hamilton Accounts Payable Program
Current Due Date: October 4, 2012
Proposed New Due Date: November 12, 2012
- (b) The following item was considered complete and removed from the Audit, Finance & Administration Committee's Outstanding Business List:
 - 1. Item "N" - Wentworth Condominium Corporation #38, respecting a High Water Bill (Item 8.1, Report FCS12056)

(l) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance and Administration Committee adjourned at 11:22 a.m.

Respectfully submitted,

Councillor B. Johnson, Chair
Audit, Finance and Administration Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

**CITY OF HAMILTON
INTERNAL AUDIT REPORT 2012-05
LONG TERM CONTRACT REVIEW
RECYCLING COLLECTION SERVICES (BLUE BOX COLLECTION)**

Background

On June 7, 2007, a contract (the "Contract") was entered into by the City of Hamilton (the "City") and National Waste Services Inc. (the "Contractor") (now GFL Environmental East Corporation) to provide recycling collection services in conformance with the terms of the Contract.

The primary service provided by the Contractor for this contract is the collection of recyclables and their delivery to the City's Materials Recycling Facility (MRF). The Contract is effective from March 31, 2008 to March 31, 2013, and consists of five contract "Service Periods" that are each approximately one year in duration.

Review

As part of the 2012 Internal Audit work plan, Council approved the review of the terms of the contract for compliance by the City and the Contractor. The Contract is comprised of 4 schedules (Schedules A through D) that define the specifications and terms of the contract. Specific tests were designed by Internal Audit to review key sections and schedules of the Contract including: performance security; performance review; permits, licences and approvals; insurance; meetings; collection requirements and compensation. As the terms of the Certificate of Approval from the Ministry of the Environment are the responsibility of the Contractor, no detailed work other than the verification of a certificate in good standing was conducted by Internal Audit.

Based on Audit Services' review of records, related documentation and corroboration obtained from the management of the City's Operations and Waste Management Division, the operational requirements of the Contract have been met. The City's management and oversight over the contract appear effective. Some administrative matters were discussed with staff but since they represent low risk to the City due to the length of time that has already transpired in the term of the contract or due to the a pattern of good communication between the parties, these issues are not itemized in detail in this report.

The only item of relative significance to potential non-compliance lies in Section 15 of the Contract dealing with Permits, Licences and Approvals. Section 15 requires that all persons supplying services hold valid and current licenses required by law with respect to the services supplied by them. The City does not currently verify the licensing of drivers. Regular spot checks are conducted to verify safety items and proof of vehicle insurance but driver licensing is not included in these checks.

It is recommended:

That verification of driver licensing be added to the safety spot checks that are regularly conducted by the City.

Management Response:

Agreed. Management will be amending the Spot Safety Check form to include operator's driver licence. Further, Staff will use the spot safety checks as an effective tool to ensure compliance with corporate and divisional regulation/requirements. This initiative will be expanded across the Operations and Waste Management Division. Implementation of the revised form and expanded rollout across the division is expected by the end of September 2012.



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 12-008

1:30 p.m.
Thursday, October 4, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillor J. Partridge, Chair
Councillor T. Whitehead, Vice-Chair
Councillors S. Duvall, J. Farr, T. Jackson, B. McHattie, S. Merulla and
B. Morelli

Also Present: Councillor C. Collins

THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 12-008 AND RESPECTFULLY RECOMMENDS:

**1. Fairness to Hamilton Campaign Sub-Committee Report 12-002 dated
September 26, 2012 (Item 5.2)**

That the resignation of the Jobs Prosperity Collaborative's seat on the Fairness to Hamilton Campaign be received and the Terms of Reference be amended accordingly.

2. Social Navigator Pilot Project Update (HES12017) (Ward 2) (Item 7.1)

Whereas the Social Navigator Pilot Project has been deemed to be successful;

Whereas an extension of the program is being sought;

Whereas the Pilot Project is limited to the Downtown;

Whereas the variables contributing to the rationalization of the program may not be limited only to the downtown core and, in fact, the demand may exist in other areas of the City;

Therefore, be it resolved:

- (a) That Report HES12017 respecting Social Navigator Pilot Project Update be received;
- (b) That a needs assessment be completed to determine the need of Social Navigation on a City wide basis and determine the contributing factors of the demand for the need of the Social Navigator Pilot Project.

3. Eligibility Review Update (CS12029) (City Wide) (Item 8.1)

That Report CS12029 respecting Eligibility Review Update be received.

4. Ontario Works Addiction Services Initiative Budget (CS10086(a)) (City Wide) (Item 8.3)

That the Addiction Services Initiative program continue and that, the municipal portion of the costs, for the 5 year period 2013-2017, forecast to be \$363,057, be funded through the Ontario Works Stabilization Reserve (Account #110044) as follows:

Year	Projected Annual Draw from Reserve
2013	\$120,454
2014	\$96,702
2015	\$72,951
2016	\$49,199
2017	\$23,751
2018	\$0
Total	\$363,057.00

5. Interview Sub-Committee Report 12-001 (Item 12.2)

(a) Citizen Appointments to the Tenant Advisory Committee

That the following applicants be appointed to the Tenant Advisory Committee for the balance of the 2010-2014 term of Council or until successors are appointed by Council:

- (a) Marie Frances Raftis
- (b) Don Britton

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following change:

- (i) Fairness to Hamilton Campaign Sub-Committee Report 12-002 added as Item 5.2.

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

The Minutes of the September 10, 2012 meeting were approved as presented.

(d) VARIOUS ADVISORY COMMITTEE MEETING MINUTES (Item 5.1):

The following Advisory Committee Meeting Minutes were received:

- (i) Seniors Advisory Committee meeting June 1, 2012

(e) STAFF PRESENTATIONS

(i) Social Navigator Pilot Project Update (HES12017) (Ward 2) (Item 7.1)

Paul Johnson, Director of Neighbourhood Development Strategies provided an introduction explaining how the concept was developed and advised that Joe-Anne Priel, General Manager of Community Services, and Doctor Elizabeth Richardson, Medical Officer of Health and various other staff members were consulted with respect to the pilot project.

Brent Browett, Director of Emergency Medical Services provided an overview of the report with the aid of a PowerPoint presentation and copies of the hand-out were distributed. He recognized the contributions of Police Chief Glenn De Caire and his team and those of Glen Norton, Manager of Urban Renewal to this initiative. Chief De Caire and some of his staff and Glen Norton were in attendance.

The topics covered by Brent Browett included but were not limited to the following:

- The Social Navigator Concept;
- Phase 1 Partnerships – Summer 2011;
- Pilot Project Phase 2 – June 2012 to April 2013 – Expanded Collaborative Partnerships;
- Sustainability, Human Service Planning, Strategic Plan and Service Delivery Review.
- This is a model of integrated services and co-operation with various community agencies.

Patrick O'Neill, Paramedic with the City of Hamilton who has been assigned to Phase 2 of the Social Navigator Project and Staff Sergeant Scott Rastin were introduced and responded to questions.

Committee thanked staff for their work on this initiative.

On a motion, Committee received the presentation.

After some discussion, on a motion Committee received the staff Report and directed that a City wide needs assessment be undertaken as outlined in Item 2.

(f) DISCUSSION ITEMS

(i) Ice Rates for Junior Hockey Clubs (CS12033) (City Wide) (Item 8.2)

On a motion, Committee referred Report CS12033 respecting Ice Rates for Junior Hockey Clubs back to staff for full consultation with the various Junior Hockey Clubs.

(g) GENERAL INFORMATION (Item 11)

(i) Outstanding Business List

The following New Due Dates were approved:

- (aa) Item "A" - Recreation Access Policy (Needs Assessment)
Due date: October 4, 2012
Proposed New Due Date: November 12, 2012
- (bb) Item "G" – Follow-up report re: HHS ABC Program pre and post conditions after one year.
Due date: October 4, 2012
Proposed New Due Date: February, 2013
- (cc) Item "K" – Staff to report back re: funding options for discretionary benefits for OW and ODSP for 2013 budget.

Due date: October 4, 2012
Proposed New Due Date: November 12, 2012

(h) PRIVATE AND CONFIDENTIAL (Item 12)

The following Item was approved in Open Session:

- (i) Interview Sub-Committee Report 12-001 (Citizen Appointments to the Tenant Advisory Committee) (Item 12.2)

See Item 5.

(i) ADJOURNMENT

There being no further business, the Emergency & Community Services Committee meeting adjourned at 3:40 p.m.

Respectfully submitted,

Councillor J. Partridge, Chair
Emergency & Community Services Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk