Mayor Bratina called the meeting to order and called upon Reverend Glen Wells of St. John United Church, to lead Council in prayer.

Mayor Bratina acknowledged the passing of Father Kyran D. Kennedy, and expressed condolences to Father Kennedy’s family and friends.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following change to the agenda:

1. **ADDED CORRESPONDENCE**

   5.7 Correspondence from the Honourable Bob Chiarelli, Minister of Transportation responding to Council’s request for the installation of traffic signals at Highway 6 and Millgrove Road. (CM: June 27, 2012, Item 11, PW Committee Report 12-008)

   Recommendation: For the consideration of Council.

   *(Ferguson/Pearson)*

   That the agenda for the September 12, 2012 meeting of Council be approved, as amended.

   CARRIED
DECLARATIONS OF INTEREST

Councillor B. Clark declared an interest to Council Correspondence Item 5.4, respecting the correspondence from Andrea Horwath, MPP, Hamilton Centre, to the Honourable Dalton McGuinty, Premier of Ontario and the Honourable Dwight Duncan, Minister of Finance, respecting the possible location of Ontario Lottery and Gaming Casinos in the Hamilton Area, as he has a family member employed by the Ontario Lottery and Gaming Corporation.

Councillor B. McHattie declared an interest in Item 1 of the General Issues Committee Report 12-022, respecting a delegation request from Mitchell Blau, Environment Hamilton (EH), to present findings and recommendations of EH’s Dustbusters Initiative, as the delegate is his son.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Presentation - 2012 RBC Canadian Open

Mayor Bratina called upon Ward 12 Councillor Lloyd Ferguson to speak regarding the 2012 RBC Canadian Open.

Councillor Ferguson recognized the efforts of staff, the Hamilton Golf and Country Club and Bill Paul, Tournament Director for Golf Canada, for the overwhelming success of the 2012 Canadian Open.

Neil Everson, Director of Economic Development and Real Estate and Chairman of the Staff Committee, also recognized the efforts of all involved and provided comments regarding the Canadian Open.

APPROVAL OF MINUTES

4.1 August 16, 2012

(Partridge/Pearson)
That the Minutes of the August 16, 2012, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Partridge/Powers)
That Council Communications 5.1 through 5.7 be approved, as amended, as follows:

5.1 Correspondence from Deb Matthews, Minister of Health and Long-Term Care, respecting one-time funding of the Dedicated Nurses to Receive Ambulance Patients Program for the fiscal years of 2012/13.

Recommendation: Be received.
5.2 Correspondence from Rob Nicholson, Minister of Justice and Attorney General of Canada, in response to City of Hamilton’s support (May 23, 2012 Council) of the federal appeal of the Ontario Court of Appeals decision, *Bedford v. Canada (Attorney General)*

Recommendation: Be received.

5.3 Correspondence from Joe Minor, respecting his Federal Environmental Petition No. 0332, on the issue of Perfluorooctane Sulphate (PFOS) contamination at the Hamilton International Airport

(a) Response to Petition No. 0332 by Keith Ashfield, Minister of Fisheries and Oceans, and Rona Ambrose, Minister of Public Works and Government Services

(b) Response to Petition No. 0332 by Leona Aqlukkaq, Minister of Health, and Peter MacKay Minister of National Defence

(c) Response to Petition No. 0332 by Peter Kent, Minister of the Environment

(d) Response to Petition No. 0332 by Denis Lebel, Minister of Transportation Infrastructure and Communities (Due to bulk Appendix D is available for perusal on the City’s website, or by contacting the City Clerk’s Office)

(e) Department of National Defence and Transportation Canada lists of confirmed PFOS contaminated sites

Recommendation: (Johnson/Clark)

(a) That the correspondence from Joe Minor, respecting his Federal Environmental Petition No. 0332, on the issue of Perfluorooctane Sulphate (PFOS) contamination at the Hamilton International Airport, be received.

(b) That the Mayor correspond with the Prime Minister of Canada, strongly objecting to all of the responses by the Ministers of Fisheries and Oceans, Public Works and Government Services, Health, Public Defence, the Environment and Transportation Infrastructure and Communities, the Department of National Defence and Transportation Canada, regarding the correspondence from Joe Minor, respecting his Federal Environmental Petition No. 0332, on the issue of Perfluorooctane Sulphate (PFOS) contamination at the Hamilton International Airport.

(c) That the Mayor request that the Prime Minister look into the matter directly, respecting the costs associated with the mitigation of
Perfluorooctane Sulphate (PFOS) contamination at the Hamilton International Airport.

5.4 Correspondence from Andrea Horwath, MPP, Hamilton Centre, to the Honourable Dalton McGuinty, Premier of Ontario and the Honourable Dwight Duncan, Minister of Finance, respecting the possible location of Ontario Lottery and Gaming Casinos in the Hamilton Area

Recommendation: Be received.

5.5 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.

Recommendation: (Powers/Collins) Be referred to the Planning Committee for discussion.

5.6 Request from Catherine Stevenson, Curator of the Adelaide Hunter Hoodless Homestead, St. George, for the nomination of Clayton Barker for Ontario Heritage Trust's Heritage Community Recognition Program - Built Heritage

Recommendation: (Pasuta/McHattie) That the City of Hamilton nominate Clayton Barker for the Ontario Trust's Heritage Community Recognition Program – Built Heritage for his work to bring the Westbrook House to Westfield Heritage Village.

5.7 Correspondence from the Honourable Bob Chiarelli, Minister of Transportation responding to Council’s request for the installation of traffic signals at Highway 6 and Millgrove Road. (CM: June 27, 2012, Item 11 PW Committee Report 12-008)

Recommendation: (Partridge/Pasuta) Be referred to the General Manager of Public Works in order that Councillors Partridge and Pasuta may meet with staff and Minister McMeekin to discuss the next steps.

(Jackson/Collins)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED
That Item 4, Public Works Committee Report 12-009, be deleted in its entirety and replaced with the following:

4. Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 23 West Park Avenue, Hamilton (PW12063) (Ward 1) (Item 6.1)

(a) That a portion of road allowance abutting the south side of 23 West Park Avenue, Hamilton, being Part 1 and 2 on Plan 62R-18937, as shown on Appendix B attached to Report PW12063, be permanently closed and sold to the owner of 23 West Park Avenue, Hamilton, subject to the following conditions:

(i) That the applicant makes an application to an Ontario Superior Court of Justice Court, under Section 88 of the Registry Act, R.S.O 1990, for an order to permanently close and purchase the subject lands;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;

(iv) That the applicant register a reference plan under the Registry Act and that the said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Surveys and Technical Services Section and that the applicant deposit a reproducible copy of said plan with the Manager, Surveys and Technical Services Section;

(b) That provided the Judge's Order to permanently close the lands is granted:

(i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway for $115,000, in accordance with a motion approved by Council on June 13, 2012, attached as Appendix C to Report PW12063;
(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office;

(v) That the by-law permanently closing the highway not take effect until a certified copy of the by-law is registered in the proper land registry office;

(vi) That the City retain an easement over Part 2 on Plan 62R-18937 to allow for future maintenance access to a combined sewage overflow pipe.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

(McHattie/Farr)
That the NINTH Report of the Public Works Committee be adopted, as amended, and the information section received.

CARRIED

<table>
<thead>
<tr>
<th>PLANNING COMMITTEE REPORT 12-013</th>
</tr>
</thead>
</table>

2. Hamilton Municipal Heritage Committee – Report 12-004 (Item 5.2)

(Morelli/Merulla)
That the Hamilton Municipal Heritage Committee Report 12-004 be referred back to the Planning Committee for discussion.

CARRIED

6. Community Mediation Services for Municipal Law Enforcement (PED11181(b)) (City Wide) (Item 8.1)

(Collins/Merulla)
That Item 6 of the Planning Committee Report be amended by adding the following as sub-section (c):

(c) That costs associated with this initiative be absorbed through the Planning Departmental budget.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

7. Sharing the Names of Owners Whose Dogs are Involved in Attacks (PED11053(b)) (City Wide) (Item 8.2)

(Clark/Pearson)
That Item 7 of the Planning Committee Report 12-013 be amended by adding the following as sub-section (c):

(c) That staff be directed to correspond with the Privacy Commissioner to seek clarification on the discretion of identifying the name and address of
a pet owner, if staff believes that public safety is at risk by the animal, and if no charges have be laid against that pet owner.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

8. Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (LS12027) (Item 12.1)

(Ferguson/Collins)
(a) That Report LS12027, respecting the Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, be tabled

(b) That Legal staff be directed to seek an alternate outside professional Planner to represent the City at the Ontario Municipal Board in support of Council’s original recommendation to deny the application.

(c) That Legal staff be directed to request an adjournment of the Ontario Municipal Board Hearing, respecting the Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, in order to provide the City with the opportunity to hire an alternate outside professional Planner.

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


Total: 16

Nays: 0

(Clark/Powers)
That Information Item (e)(iii) of the Planning Committee Report 12-013, respecting the Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13), be lifted from the table and be added as Item 9 of the Planning Committee Report, which reads as follows:

9. Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13) (Item 6.3)

Report PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was referred back to staff for further consultation with the developer on issues related to minimum front yard, minimum side yard, minimum rear yard, maximum height (including a mechanical
penthouse) and to seek clarity from the NEC on the details of the final project which will be presented to Committee.

CARRIED

(Clark/Powers)

(a) That Item 9 of the Planning Committee Report 12-013, respecting the Proposed Zoning By-law Amendment for 24 Brock Street North, Dundas be deleted in its entirety and replaced to read as follows:

That the amended Zoning By-law Application ZAC-09-010 by Alex Szabo, Owner, for changes in zoning from the Urban Residential Single Detached RM1(H)/5-102 Holding Zone to the Medium High Density Multiple Dwelling RM3(H)/5/123 Holding Zone, with a special exception to permit a 6 storey, 48 unit apartment building; and, from the Urban Residential (Single-Detached) RM1(H)/5-102 Holding Zone and Open Space (OS) Zone to the Conservation / Hazard Land (P5) Zone, on lands located at 24 Brock Street North, Dundas, be denied, based on the following reasons. That the application:

(i) is over intensification;
(ii) does not conform with the height regulations;
(iii) does not conform with the Dundas Official Plan; and,
(iv) does not comply with the character of the community.

(b) That Legal staff be directed to attend the Ontario Municipal Board Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly.

(c) That the amount required to hire outside professionals be funded firstly through the 2012 budget, secondly through year-end Corporate surpluses and lastly through the Tax Stabilization Reserve.

The above motion CARRIED on a Standing Recorded vote, as follows:

Total: 16
Nays: 0

(Clark/Johnson)

That the THIRTEENTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED
GENERAL ISSUES COMMITTEE REPORT 12-022

(Bratina/Partridge)
That the TWENTY-SECOND Report of the General Issues Committee be adopted and the information section received.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 12-007

(Johnson/Pearson)
That the SEVENTH Report of the Audit, Finance & Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 12-007

2. Standardization of Ambulance Fleet Purchases (HES12015) (City Wide) (Item 5.3)

The motion CARRIED on the following vote:

Yeas: Bratina, Collins, Farr, Duvall, Jackson, Johnson, Merulla, Morelli, Partridge, Pasuta, Pearson, McHattie, Powers and Whitehead
Total: 14
Nays: Clark, Ferguson
Total: 2

3. Paramedic Service Response Time Reporting 2013 (HES12014) (City Wide) (Item 5.4)

The motion CARRIED on the following vote:

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

4. Community Homelessness Prevention Initiative (CHPI) (CS12031) (City Wide) (Item 7.1)

(Johnson/Merulla)
That sub-sections (a), (b) and (d) to Item 4 of the Emergency & Community Services Committee Report 12-007, respecting the Community Homelessness Prevention Initiative, which read as follows, be approved:
(a) That for the 2013 tax supported operating budget process, staff report back with a program enhancement reflecting the restatement of the 2012 net levy portion of Community Start-Up and Maintenance Benefit (CSUMB) presently in Ontario Works estimated at $860,000 to the Housing Service Division’s Community Homelessness Prevention Initiative (CHPI) to provide financial supports to low income households;

(b) That for the 2013 tax supported operating budget process, staff report back with a program enhancement reflecting the restatement of following net levy program costs to the Consolidated Homelessness Prevention Initiative:

(i) $892,270 from the Emergency Shelter Program
(ii) $1,363,800 from the Domiciliary Hostel Program
(iii) $138,250 from the Domiciliary Hostel Reinvestment
(iv) $96,760 from the Consolidated Homelessness Prevention Program;

(d) That staff report back to the Emergency and Community Services Committee on December 10, 2012 with an implementation plan for the Community Homelessness Prevention Initiative;

CARRIED

(Ferguson/Collins)
That sub-section (c) to Item 4 of the Emergency & Community Services Committee Report 12-007, respecting the Community Homelessness Prevention Initiative, which reads as follows, be tabled for 30 days (October 10, 2012 Council meeting):

(c) That the General Manager of the Community Services Department be authorized and directed to fund the Consolidated Homelessness Prevention Initiative for 2013 in the annualized amount of $3,351,080 from 2013 Community Services departmental surplus, the 2013 corporate surplus and/or the Tax Stabilization Reserve (110046) pending the 2013 budget deliberations;

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

Yeas: Bratina, Jackson, Collins, Merulla, Morelli, Farr, Clark, Pearson, Johnson, Ferguson, Powers, Pasuta
Total: 12
Nays: Whitehead, Duvall, McHattie, Partridge
Total: 4
That sub-section (e) to Item 4 of the Emergency & Community Services Committee Report 12-007, respecting the Community Homelessness Prevention Initiative be amended by deleting the word “correspond” and replacing it with the word “meet”; and, by deleting the words “requesting that” and replacing them with the word “respecting”, to read as follows:

(e) That the Mayor meet with the Honourable John Milloy, Minister of Community and Social Services, respecting the reinstatement of the Community Start Up and Maintenance Benefit for the Ontario Works and Ontario Disability Support Programs.

AMENDMENT CARRIED

That sub-section (e) to Item 4 of the Emergency & Community Services Committee Report 12-007, respecting the Community Homelessness Prevention Initiative be further amended by deleting it in its entirety and replacing it to read as follows; and, by adding sub-section (f) to read as follows:

(e) That the Fairness to Hamilton Campaign Sub-committee and the Mayor arrange a Hamilton Day at Queen’s Park and schedule a press conference in the media gallery to demand emergency funding for the Community Homelessness Initiative.

(f) That the General Manager of the Community Services Department and advocates be invited to attend to explain implications of the proposed Provincial budget cuts for this program.

AMENDMENT CARRIED

That the motion to refer Item 4 of the Emergency & Community Services Committee Report 12-007, respecting the Community Homelessness Prevention Initiative, be withdrawn.

CARRIED

That the question be called.

CARRIED

That the SEVENTH Report of the Emergency & Community Services Committee be adopted, as amended, and the information section received.

CARRIED

That the Committee of the Whole Rise and Report.

CARRIED
7.1 Appointments to the Web Redevelopment Sub-committee

(Jackson/Duvall)
That Item 23 of the General Issues Committee Report 12-021, respecting appointments to the Web Redevelopment Sub-Committee, approved by Council on August 16, 2012, be amended by adding sub-sections “(c) Councillor M. Pearson” and “(d) Councillor J. Partridge” to read as follows:

23. Appointments to the Web Redevelopment Sub-Committee (Item 9.6)

That in accordance with sub-section (e) of Item 2 of General Issues Committee Report 12-018, approved by Council on July 12, 2012, respecting Redevelopment of the City of Hamilton’s Website, the following Councillors be appointed to the Web Redevelopment Sub-Committee:

(a) Councillor R. Powers
(b) Councillor C. Collins
(c) Councillor M. Pearson
(d) Councillor J. Partridge

CARRIED

7.2 Amendment to Item 5 of General Issues Committee Report 12-021

(Merulla/Jackson)
That Item 5, sub-section (i) of the General Issues Committee Report 12-021 be amended by deleting the word “project” and replacing it with the word “budget” and adding the words “of 55 Queenston Road, Hamilton”; and, “and be funded from Reserve No. 108054” to read as follows:

5. Approval to Expropriate 55 Queenston Road (City Motor Hotel) (LS12009(a)/PED12076(a)) (Ward 4) (Item 5.6)

(i) That all costs of the expropriation of 55 Queenston Road, Hamilton, be charged to the Capital Budget No. 3301250231 and be funded from Reserve No. 108054 (Ward 4 Capital Re-investment).

CARRIED

NOTICES OF MOTION

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
That Council move into Closed Session, at 9:46 p.m., to consider Agenda Items 10.1 and 10.2, respecting labour relations or employee negotiations; and, Item 10.3 respecting a proposed or pending acquisition or disposition of land by the municipality, pursuant to Section 8.1, Sub-sections (d) and (e) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (d) and (e) of the Ontario Municipal Act, 2001, as amended.

CARRIED

10.1 Ratification of Contract with the United Food and Commercial Workers (UFCW) Local 102 (Referred from the General Issues Committee, September 6, 2012)
Discussion of this matter in Closed Session was pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 10-053, and Section 239, Sub-section (d) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

(Partridge/Clark)
(a) That the Memorandum of Settlement between the City of Hamilton and the United Food and Commercial Workers (UFCW) Local 102, for the period from July 1, 2012 to June 30, 2016, be approved.

(b) That the HECFI Report 12-002 be released as a public document.

CARRIED

10.2 Ratification of Contract with the International Union of Operating Engineers Local 722 (HECFI and Lodges) (No Copy) (Referred from the General Issues Committee, September 6, 2012)
Discussion of this matter in Closed Session was pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 10-053, and Section 239, Sub-section (d) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

(Partridge/Clark)
That the Collective Agreement between the City of Hamilton and the International Union of Operating Engineers Local 772 (HECFI and Lodges), for the period from January 1, 2011 to December 31, 2014, be approved.

CARRIED

10.3 Aeropark Industrial Lands – Waiver of Commencement and Completion of Construction Dates (PED05136(b)) (Ward 11 & City Wide) (Referred from the General Issues Committee, September 6, 2012)
Discussion of this matter in Closed Session was pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 10-053, and Section 239, Sub-section (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for municipal or local board purposes.

(Clark/Powers)
That Report PED05136(b), respecting the Aeropark Industrial Lands – Waiver of Commencement and Completion of Construction Dates, be tabled to the September 26, 2012 Council meeting, pending further information.

CARRIED
(Partridge/Powers)
That Bills No. 211 and 212 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:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>211</td>
<td>To Provide for Amended Collection Agency Fees</td>
</tr>
<tr>
<td>212</td>
<td>To Confirm the Proceedings of City Council</td>
</tr>
</tbody>
</table>

CARRIED

(Partridge/Powers)
That Bills No. 191 to 212 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:

<table>
<thead>
<tr>
<th>By-law No.</th>
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<tbody>
<tr>
<td>191</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control</td>
</tr>
<tr>
<td>192</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits Schedule 13 – Designated Traffic Lanes Schedule 18 – Bike Lanes</td>
</tr>
<tr>
<td>193</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control</td>
</tr>
<tr>
<td>194</td>
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</tr>
<tr>
<td>196</td>
<td>Respecting Removal of Part Lot Control Lots 48, 49, 52-54, 57, 58, 77, 78, 81-83, 85 and 86, Plan 62M-172 27, 29, 35, 37, 39, 43, 45 Trafalgar Drive and 160, 162, 168, 170, 72, 178, 180 Penny Lane</td>
</tr>
<tr>
<td>197</td>
<td>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</td>
</tr>
<tr>
<td>By-law No.</td>
<td>Description</td>
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<tr>
<td>198</td>
<td>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</td>
</tr>
<tr>
<td>199</td>
<td>Respecting Removal of Part Lot Control Block 172 (Parts 1-3) of Plan No. 62M-1159 and Block 311 (Parts 4-6) of Plan No. 62M-1158</td>
</tr>
<tr>
<td>200</td>
<td>To Incorporate City Land Designated as Block 52 on Plan 62M-873 into Kopperfield Lane</td>
</tr>
<tr>
<td>201</td>
<td>To Incorporate City Land Designated as Part of Block 291 on Plan 62M-1096 into Montreal Circle</td>
</tr>
<tr>
<td>202</td>
<td>To Expropriate 55 Queenston Road (City Motor Hotel), Being Part of Lot 34, Concession 2, in the Geographic Township of Saltfleet, Designated as Part 1 on Plan 62R-19362, Being all of PIN 7267-01099(LT), Known Municipally as 55 Queenston Road, Hamilton, Redevelopment Purposes</td>
</tr>
<tr>
<td>203</td>
<td>To Rename a Portion of Mud Street West to Penny Lane</td>
</tr>
<tr>
<td>204</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1531, 1545, 1551, 1577, 1591, and 1605 Upper Sherman Avenue</td>
</tr>
<tr>
<td>205</td>
<td>To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 91 Raymond Road, in the former Town of Ancaster, now in the City of Hamilton</td>
</tr>
<tr>
<td>206</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429-1431 Main Street East and 17-21 Crosthwaite Avenue North</td>
</tr>
<tr>
<td>207</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 101 Nash Road North, Hamilton</td>
</tr>
<tr>
<td>208</td>
<td>To Adopt Official Plan Amendment No. 4 to the Rural Hamilton Official Plan: Respecting: 401 Lynden Road (former Town of Ancaster)</td>
</tr>
<tr>
<td>209</td>
<td>To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 401 Lynden Road, in the former Town of Ancaster, now in the City of Hamilton</td>
</tr>
<tr>
<td>210</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands Located at 392 Dundas Street East, in the former Town of Flamborough, now in the City of Hamilton</td>
</tr>
<tr>
<td>211</td>
<td>To Provide for Amended Collection Agency Fees</td>
</tr>
<tr>
<td>212</td>
<td>To Confirm the Proceedings of City Council</td>
</tr>
</tbody>
</table>

**AMENDMENT CARRIED**

**MOTION AS AMENDED CARRIED**
(Pearson/Powers)
That, there being no further business, the City Council meeting be adjourned at 10:51 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
Office of the City Clerk
THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 12-009 AND RESPECTFULLY RECOMMENDS:

1. **Intersection Control List (PW12001d) (Wards 2 & 7) (Item 5.3)**

   That the appropriate By-law be presented to Council to provide traffic control as follows:

   ![Intersection Control List Table]

2. **Standard and Approved Products Committee (PW12061) (City Wide)(Item 5.4)**

   That Report PW12061 respecting, Standard and Approved Products Committee, be received.
3. Request from Oxford County Respecting Support for the Resolution Regarding Future Landfill Construction or Approval (PW12062) (City Wide) (Item 5.5)

(a) That the Resolution from Oxford County respecting future landfill construction or approval be received;

(b) That the Province of Ontario be requested to conduct a review of alternatives to landfill and conclude with clear policy statements providing municipalities guidance on securing waste disposal/processing systems;

(c) That the Province of Ontario be requested to conduct a review of legislative tools for waste minimization through extended producer responsibility systems and provide a policy and regulatory framework and a timeline for implementation of these tools;

(d) That Report PW12062 be forwarded to Oxford County, the Ontario Minister of the Environment, local MPs, AMO, MWA and RPWCO.

4. Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 23 West Park Avenue, Hamilton (PW12063) (Ward 1) (Item 6.1)

(a) That a portion of road allowance abutting the south side of 23 West Park Avenue, Hamilton, being Part 1 and 2 on Plan 62R-18937, as shown on Appendix B attached to Report PW12063, be permanently closed and sold to the owner of 23 West Park Avenue, Hamilton, subject to the following conditions:

(i) That the applicant makes an application to an Ontario Superior Court of Justice Court, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the subject lands;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;

(iv) That the applicant register a reference plan under the Registry Act and that the said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Surveys and Technical Services.
Section and that the applicant deposit a reproducible copy of said plan with the Manager, Surveys and Technical Services Section;

(b) That provided the Judge's Order to permanently close the lands is granted:

(i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway for $115,000, in accordance with a motion approved by Council on June 13, 2012, attached as Appendix C to Report PW12063;

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office;

(v) That the by-law permanently closing the highway not take effect until a certified copy of the by-law is registered in the proper land registry office;

(vi) That the City retain an easement over Part 2 on Plan 62R-18937 to allow for future maintenance access to a combined sewage overflow pipe.

5. **Soupfest One-Year Pilot Program/Free HSR Transportation (PW12064) (City Wide) (Item 8.1)**

That future requests for free HSR transportation be evaluated using the criteria set out in the Council approved Transit Fare Waiver and Equipment Use Policy (as approved in Report PW12008a).

6. **Comprehensive Outdoor Lighting Study: Sidewalk and Roadway Lighting (PW11041a) (City Wide) (Item 8.2)**

That Report PW11041a respecting, Comprehensive Outdoor Lighting Study: Sidewalk and Roadway Lighting, be received.
7. Comprehensive Outdoor Lighting Study: Sidewalk and Roadway Lighting (PW11041) (City Wide) (Item 8.2.1)

(a) That Report PW11041 respecting, Comprehensive Outdoor Lighting Study: Sidewalk and Roadway Lighting, be received;

(b) That staff be directed to Report to the Public Works Committee on an annual basis respecting the status of Outdoor Lighting implementation.

8. McCormick Rankin Corporation - Construction of the Downtown Multi-Modal Transportation Centre (PW08110a) (City Wide) (Item 8.3)

That Purchase Order 45404 to MMM Group be increased by $132,000 to cover additional costs for onsite resident supervision and inspection for the contract management of MacNab Transit Terminal project as a result of an extended completion date by the Contractor.

9. Hamilton Cycling Committee Report 12-001 (Item 8.4)

That the correspondence to Metrolinx prepared by the Hamilton Cycling Committee (HCyC), attached as Appendix A to Report 12-009, be forwarded to Metrolinx for consideration.

10. Fence Installation and Maintenance to City portion of the assumed alleyway between Chatham and Charlton Streets (Item 9.2)

Whereas, nefarious characters are hanging out in the nooks and crannies of the City assumed alleyway between Charlton and Chatham Streets in Kirkendall neighbourhood, immediately east of the Beer Store and LCBO, and;

Whereas, a fence installed along the assumed alleyway would eliminate “hang-out” spots for these nefarious characters, and;

Whereas, a substantial amount of debris has been dumped along the alleyway and in the rear yard of 91/93 Chatham Street over the years, and this debris and vegetation should be removed and disposed of, and affected areas shall be restored with topsoil and grass seed, prior to the construction of the fence, which is intended to restrict access and further dumping, and

Whereas funding for these works was approved by Council on August 16, 2012, from Ward 1 Area Rating capital funds (Item 13 General Issues Committee Report 12-021).
Therefore be it resolved:

(a) That the City of Hamilton install a 1.8 metre high chain link fence with 2” mesh and galvanized finish, on the City portion of the assumed alleyway between Chatham and Charlton Streets, behind 81-91 Chatham Street properties, with gates as required;

(b) That the City of Hamilton undertake the work of removing and disposing of debris and vegetation that has been dumped along the alleyway and in the rear yard of 91/93 Chatham Street and restoring the affected areas with topsoil and grass seed, prior to the installation of a fence;

(c) That, the City of Hamilton enter into an agreement that is satisfactory to the City Solicitor, with the owners of 91-93 Chatham Street, which agreement may be executed by the General Manager of Public Works, authorizing the City access on their property and authorizing the City to undertake these works, confirming ongoing ownership and maintenance responsibilities for the fence and confirming that these works are intended to be a one-time maintenance activity.

FOR THE INFORMATION OF COUNCIL:

(a) CEREMONIAL ACTIVITIES

(i) Solid Waste Association of North America (SWANA) Excellence Awards (Item A)

Chair McHattie presented Emil Prpic Manager of Recycling and Waste Disposal and Rob Conley, Supervisor of Landfills and Andrea Bazzard, Landfill Solid Waste Field Technician with the SWANA Gold Award for Landfill Reuse for the redevelopment of the Rennie and Landfill sites. The award recognizes the remediation, restoration and end use of the sites and is a result of the efforts of two areas of Public Works: Waste Management and Landscape Architectural Services. The project, which started in 2001 and was completed in 2011 with the construction of the QEW pedestrian bridge, has successfully turned two historic landfills into a greenspace known as the East Hamilton Recreational Trail Hub and connects East Hamilton to the Lake Ontario waterfront and extends the City’s trail system. Cynthia Graham, with Landscape Architectural Services was also acknowledged for her involvement in the design/construction.

Chair McHattie also presented staff with the SWANA Bronze Award in Landfill Management for the Glenbrook Landfill site recognizing excellence in landfill operations. The Glenbrook Landfill has seen a transformation over the last few years in a number of areas including the
construction of a landfill gas to energy facility, use of GPS technology to increase compaction which in turn extends landfill life and a habitat management program at the site that has been certified by the Wildlife Habitat Council.

(b) CHANGES TO THE AGENDA (Item 1)

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

The September 4, 2012 Public Works Committee Agenda was approved, as presented.

(c) DECLARATIONS OF INTEREST (Item 2)

None

(d) MINUTES (Item 3)

(i) June 18, 2012 (Item 3.1)

The Minutes of the June 18, 2012 Public Works Committee were approved as presented.

(e) DELEGATION REQUESTS (Item 4)

The following delegation requests were approved to appear at a future meeting of the Public Works Committee:

(i) Delegation Request by Michelle Martin and Lisa Schumph of the Lawson Ministries respecting the Community Access to Transportation Project (Item 4.1)

(ii) Delegation Request by David Forsee respecting the condition of City roads and streets (Item 4.2)

(iii) Delegation Request from Bill Warnick respecting the City’s policies and signage for through streets (referred from Planning Committee August 14, 2012) (Item 4.3)

(f) CONSENT ITEMS (Item 5)

(i) Minutes of Various Sub-Committee (FOR INFORMATION PURPOSES ONLY) (Item 5.1)
The following Advisory and Sub-committee Minutes were received for information:

5.1.1 Hamilton Cycling Committee
   (a) March 7, 2012
   (b) April 4, 2012
   (c) May 2, 2012

5.1.2 Solid Waste Management Master Plan Steering Committee - May 9, 2012

5.1.3 Clean City Liaison Committee
   (a) May 16, 2012
   (b) June 20, 2012

(ii) Lake Erie Region Source Protection Committee (Item 5.2)

The following Lake Erie Region Source Protection Committee Minutes were received for information:

   (a) November 3, 2011
   (b) December 15, 2011
   (c) January 12, 2012
   (d) February 2, 2012
   (e) March 1, 2012

(g) PUBLIC HEARINGS/DELEGATIONS (Item 6)

   (i) Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 23 West Park Avenue, Hamilton (PW12063) (Ward 1) (Item 6.1) (Item 6.1)

Chair McHattie indicated that notice of this proposed closure has been advertised in the Spectator on Friday August 24, 2012. The Committee Clerk indicated that no members of the public had registered to speak to this issue. Chair McHattie asked if any members of the public wished to come forward to speak to this matter. No one came forward.

The staff presentation respecting Report PW12063 was waived.

For disposition on this matter refer to Item 4.
(h) DISCUSSION ITEMS (Item 8)

(i) Comprehensive Outdoor Lighting Study: Sidewalk and Roadway Lighting (PW11041) (City Wide) (Item 8.2.1)

Report PW11041a, was lifted from the table;

For disposition on this matter refer to Item 7.

(i) MOTIONS (Item 9)

(i) Installation of a full traffic signal at the intersection of Rymal Road and Springside/Atessa (Item 9.1)

(a) That a full traffic signal be installed at the intersection of Rymal Road and Springside/Atessa in 2013;

(b) That staff be directed to investigate funding an additional $200,000 in the 2013 Public Works Capital budget process to fund the construction of the traffic signal;

(c) That the $5,000.00 annual cost to operate and maintain the traffic signal be added to Traffic Operations current operating budget dept ID 466045, to ensure that the electricity to operate the signal, and the maintenance and legislated inspections at the new traffic signal.

The Motion respecting the Installation of a full traffic signal at the intersection of Rymal Road and Springside/Atessa was Tabled to the next Public Works Committee meeting.

(ii) Fence Installation and Maintenance to City portion of the assumed alleyway between Chatham and Charlton Streets (Item 9.2)

For disposition on this matter refer to Item 10.

(j) GENERAL INFORMATION

(i) Outstanding Business List (Item 11.1)

(a) Items Requiring Approval for Removal:

The following Items were approved for removal from the Outstanding Business List:
Item C - Comprehensive Outdoor Lighting Study: Sidewalk and Roadway Lighting

Item D - Soupfest One-year Pilot Program/Free HSR Transportation

Item L - Resolution from Oxford County regarding Future Landfill Construction or Approval

(b) Items Requiring Revised Due Dates:

The following Due Date was revised:

Item J - Changes to the Safe Drinking Water Act: New Data and Recent Developments
Due Date: September 4, 2012
Revised Due Date: October 1, 2012

(k) **ADJOURNMENT**

There being no further business, the Public Works Committee adjourned at 10:05 a.m.

Respectfully submitted,

Councillor B. McHattie, Chair
Public Works Committee

Andy Grozelle
Office of the City Clerk
September ##, 2012

Bruce McCuaig,
President & CEO
Metrolinx
600 - 20 Bay Street
Toronto ON M5J 2W3
CEO@metrolinx.com
416-874-5903

Dear Mr. McCuaig,

On behalf of the Hamilton Cycling Committee, I am writing to promote cycling infrastructure for rapid transit development in Hamilton. We are encouraged by Metrolinx’s investment in Hamilton and look forward to the next phase of plans.

As community representatives in a position to inform City Council decisions regarding cycling matters, we recommend that all decisions regarding rapid transit be reviewed with a “cycling lens” informed by the best examples from around the world.

We have been communicating with City of Hamilton staff regarding the planning and design of the Metrolinx project for Light Rail Transit in Hamilton providing recommendations that ensure cycling infrastructure is integrated into the future transit system for Hamilton residents.

We thought it would be prudent to address your office as well, as we understand that there have been a number of cycling provisions outlined in recent documentation with the current completed Environmental Project Report (EPR) and that the timelines and expectations for the next phase of development are still to be determined.

The Hamilton Cycling Committee is pleased that rapid transit planning is underway. We are supportive of rapid public transit that will integrate cycling providing sustainable transportation options for Hamilton residents.

Cyclists benefit from an integrated approach to public transit that supports their ability to transport their bicycle through busy urban areas for commuters as well as recreational cycling with young families; and that provides the opportunity to extend transit routes that do not provide access to an end destination or end destinations that are removed from frequent transit service.

We feel is it is timely to bring to your attention the need to consider recommendations regarding bicycle approach, signage, bicycle ridership access and bicycle storage to accommodate both commuter and recreational cyclists. The inclusion of bicycle racks currently available on all HSR buses is a positive step for cyclists within Hamilton that must be replicated during public transit expansion and investment with rapid transit infrastructure.

We look forward to the exciting development of LRT in Hamilton.

Sincerely,

Andrea Kita
Chair, Hamilton Cycling Committee
andrea.kita@gmail.com

Copy to:
Councillor B. McHattie, Chair of the Public Works Committee
Daryl Bender, Project Manager, Alternative Transportation
PLANNING COMMITTEE
As Amended by Council on September 12, 2012
Report 12-013
9:30 am
Wednesday, September 5, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

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

Also Present: Councillor R. Powers

THE PLANNING COMMITTEE PRESENTS REPORT 12-013 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Municipal Heritage – Minutes 12-007 (Item 5.1)

   That the Hamilton Municipal Heritage Minutes 12-007, be received.

2. Hamilton Municipal Heritage Committee – Report 12-004 (Item 5.2)

   (Morelli/Merulla)

   That the Hamilton Municipal Heritage Committee Report 12-004 be referred back to the Planning Committee for discussion.

   CARRIED


Council – September 12, 2012
That Heritage Permit Application HP2012-033 be approved for demolition of an existing single detached residence and ancillary structures, and erection of a new single detached residence at 975 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), subject to the following conditions:

(a) That the history and construction methods and materials for all the existing structures shall be documented, to the satisfaction and approval of Planning staff, prior to demolition, including the identification of features or materials from the existing structures to be salvaged and, if feasible, reused in the new construction;

(b) That as many existing trees as possible shall be retained, and/or that 1 to 3 new trees, of a minimum caliper of 55 mm and of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(c) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

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

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

4. Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek) (PED12154) (Ward 9) (Item 6.1)

(a) That a portion of Mud Street West, in the former City of Stoney Creek, be renamed “Penny Lane” as identified on Appendix “A” to Report PED12154;

(b) That the draft By-law, attached as Appendix “D” to Report PED12154, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

5. Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton) (PED12163) (Ward 5) (Item 6.2)
(a) That approval be given to Amended Zoning Application ZAC-12-007, by Triple F Developments, Owner, for a change in zoning from the “C/S-1505” (Urban Protected Residential, etc.) District, Modified, to the “R-4/S-1661” (Small Lot Single Family Dwelling) District, Modified, with a Special Exception, to permit the development of 20 lots for single detached dwellings, for lands located at 101 Nash Road North (Hamilton), as shown on Appendix “A” to Report PED12163, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED12163, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “E-94” of City of Hamilton Zoning By-law No. 6593;

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(b) That approval be given to Amended Draft Plan of Subdivision Application 25T-201203, by Triple F Developments, Owner, as red-line revised, to establish a draft plan of subdivision known as “101 Nash Road”, on lands located at 101 Nash Road North (Hamilton), as shown on Appendix “A” to Report PED12163, subject to the following conditions:

(i) That this approval apply to “101 Nash Road”, 25T-201203, as red-line revised, prepared by Urbex Engineering Limited, and certified by A.T. McLaren, O.L.S., dated July 20, 2012, showing 20 lots for single detached dwellings (Lots 1-20), and 2 blocks for daylight triangles (Blocks 21 and 22), attached as Appendix “C” to Report PED12163, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D” to Report PED12163;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the land on the day prior to the issuance of each building permit for each said Lot or Block.

With regards to Lots 1 to 20, a parkland dedication, at a ratio of 5% of the net land area, will be required.
All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(c) That upon finalization of the implementing By-law, the subject lands within the Kentley Neighbourhood Plan be redesignated from “Civic and Institutional” to “Single and Double Residential”.

6. Community Mediation Services for Municipal Law Enforcement (PED11181(b)) (City Wide) (Item 8.1)

(a) That the Senior Director of Parking and By-law Services and/or his designate be authorized and directed to execute an agreement with Community Justice Initiatives (CJI) to provide community mediation services for a 24 month pilot project for the Municipal Law Enforcement Section in a form satisfactory to the City Solicitor;

(b) That staff report back before the end of the 24 month pilot project with a full assessment of costs, efficiencies and effectiveness of providing mediation services for the Municipal Law Enforcement Section.

(c) That costs associated with this initiative be absorbed through the Planning Divisional budget.

7. Sharing the Names of Owners Whose Dogs are Involved in Attacks (PED11053(b)) (City Wide) (Item 8.2)

(a) That the Information Report PED11053(b), respecting Sharing the Names of Owners Whose Dogs are Involved in Attacks, be received;

(b) That the disclosure policy, attached hereto as Appendix “A”, be approved and enacted by Council;

(c) That staff be directed to correspond with the Privacy Commissioner to seek clarification on the discretion of identifying an individual’s name and address of a pet owner, if staff believes that public safety is at risk by the animal, and if no charges have be laid against the pet owner.

8. Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (LS12027) (Item 12.1)
(a) That Report LS12027, respecting the Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, be tabled.

(b) That staff be directed to seek an alternate outside professional Planner to represent the City at the Ontario Municipal Board in support of Council’s original recommendation to deny the application.

(c) That staff be directed to attempt to seek an adjournment of the Ontario Municipal Board hearing in order that the City have time to obtain an alternate outside professional Planner.

9. Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13) (Item 6.3)

(a) That Item 9 of the Planning Committee Report 12-013, respecting the Proposed Zoning By-law Amendment for 24 Brock Street North, Dundas be deleted in its entirety and replaced to read as follows:

That the amended Zoning By-law Application ZAC-09-010 by Alex Szabo, Owner, for changes in zoning from the Urban Residential Single Detached RM1(H)/5-102 Holding Zone to the Medium High Density Multiple Dwelling RM3(H)/5/123 Holding Zone, with a special exception to permit a 6 storey, 48 unit apartment building; and, from the Urban Residential (Single-Detached) RM1(H)/5-102 Holding Zone and Open Space (OS) Zone to the Conservation / Hazard Land (P5) Zone, on lands located at 24 Brock Street North, Dundas, be denied, based on the following reasons. That the application:

(i) is over intensification;
(ii) does not conform with the height regulations;
(iii) does not conform with the Dundas Official Plan; and,
(iv) does not comply with the character of the community.

(b) That Legal Services be instructed to attend the Ontario Municipal Board Hearing, in support of the Committee’s decision, and to retain outside professional(s) accordingly."

(c) That the amount required to hire outside professionals be funded firstly through the 2012 budget, secondly through year-end Corporate surpluses and lastly through the Tax Stabilization Reserve.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

DELEGATION REQUESTS

4.1 Delegation Request from Tom and Teresa St Michael respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (For Today’s Meeting)

4.2 Delegation Request from Frank Van Hullenaar respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (For Today’s Meeting)

4.3 Delegation Request from Arun Pathak respecting the report being presented about project compliance pilot results

4.4 Delegation Request from Mike Whaling respecting an illegal business

PUBLIC HEARINGS AND DELEGATIONS

6.3 Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13)

Public Submissions:

(iii) John Walker
(iv) Lindsay Beaudoin
(v) Brad Hussey
(vi) John Parcher
(vii) Gwen Harper
(viii) Cheri Harrington
(ix) Scott Emmink
(x) Mark and Christine McComb
(xi) Gerald Smith
(xii) Keith Sharp
(xiii) Janet Casey
The Agenda for the September 5, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) August 14, 2012

The Minutes of the August 14, 2012 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)
(i) Delegation Request from Tom and Teresa St Michael respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (For Today’s Meeting) (Item 4.1)

The delegation request from Tom and Teresa St Michael, respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, was approved.

(ii) Delegation Request from Frank Van Hullenaar respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (For Today’s Meeting) (Item 4.2)

The delegation request from Frank Van Hullenaar, respecting item 12.1, Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster, was approved.

(iii) Delegation Request from Arun Pathak respecting the report being presented about project compliance pilot results (Item 4.3)

The delegation request from Arun Pathak respecting, the report being presented about project compliance pilot results, was approved for a future meeting.

(iv) Delegation Request from Mike Whaling respecting an illegal business (Item 4.4)

The delegation request from Mike Whaling, respecting an illegal business, was approved for a future meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek) (PED12154) (Ward 9) (Item 6.1)
In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the street name change, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12154, Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek), was closed.

The staff presentation respecting, Report PED12154, Street Name Change for a Portion of Mud Street West to Penny Lane (Stoney Creek), was waived.

For disposition on this Item, refer to item 4.

(ii) Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton) (PED12163) (Ward 5) (Item 6.2)

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

No public speakers came forward.

The public meeting respecting, Report PED12163, Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton), was closed.
The staff presentation respecting, Report PED12163, Applications for Approval of a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 101 Nash Road North (Hamilton), was waived.

For disposition on this Item, refer to item 5.

(iii) Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas) (PED12156) (Ward 13) (Item 6.3)

Public Submissions

(i) Public Submission – H.E.A.R.D.
(ii) Public Submission – Petition, Concerned Citizens of Dundas
(iii) John Walker
(iv) Lindsay Beaudoin
(v) Brad Hussey
(vi) John Parcher
(vii) Gwen Harper
(viii) Cheri Harrington
(ix) Scott Emmink
(x) Mark and Christine McComb
(xi) Gerald Smith
(xii) Keith Sharp
(xiii) Janet Casey
(xiv) Jennifer Waring
(xv) Jan Jansen
(xvi) Kris Traherne
(xvii) Liz Crickmore
(xviii) Eric Blinkhorn
(xix) Neighbourhood concerns
(xx) Tom and Betty Zancola
(xxi) Barbara Bennett
(xxii) Janis Hudak
(xxiii) Tammy Purchase
(xxiv) Janice Hladki
(xxv) Becky Thomas
(xxvi) Jim Couper
(xxvii) Martin Shepley
(xxviii) Joan Sinding
(xxix) Janet Martin
(XXX) Barbara Patterson
(XXXI) Yvonne Mullan
(XXXII) Karen Bruder
(XXXIII) Kerry Bruder
(XXXIV) Ken MacDonald
In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Cam Thomas, 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 PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was received.

Public Speakers

(aa) Jane Lowry - H.E.A.R.D.

Ms. Lowry expressed that she is representing a group of citizens as H.E.A.R.D. and highlighted the concerns with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(bb) Joanne Dear - H.E.A.R.D.

Mrs. Dear highlighted the concerns of H.E.A.R.D. with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(cc) William Hilson - H.E.A.R.D.

Mr. Hilson highlighted the concerns of H.E.A.R.D. with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(dd) Adele Barrett - H.E.A.R.D.
Mrs. Barrett highlighted the concerns of H.E.A.R.D. with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(ee) Andrea Dalrymple – 334 Park St. W., Hamilton, ON L9H 1Z2
Ms. Dalrymple expressed concerns over responsible development that fits within the neighbourhood.

(ff) Christine McComb – 244 Melville St., Hamilton, ON L9H 2B5
Ms. McComb expressed concerns over safety and privacy.

(gg) John Parcher – 238 Melville St., Hamilton, ON L9H 2B4
Mr. Parcher expressed concerns over traffic patterns.

(hh) Jeff Gowland – 331 King St. W., Hamilton, ON L9H 1W5
Mr. Gowland expressed concerns of over-intensification and traffic studies.

(ii) Curt Zorn – 284 Melville St., Hamilton, ON L9H 2B6
Mr. Zorn expressed concerns over shadow studies and the impact of the development on the neighbourhood.

(jj) Erin Horril – 27 Brock St. N., Hamilton, ON L9H 3A6
Ms. Horril expressed concerns over the impact of the development on the neighbourhood.

(kk) Keith Sharp – 335 King St. W., Hamilton, ON L9H 1W5
Mr. Sharp expressed concerns over the impact of the development on the neighbourhood.

(ll) Scott Chamberlain – 273 Melville St., Hamilton, ON L9H 2B5
Mr. Chamberlain expressed concerns over the traffic patterns.

(mm) Patrick Doran – 132 Melville St., Hamilton, ON L9H 2A5
Mr. Doran expressed concerns over the impact of the development on the neighbourhood.
Robert Van Amelsvoort – 25 Brock St. N., Hamilton, ON L9H 3A6

Mr. Van Amelsvoort expressed concerns over the traffic and safety of the area.

The public hearing respecting PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was closed.

The public presentations and public submissions respecting PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was received.

Steven Fraser, agent, provided an overview with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The agent’s presentation respecting PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was received.

Report PED12156, Proposed Zoning By-law Amendment for 24 Brock Street North (Dundas), was referred back to staff for further consultation with the developer on issues related to minimum front yard, minimum side yard, minimum rear yard, maximum height (including a mechanical penthouse) and to seek clarity from the NEC on the details of the final project which will be presented to Committee.

(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 F: Proposed policy on release of names of owners whose dogs attack others

(g) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Proposed Settlement of OMB appeal regarding Zoning By-law Amendment Application ZAC-11-019 by 1340791 Ontario Ltd., affecting lands municipally known as 121 Fiddlers Green Road in the former municipality of Ancaster (LS12027) (Item 12.1)
Delegations

(aa) Teresa St Michael – 25 Douglas Rd., Hamilton, ON L9G 2E2

Ms. St Michael opposes the development at 121 Fiddlers Green Road.

(bb) Tom St Michael – 25 Douglas Rd., Hamilton, ON L9G 2E2

Mr. St Michael opposes the development at 121 Fiddlers Green Road.

(cc) Frank Van Hullenaar – 33 Douglas Rd., Hamilton, ON L9G 2E2

Mr. Van Hullenaar opposes the development at 121 Fiddlers Green Road.

At 1:40 p.m., Committee moved into Closed Session to consider a confidential matter pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 2:35 p.m.

For disposition on this Item, refer to item 8.

(h) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:41 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau

Council – September 12, 2012
Appendix A

DISCLOSURE POLICY

OWNER WHOSE DOG HAS ATTACKED A PERSON OR A PERSON'S ANIMAL

1. **Policy Statement**
   This Policy sets out when the Manager of Animal Services, Parking and By-law Enforcement, Planning Department (“Manager of Animal Services”) may disclose the name of, charge against and last known address of an owner whose dog has attacked a person or a person’s animal.

   The Policy is not applicable to any information relating to a dog attack other than the name of, the charge against and the last known address of the owner.

2. **Definitions**
   For the purposes of this Policy:

   “**animal**” means any member of the animal kingdom, other than a human;

   “**charge**” means a charge under a City of Hamilton by-law or the *Dog Owners’ Liability Act*;

   “**owner**” means an adult who has care, control or possession of an animal; and

   “**victim**” means:

   (a) a person who has been attacked by an animal and includes:

   (i) when the person is a child, the child’s parent or guardian;

   (ii) when the person is incompetent or incapacitated, the person’s legal representative; or

   (b) an owner of an animal that has been attacked by another animal.

3. **Scope**
   This policy applies to animal attacks on a person or a person’s animal in the City of Hamilton that are investigated by Animal Services.

4. **Before a Charge is Laid / No Charge is Laid**

   (1) The Manager of Animal Services may not disclose the name and/or last known address of an owner whose dog has attacked a person or a person’s animal before a charge in respect of the attack is laid.

   **Rationale**

   Disclosure is not provided before a charge is laid because this may be detrimental to proceeding with enforcement. (Section 8(1)(b) *Municipal Freedom of Information and Protection of Privacy Act*)

   In addition, the information is not yet publicly available through the courts.

   (2) The Manager of Animal Services may not disclose the name and/or last known address of an owner whose dog has attacked a person or a person’s animal when no charge in respect of the attack is laid.
Rationale
Disclosure is not provided when no charge is laid because in most circumstances, this occurs when a reasonable belief that an offence took place is lacking.

In addition, the information is not yet publicly available through the courts.

5. After a Charge is Laid

(1)(a) The Manager of Animal Services may disclose to the public the name of and the charge against an owner whose dog has attacked a person or a person’s animal after a charge with respect to the attack is laid upon request, in the form of a press release or by other means.

Rationale
Disclosure to the public of the name and the charge is provided after a charge is laid because it notifies the public of the City’s law enforcement activities and deters others from committing similar offences.

In addition, the name and the charge, although difficult to obtain, are publicly available through the courts.

(b) The Manager of Animal Services may disclose to the public the name of, the charge against and the last known address of an owner whose dog has attacked a person or a person’s animal after a charge with respect to the attack is laid and when the dog remains in the possession of the owner, in the form of a press release or by other means.

The Manager of Animal Services shall make a reasonable attempt in advance to provide the dog owner with the opportunity to make representations as to why the disclosure should not take place and shall consider any such representations before making a disclosure. The Manager of Animal Services will consult the City’s freedom of information staff and may consult legal staff in making a request for and responding to any representation. The timeline for responding for a request for a representation will be such that the objective of protecting the health and safety of residents of the City can be met.

Rationale
Disclosure of the name, the charge and the last known address is provided after a charge is laid when the dog has not been impounded to protect the health and safety of residents of the City by making them aware of where the dog is kept and allowing them to take precautions to protect themselves and their animals against subsequent attacks. Notice of this disclosure will be provided to the dog owner in accordance with s. 14(1)(b) of Municipal Freedom of Information and Protection of Privacy Act which states that:

Personal privacy
14.(1) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

...
(b) in compelling circumstances affecting the health or safety of an individual, if upon disclosure notification thereof is mailed to the last known address of the individual to whom the information relates;

In addition, the name, the charge and the last known address, although difficult to obtain, are publicly available through the courts.

(2) The Manager of Animal Services may disclose to a victim the name of, the charge against and the last known address of an owner whose animal has attacked a person or a person’s animal after a charge which respect to the attack is laid upon request.

The Manager of Animal Services shall make a reasonable attempt in advance to provide the dog owner with the opportunity to make representations as to why the disclosure should not take place and shall consider any such representations before making a disclosure. The Manager of Animal Services will consult the City’s freedom of information staff and may consult with legal staff in making a request for and responding to any representation. The timeline for responding for a request for a representation will be such that the objective of enabling a victim to seek redress can be met.

Rationale

Disclosure of the name, the charge and the last known address is provided after a charge is laid to a victim to enable them to seek redress.

In addition, the name, the charge and the last known address, although difficult to obtain, are publicly available through the courts.

6. **Access Request under the Municipal Freedom of Information and Protection of Privacy Act**

It is open to the public to make a formal access request to the City of Hamilton for the name and/or last known address of a dog owner under the *Municipal Freedom of Information and Protection of Privacy Act*. Such access requests should be directed to:

Manager, Records and Freedom of Information
City Clerk’s Division
City Hall
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

(905) 546-2424 ext 2743
(905) 546-2095 (fax)
clerk@hamilton.ca (email)

7. **Review and Updating of Policy**

This Policy will be reviewed and updated as required.
THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-022 AND RESPECTFULLY RECOMMENDS:

1. Delegation Request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH’s Dustbusters Initiative (Item 4.1)

That the delegation request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH’s Dustbusters Initiative be referred to the Board of Health.

2. New Public Art Installation on York Boulevard (PED12148) (Ward 2) (Outstanding Business List) (Item 5.3)

   (a) That $50,000 from the Public Art – James and Hunter Capital Account 7101058700 be reallocated to the Public Art Capital Account 7101058705 to be used for the completion of a public art project to be located on the York Boulevard sidewalk in the area outside the easterly entrance to the Hamilton Farmers’ Market;
(b) That $50,000 from the Public Art – Main and Queen Capital Account 7101058701 be reallocated to the Public Art Capital Account 7101058705 to be used for the completion of a public art project to be located on the York Boulevard sidewalk in the area outside the easterly entrance to the Hamilton Farmers' Market;

(c) That the Public Art – Main and Queen Capital Account 7101058701 be closed.

3. **Accessibility for Ontarians Disability Act (AODA) Built Environment Standard (FCS12073) (City Wide) (Item 5.4)**

That Report FCS12073 respecting Accessibility for Ontarians Disability Act (AODA) Build Environment Standard, be received.

4. **Distribution and Sale of Contraband Tobacco (Item 6.1)**

Whereas Contraband tobacco has negative public consequences and impacts such as unrestricted youth access to tobacco products, and an increase in criminal activity;

And Whereas contraband tobacco products are easily accessible in our community;

And Whereas small businesses are sometimes forced to close because of the sale of contraband tobacco;

And Whereas small business in our community and government, in general, stand to benefit from the institution of tougher restrictions on contraband tobacco.

Therefore Be It Resolved:

(a) That the Mayor be authorized to write a letter to the Ontario Minister of Finance in support of the Ontario Government’s most recent Budget commitments to eradicate contraband tobacco through the implementation of additional regulatory, enforcement and other provisions in Bill 186 and amendments to the Tobacco Tax Act, particularly in support of measures such as:

(i) increased fines for those convicted of offences related to contraband tobacco;

(ii) more authority for law enforcement officials with respect to forfeiture of items seized and impounding of vehicles;
(iii) drawing on the best practices of other jurisdictions and working collaboratively with the federal government and other jurisdictions to enhance contraband tobacco control through joint enforcement efforts;

(b) That the Provincial Government be encouraged to continue to strengthen their strategies to address the manufacture and supply of contraband tobacco and maintain their commitment to introduce amendments this Fall to implement these measures;

(c) That surrounding municipalities be made aware of the actions taken by this Council to address the concerns presented by contraband tobacco;

(d) That a copy of this resolution be forwarded to the Association of Municipalities of Ontario and to the Local M.P.P.s.

5. Emerald Ash Borer (EAB) Action Plan (PW10088(a)) (City Wide) (Item 7.1)

(a) That Report PW10088a be received;

(b) That Option 3 – Proactive Management, 1:1 planting for the City of Hamilton’s Emerald Ash Borer Action Plan, be selected based on the options presented in Table 1 (attached hereto as Appendix “A”);

(c) That the $26.2 million for Option 3 be referred to the 2013 Capital Budget process for further consideration;

(d) That the implementation of Option 3 include an option for homeowners with healthy ash trees to be able to retain such City trees and/or park trees until they are in decline or are dead, or be afforded the flexibility to pay for inoculation for trees on City-owned property, and in consultation with the Ward Councillor and City staff;

(e) That staff be directed to implement an Emerald Ash Borer Action Plan based on Council’s preferred option selected in recommendation (b) of Report PW10088a, subject to Council approval of a capital funding plan;

(f) That staff be requested to consider using the existing Street Tree Planting Program to offset some of the costs of implementing Option 3 and report back during the 2013 capital budget process;

(g) That staff be directed to provide an annual update to the General Issues Committee on the implementation of the Emerald Ash Borer Action Plan;
(h) That correspondence be sent to the Canadian Food Inspection Agency, the Federal Minister of Natural Resources Canada, the Ontario Minister of Natural Resources, local M.P.’s and M.P.P.’s, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities to advocate for increased Emerald Ash Borer research funding and for the provision of financial assistance to affected municipalities in Ontario;

(i) That the municipalities in the EAB-Regulated areas in Ontario be requested to support Hamilton's request to the senior levels of government.

6. Tourism Advisory Committee (PED12159) (City Wide) (Item 8.1)

(a) That the membership of a Tourism Advisory Committee be established as follows:

(i) A minimum of 7 and up to 12 citizen members who have a demonstrated interest in and knowledge of the tourism sector;

(ii) A minimum of 1 and up to 3 members of Council;

(b) That the Tourism Advisory Committee Terms of Reference, attached hereto as Appendix “B, be approved.

(c) That the City’s Selection Process be initiated to appoint the citizen members.

(d) That staff be directed to prepare a budget submission for the newly created Tourism Advisory Committee as part of the Planning and Economic Development submission for the 2013 budget process;

(e) That Councillors. L. Ferguson, B. Clark, B. Morelli be appointed to sit on the Tourism Advisory Committee.

7. Grand River/Lake Erie Region Source Water Protection Plan (Draft) – Comments from the City of Hamilton (PW12065/PED12168) (Ward 14) (Item 8.2)

(a) That the General Manager of Public Works inform the Lake Erie Source Protection Authority that the City of Hamilton supports the draft Source Water Protection Plan Policies for the Lake Erie Region, dated August 2012, attached as Appendix “A” to Report PW12065/PED12168;
(b) That the City Clerk be requested to forward the recommendations and staff report on the draft Lake Erie Region Source Protection Plan to the Lake Erie Source Protection Authority.

8. **Casino Approval Process, Bill 76, being an Act to Amend the Ontario Lottery and Gaming Corporation Act of 1999 (LS12023) (City Wide) (Item 8.3)**

(a) That Report LS12023 respecting Casino Approval Process, Bill 76, being an Act to Amend the Ontario Lottery and Gaming Corporation Act of 1999, be received;

(b) That the correspondence from Monte McNaughton, M.P.P., Lampton-Kent-Middlesex respecting Private Members Bill, Bill 76, an Act to Amend the Ontario Lottery and Gaming Act of 1999, be received and that Mr. McNaughton be advised accordingly.

9. **Report 12-001 of the Open for Business Sub-Committee – August 16, 2012 (Item 8.4)**

(a) **Business Licensing Process and Wall/Ground Sign (PED12150) (City Wide) (OBL 1 & 2) (Item 4.1)**

That Report PED12150 respecting Business Licensing Process and Wall/Ground Sign, be received.

(b) **Recognition of Legally Established Business Uses Where Property Records are Non-Existent (PED12161) (City Wide)**

That Report PED12161 respecting Recognition of Legally Established Business Uses Where Property Records are Non-Existent, be received.

(c) **Legal Non-Conforming Status (PED12162) (City Wide)**

That Report PED12162, respecting Legal Non-Conforming Status, be received.

(d) **Application for Temporary Occupancy (PED12151) (City Wide)**

   (i) That the process outlined in Report PED12151, “Application for Temporary Occupancy” (attached hereto as Appendix “C”) be received;

   (ii) That the City of Hamilton User Fees and Charges By-law be amended to add a fee of $750.00 for an Application for Temporary Occupancy.
(e) **Comprehensive Development Guidelines and Financial Policies Review (City Wide) (PED12165)**

(i) That the General Manager of Planning and Economic Development Department be directed to complete an updating/review of the City’s Comprehensive Development Guidelines and Financial Policies at a cost of approximately $80,000;

(ii) That the funding for this project come from the Administrative Studies Development Charge Reserves #110324 ($30,000), #110325 ($30,000) and Capital Account #8121155101 (User Fee Review - $20,000);

(iii) That the General Manager of Planning and Economic Development Department be directed to conduct a Bi-Annual Comprehensive Development Guidelines and Financial Policies Workshop, to inform, discuss, review, and relay issues and propose solutions to Development Guidelines and Financial Policy issues.

10. **Correspondence from Individuals and Organizations respecting Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Study Group (Added Items 9.1.1 to 9.1.85)**

That the correspondence from the following individuals and organizations respecting the Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Implementation Team, be received:

(a) Tina Fetner  (b) William de Ruijter  
(c) Crystle Numan  (d) Anne Cibola  
(e) John Neary  (f) Andrew Maas  
(g) Nicholas Kevlahan  (h) Jon Davey  
(i) Brandon Nelson  (j) Julie Twyford  
(k) Frances Murray  (l) Craig Burley  
(m) Robert DeRosa  (n) Maria Topalovic  
(o) David Couture  (p) Simon Geoghegan  
(q) Aadrian Duyzer  (r) Ryan McGreal  
(s) Lauren Bennett  (t) Jason Leach  
(u) Keanin Loomis  (v) Suzanne Mills  
(w) Catherin Ahern  (x) Shawn Selway  
(y) Sean Burak  (z) Jennifer Calder  
(aa) Matt Jelly  (bb) William Mehlenbacher  
(cc) Cathy Swenson  (dd) Stephanie Ross  
(ee) Sean Roberts  (ff) Jason Allen  
(gg) Noelle Allen  (hh) Lori-Anne Cunningham  
(ii) Steve McKay  (jj) Michael Hampson
11. Establishment of a Ward 1, Ward 2 and Ward 3 One-Way to Two-Way Street Study Group (Item 9.1)

Whereas there are over 100 one-way streets remaining in Hamilton;

And Whereas increasingly, there appears to be a strong convergence of public opinion in Hamilton in favour of converting one way street conversion to benefit adjacent retail businesses, slow traffic, improve pedestrian movements, and generally increase liveability in neighbourhoods, especially in Downtown Hamilton;

And whereas the 2008 City of Hamilton Transportation Master Plan included recommendations on a number of one-way street conversions, which have not yet taken place;

And Whereas the one-way street conversions that have taken place (James/John, York/Wilson, Caroline, Hess and Park to be completed soon) have been successful;
And Whereas City staff is generally supportive of one-way conversions, but require strong and unequivocal political support to move ahead with adequate financial resources;

And Whereas, the majority of one-way streets exist in Wards 1 and 2.

Therefore be it resolved:

(a) That a Ward 1, Ward 2 and Ward 3 – One-Way to Two-Way Street Study Group be established to study and report on possible one-way street conversions in the downtown area, specifically Cannon Street and Queen Street, to inform the requisite environmental assessments;

(b) That staff be directed to prepare a budget for the Study for consideration during the 2013 budget process;

(c) That membership of the Study Group consist of the Ward 1, Ward 2 and Ward 3 Councillors and appropriate Public Works staff, and include public consultation with interested individuals and groups including neighbourhood associations, affected residents, Business Improvement Areas and other commercial users, and other interested City Councillors;

(d) That staff be directed to investigate and report back on a reverse flow model.

12. Amendment to Area Rating Capital Re-Investment Reserves – 2012 Projects

(a) That Appendix "B" to Report FCS12024(a) respecting Area Rating Capital Re-Investment Reserves - 2012 Projects, approved by Council on August 16, 2012 as Item 13 of General Issues Committee Report 12-021, be amended by adding the following Capital projects attached hereto as Appendices B-ii to B-xiv, (attached hereto as Appendix “D” and listed below;
### General Issues Committee
**Report 12-022**

**September 6, 2012**

**Page 9 of 21**

<table>
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<th>Project</th>
<th>Cost ($000s)</th>
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<th>Completion Date</th>
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(b) That subject to approval of (a), that the capital projects outlined in Appendices B-ii to B-xiii be funded by the Ward 2 Area Capital Special Re-Investment Reserve # 108052;

(c) That subject to approval of (a) and (b), that the operating impacts of the Area Rating Special Capital Re-investment Reserves 2012 Projects as listed in Appendices B-ii, B-iii, B-ix and B-x, amounting to $12,000 annually when fully implemented, be approved and incorporated into future Tax-Supported Operating Budgets;

(d) That subject to approval of (a) and (b), the Capital projects, as outlined in Appendices B-ii to B-xiv, be approved and subsequently created;

(e) That subject to the approval of (a) and (b), that the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the works approved in Appendices B-ii to B-xiv;

(f) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215, relating to projects outlined in Appendices B-ix and B-x, be passed.

### 13. Red Hill Valley Parkway Litigation (LS04021(e)) (City Wide) (Item 12.2)

(a) That Report LS04021(e) respecting Red Hill Valley Parkway Litigation, be received;

(b) That the contents of Report LS04021(e) remain confidential for the reasons for which it was received as confidential.
14. **Cancellation of School Bus Service – Upper Mount Albion Road (New Business – No Copy)**

That Councillors B. Clark and B. Johnson be authorized to meet with representatives of the Hamilton-Wentworth District School Board to find a solution to ensure the safety of children that are now required to walk on Upper Mount Albion Road due to the cancellation of school bus service.

15. **Hamilton-Wentworth District School Board – Surplus Property – 50 Albright Road, Hamilton (New Business – No Copy)**

That the Hamilton-Wentworth District School Board be requested to extend the deadline to negotiate the purchase of lands located at 50 Albright Road, Hamilton, for an additional sixty (60) to ninety (90) days from the October 6, 2012 deadline to allow the City to submit a formal expression of the City’s interest.

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) Delegation Request from John McGreal respecting Enbridge Pipelines Inc.: Pipeline 9A Sarnia Westover Pipeline 10 Westover, Binbrook/ Buffalo, N.Y. (Added Item 4.3)

(ii) Delegation Request from Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue (Added Item 4.4)

(iii) Delegation Request from Ken Stone, on behalf of Hamilton 350 Committee/Environment Hamilton, respecting Enbridge Pipelines (Added Item 4.5)

(iv) Delegation Request from Janet Chafe, on behalf of H.E.A.T., respecting the Enbridge Pipeline (Added Item 4.6)
CORRESPONDENCE

(v) Correspondence from 85 individuals and organizations respecting motion on the Establishment of a Ward 1 and Ward 2 One-way to Two-way Street Implementation Team (Agenda Item 9.1) (Distributed under separate cover)  
(Added Items 9.1.1 to 9.1.85)

NOTICE OF MOTION

(vi) Amendment to Area Rating Capital Re-Investment Reserves – 2012 Projects (Added Item 10.1)

REPORT WITHDRAWN

(vii) Item 12.5 respecting Litigation – Development Charges By-law Appeals (LS12025) (City Wide)

TYPOGRAPHICAL ERROR

(viii) Item 12.6 – Aeropark Industrial Lands – Waiver of Commencement and Completion of Construction Dates (PED05136(b)) (Ward 11 and City Wide)  

Date in sub-section (a)(i) of the recommendations should read May 2, 2002, not 2012

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

(b) DECLARATIONS OF INTEREST (Item 2)

Item 8.3 Casino Approval Process, Bill 76, being an Act to Amend the Ontario Lottery and Gaming Corporation Act of 1999 (LS12023) (City Wide)  

Councillor B. Clark declared a conflict as a member of his immediate family member is employed by the OLG.

Item 4.1 Delegation Request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH’s Dust-busters Initiative  

Councillor B. McHattie declared a conflict as the requestor is a family member.
(c) APPROVAL OF PREVIOUS MINUTES

On a motion, the July 9 and July 18 (special), 2012 minutes of the General Issues Committee meetings were approved, as presented.

(d) DELEGATION REQUESTS

(i) Delegation Request from Ryan Moran, Hamilton HIVE – Hamilton Chamber of Commerce, to provide an update and progress of the Hamilton HIVE since its inception at the Hamilton Economic Summit in 2010 (Item 4.2)

On a motion, the Delegation Request from Ryan Moran, Hamilton HIVE – Hamilton Chamber of Commerce, to provide an update and progress of the Hamilton HIVE since its inception at the Hamilton Economic Summit in 2010, was approved.

(ii) Delegation Requests respecting Enbridge Pipelines Inc.

On a motion, the following delegations were approved to present to the General Issues Committee at the appropriate meeting where Enbridge Pipelines Inc. will also be presenting to the Committee:

(aa) John McGreal respecting Enbridge Pipelines Inc.: Pipeline 9A Sarnia Westover Pipeline 10 Westover, Binbrook/ Buffalo, N.Y. (Item 4.3)

(bb) Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue (Item 4.4)

(cc) Ken Stone, on behalf of Hamilton 350 Committee/Environment Hamilton, respecting Enbridge Pipelines (Item 4.5)

(dd) Janet Chafe, on behalf of H.E.A.T., respecting the Enbridge Pipeline (Item 4.6)

(e) CONSENT ITEMS

(i) Minutes of Sub-Committees:

On a motion, the following Sub-Committee Minutes were received:
(aa) Minutes of the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) (Item 5.1)

(a) May 8, 2012
(b) June 12, 2012

(bb) Minutes of the Open for Business Sub-Committee – June 13, 2012 (Item 5.2)

(f) **PUBLIC DELEGATIONS/HEARINGS**

(i) Dave Bryans, on behalf of the Ontario Convenience Stores Association (OCSA), respecting the distribution and sale of contraband tobacco (Item 6.1)

Dave Bryans, spoke on behalf of approximately 7,500 small business operators of convenience stores in Ontario to express concerns with respect to the distribution and sale of contraband tobacco. The Committee was distributed with his presentation, which included:

- Contraband Tobacco Usage
- What is Contraband
- Effects of Contraband Tobacco
- Contraband Tobacco in Hamilton
- Proposed Motion for Adoption by Hamilton City Council

Mr. Bryans indicated that several large and smaller municipalities in Ontario have adopted the motion that he is presenting.

A copy of the presentation is available for viewing on the City’s website.

On a motion, the presentation from Dave Bryans, on behalf of the Ontario Convenience Stores Association (OCSA), respecting the distribution and sale of contraband tobacco, was received.

See Item 4 for the disposition of this item.

(ii) Delegation Request from Gary Santucci, on behalf of concerned citizens, respecting alleged operational and financial issues of The Waterfront Trust raised by the Bay Observer and the Hamiltonian

With the assistance of a power point presentation, Mr. Santucci provided concerns respecting Waterfront Trust Financial and Operations Issues, which included the following:
• Point 1 – Failed Audit 2007
• Point 2 – Loss of Charitable Status
• Point 3 – Failure to provide requested financial information
• Point 4 – Failed G.S.T. Audit
• Point 5 – Continuous Losses
• Point 6 – Accounting Irregularities
• Point 7 – Failure to Report
• Point 8 – Failure to Insure
• Points 9 and 10- – Unanswered Questions
• Point 11 – Charitable Status
• Point 12 – Fiduciary Trust
• Point 13 – Forensic Audit

A copy of the power point presentation was distributed to the Committee and is available for viewing on the City’s website.

On a motion, the presentation by Gary Santucci, on behalf of concerned citizens, respecting alleged operational and financial issues of The Waterfront Trust raised by the Bay Observer and the Hamiltonian, was received.

The following recommendations were put forward by motion:

(a) That staff be authorized and directed to investigate and report back to the General Issues Committee with clarification respecting the following issues as noted in the presentation provided by Gary Santucci with respect to the Hamilton Waterfront Trust:

(i) Point #4 – Alleged Failed G.S.T. Audit – audit performed by the Canada Revenue Agency which resulted in the Trust owing approximately $500,000;

(ii) Point #5 – Continuous Losses – four years of continuous losses were sustained on most operations from 2008 to 2011, totalling $1,942,000;

(iii) Point #9 – Unanswered Questions – In 2011, a General Issues Committee (G.I.C.) received a delegation from the Waterfront Trust. The following resulted:

(aa) Councillor Ferguson rightfully asked of the GST audit, what had happened and what were the details;

(bb) Councillor Pearson supported his request and asked for the distribution to all of Council of the response.
(b) That the Hamilton Waterfront Trust be requested to release the reason for the Canada Revenue Agency’s denial of the appeal.

(iii) Hamilton Waterfront Trust Financial Statements as of December 31, 2011 (Item 6.3)

Werner Plessl, Executive Director of the Hamilton Waterfront Trust, provided a power point presentation to the Committee which outlined the mandate and goals. The presentation also included several photos of attractions, activities and events that are located and take place on Hamilton’s waterfront.

On a motion, the presentation from Werner Plessl respecting the Hamilton Waterfront Trust Financial Statements as of December 31, 2011, was received.

(g) PRESENTATIONS

(i) Emerald Ash Borer (EAB) Action Plan (PW10088(a)) (City Wide) (Item 7.1)

Craig Murdoch, Director of Environmental Services, advised the Committee that the presentation is a follow up to the one-on-one meetings held with Councillors. Mr. Murdoch also introduced Philip van Wassenaer, Consultant with Schollen & Company Inc. and Urban Forest Innovations.

With the assistance of power point, the Emerald Ash Borer Action Plan presentation included:

- Introduction-outline of the presentation
- The EAB Report;
- EAB facts
- EAB Regulated Areas in Ontario
- Ash Trees in Hamilton
- Hamilton Forestry Program Review, including Enlargement Plan – Ash Tree Diameter Class
- Photo of progression of ash tree decline from EAB
- EAB management strategies
- EAB control methods
- Management options for the City
- Comparison of Management options – total cost/annual cost
- What other municipalities are doing
- EAB detection methods
- EAB management – Federal and Provincial Government
• EAB Action Plan Options
• Review of recommendations in Report PW10088(a).

Mr. Murdoch advised the Committee that Table 1 required a correction to read “400 trees” in Options 1 to 5, not 200 trees.

Beth Goodger, Senior Director, Operations and Waste Management, and Mike McNamara, Manager of Forestry and Horticulture, were in attendance to respond to questions.

On a motion, the staff presentation respecting the Emerald Ash Borer Action Plan was received.

On a motion, sub-section (b) was amended by deleting the words, “a preferred option” and replacing them with the words, “Option 3 – Proactive Management, 1:1 planting”, to read as follows:

(b) That Option 3 – Proactive Management, 1:1 planting for the City of Hamilton’s Emerald Ash Borer Action Plan be selected based on the options presented in Table 1 of Report PW10088(a).

The Amendment CARRIED.

On a motion, the following sub-sections were added:

That correspondence be sent to the Canadian Food Inspection Agency, the Federal Minister of Natural Resources Canada, the Ontario Minister of Natural Resources, local M.P.’s and M.P.P.’s, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities to advocate for increased Emerald Ash Borer research funding and for the provision of financial assistance to affected municipalities in Ontario;

That the municipalities in the EAB-Regulated areas in Ontario be requested to support Hamilton's request to the senior levels of government.

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

On a motion, the Main Motion, as amended, was further amended by adding the following sub-section:
That the implementation of Option 3 include an option for homeowners with healthy ash trees to be able to retain such City trees and/or park trees until they are in decline or are dead, or be afforded the flexibility to pay for inoculation for trees on City-owned property, and in consultation with the Ward Councillor and City staff.

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

That the Main Motion, as amended, be further amended by adding the following sub-section:

That staff be requested to consider using the existing Street Tree Planting Program to offset some of the costs of implementing Option 3 and report back during the 2013 capital budget process.

The Amendment CARRIED on the following recorded vote:

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

The Main Motion, as further amended, CARRIED.

(h) DISCUSSION ITEMS

(i) Tourism Advisory Committee (PED12159) (City Wide) (Item 8.1)

On a motion, the following was added as sub-section (e):

(e) That Councillors L. Ferguson, B. Clark and B. Morelli be appointed to sit on the Tourism Advisory Committee.

The Amendment CARRIED and the Main Motion, as amended, CARRIED.
(i) MOTIONS

(i) Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Implementation Team (Item 9.1)

Councillor B. McHattie introduced a motion respecting the Establishment of a Ward 1 and Ward 2 – One-Way to Two-Way Street Implementation Team.

On a motion, sub-sections (a) and (b) were amended to include the Ward 3 Councillor on the Implementation Team.

The Amendment CARRIED.

That sub-sections (a) and (b) be amended as follows:

(a) By deleting the words, “Implementation Team”, and replacing them with the words, “Study Group”, in lieu thereof;

(b) By deleting the words, “systematically plan and implement” in sub-section (a), and replacing them with the words, “study and report on possible”;

(c) By deleting the words, “beginning with a project submission to the 2013 budget process for conversation of Cannon Street and Queen Street to two-way streets” in sub-section (a), and replacing it with the words, “specifically Cannon Street and Queen Street, to form the requisite environmental assessments”.

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

On a motion, the Main Motion, as amended, was further amended by adding the following sub-sections:

That staff be directed to prepare a budget for the Study for consideration during the 2013 budget process.

That staff be directed to investigate and report back on a reverse flow model.

The further Amendments CARRIED and the Main Motion, as further amended, CARRIED.

See Item 11 for the disposition of this item.
(j) NOTICES OF MOTION

Councillor J. Farr introduced the following Notice of Motion:

Amendment to Area Rating Capital Re-Investment Reserves – 2012 Projects

(a) That Appendix "B" to Report FCS12024(a) respecting Area Rating Capital Re-Investment Reserves - 2012 Projects, approved by Council on August 16, 2012 as Item 13 of General Issues Committee Report 12-021, be amended by adding the following Capital projects attached hereto as Appendices B-ii to B-xiv, and listed below;

<table>
<thead>
<tr>
<th>Project</th>
<th>Cost ($000s)</th>
<th>Multi-Year Project</th>
<th>Start Date</th>
<th>Completion Date</th>
<th>Project Manager</th>
<th>Prior Approval</th>
<th>Appendix Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>John St. N/Robert St. - Pedestrian Signal</td>
<td>80.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>R. Gallo</td>
<td>N/A</td>
<td>B-ii</td>
</tr>
<tr>
<td>Herkimer St./Caroline St. S - Pedestrian Signal</td>
<td>80.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>R. Gallo</td>
<td>N/A</td>
<td>B-iii</td>
</tr>
<tr>
<td>School Nutrition Program</td>
<td>80.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>P. Johnson</td>
<td>N/A</td>
<td>B-iv</td>
</tr>
<tr>
<td>Strachan Open Space Free Run Leash free area</td>
<td>15.0</td>
<td>No</td>
<td>2012</td>
<td>2012</td>
<td>R. Martin</td>
<td>N/A</td>
<td>B-v</td>
</tr>
<tr>
<td>Sidewalk Replacements - various locations</td>
<td>300.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>P. McShane</td>
<td>N/A</td>
<td>B-vi</td>
</tr>
<tr>
<td>Renew Hamilton Grant</td>
<td>20.0</td>
<td>No</td>
<td>2012</td>
<td>2012</td>
<td>G. Norton</td>
<td>N/A</td>
<td>B-vii</td>
</tr>
<tr>
<td>Gore Park Speakers Grant</td>
<td>25.0</td>
<td>No</td>
<td>2012</td>
<td>2012</td>
<td>M. Hazell</td>
<td>N/A</td>
<td>B-viii</td>
</tr>
<tr>
<td>Central School - Flashing 40s</td>
<td>15.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>S. Parker</td>
<td>N/A</td>
<td>B-ix</td>
</tr>
<tr>
<td>Dr. J.E. Davey School - Flashing 40s</td>
<td>15.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>S. Parker</td>
<td>N/A</td>
<td>B-x</td>
</tr>
<tr>
<td>Promenade Staging</td>
<td>0.5</td>
<td>No</td>
<td>2012</td>
<td>2012</td>
<td>N/A</td>
<td>N/A</td>
<td>B-xi</td>
</tr>
<tr>
<td>Beasly Banners Installation</td>
<td>8.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>TBD</td>
<td>N/A</td>
<td>B-xii</td>
</tr>
<tr>
<td>Park St. 2-way conversion</td>
<td>6.0</td>
<td>No</td>
<td>2012</td>
<td>2013</td>
<td>S. Russell</td>
<td>N/A</td>
<td>B-xiii</td>
</tr>
<tr>
<td>Downtown Pop-Up Concert</td>
<td>6.0</td>
<td>No</td>
<td>2012</td>
<td>2012</td>
<td>N/A</td>
<td>N/A</td>
<td>B-xiv</td>
</tr>
<tr>
<td>TOTAL</td>
<td>650.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) That subject to approval of (a), that the capital projects outlined in Appendices B-ii to B-xiii be funded by the Ward 2 Area Capital Special Re-Investment Reserve # 108052;

(c) That subject to approval of (a) and (b), that the operating impacts of the Area Rating Special Capital Re-investment Reserves 2012 Projects as listed in Appendices B-ii, B-iii, B-ix and B-x, amounting to $12,000 annually when fully implemented, be approved and incorporated into future Tax-Supported Operating Budgets;

(d) That subject to approval of (a) and (b), the Capital projects, as outlined in Appendices B-ii to B-xiv, be approved and subsequently created;

(e) That subject to the approval of (a) and (b), that the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the works approved in Appendices B-ii to B-xiv;

(f) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215, relating to projects outlined in Appendices B-ix and B-x, be passed.

Council – September 12, 2012
On a motion, the Rules of Order were suspended in order to allow for the introduction of a motion respecting Amendments to Area Rating Capital Re-Investment Reserves – 2012 Projects.

See Item 12 for the disposition of this item.

(k) OTHER BUSINESS

(i) Outstanding Business List (Item 11.1)

On a motion, the revised due date for the following item on the Outstanding Business List was approved:

Corporate Services

Item E: 2012 Ontario Municipal Partnership Fund Allocations
Due Date: September 19, 2012
Revised Due Date: November 20, 2012

On a motion, the following item be removed from the Outstanding Business List:

Planning

Item S: Tourism Advisory Committee (Reference Item 8.2)

(ii) Cancellation of School Bus Service – Upper Mount Albion Road

Councillor B. Clark provided information to the Committee with respect to the cancellation of school bus service on Upper Mount Albion Road.

On a motion, the Rules of Order were waived in order to allow for the introduction of a motion respecting the Cancellation of School Bus Service on Upper Mount Albion Road.

See Item 14 for the disposition of this item.

(iii) Surplus School Board Property – 50 Albright Road, Hamilton

Councillor C. Collins informed the Committee with respect to the status of surplus lands owned by the Hamilton-Wentworth District School Board located at 50 Albright Road.

On a motion, the Rules of Order be waived in order to allow for the introduction of a motion respecting property located at 50 Albright Road, Hamilton.
See Item 15 for the disposition of this item.

(I) PRIVATE & CONFIDENTIAL

On a motion, the Committee move into closed session at 12:28 p.m. pursuant to sub-sections (e) and (f) of the City’s Procedural By-law and Sections 239.3(e) and (f) of the Municipal Act as the subject matter pertains to (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting the Red Hill Valley Parkway Litigation.

The Committee reconvened in Open Session at 1:40 p.m.

12.2 Red Hill Valley Parkway Litigation (LS04021(e)) (City Wide)

David Estrin, outside legal counsel, appeared before the Committee to provide an update with respect to the Red Hill Valley Parkway Litigation.

Direction was provided to staff In Camera.

Private and Confidential Items 12.3, 12.4 and 12.6

On a motion, the following Private and Confidential items were referred to the September 12, 2012 Council meeting for consideration:

(i) Ratification of Contract with the United Food and Commercial Workers (UFCW) Local 102 (Item 12.3)

(ii) Ratification of Contract with the International Union of Operating Engineers Local 722 (HECFI and Lodges) (No Copy) (Item 12.4)

(iii) Aeropark Industrial Lands – Waiver of Commencement and Completion of Construction Dates (PED05136(b)) (Ward 11 and City Wide) (Item 12.6)

(m) ADJOURNMENT

There being no further business, the Committee adjourned at 5:35 p.m.

Respectfully submitted

Councillor J. Partridge
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

Council – September 12, 2012
### TABLE 1: Emerald Ash Borer Action Plan Options (Report PW10088a)

<table>
<thead>
<tr>
<th>Option &amp; Description</th>
<th>Estimated 10 year cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1 – Reactive management, 1:1 planting</strong></td>
<td>$26.8 million</td>
</tr>
<tr>
<td>Only heavily infested or dead Ash trees are removed and replaced on a 1:1 removal to replacement ratio and approximately 200 trees are injected with insecticide annually.</td>
<td></td>
</tr>
<tr>
<td><strong>Option 2 – Reactive management, proactive planting</strong></td>
<td>$26.4 million</td>
</tr>
<tr>
<td>Only heavily infested trees or dead Ash trees are removed and an equal number of trees are planted each year to compensate for the forecasted ten year tree removals to equalize planting costs. Tree canopy is replaced at a faster rate than in Option 1. Approximately 200 trees are injected with insecticide annually.</td>
<td></td>
</tr>
<tr>
<td><strong>Option 3 – Proactive management, 1:1 planting</strong></td>
<td>$26.2 million</td>
</tr>
<tr>
<td>The objective of this option is to remove one tenth of the Ash tree inventory each year for ten years and replant trees at a 1:1 removal to replacement ratio. This results in a more even distribution of costs over the ten year horizon. Approximately 200 trees are injected with insecticide annually.</td>
<td></td>
</tr>
<tr>
<td><strong>Option 4 – Minimal-cost strategy</strong></td>
<td>$16 million</td>
</tr>
<tr>
<td>Only reactive tree removal is performed with no replacement tree planting or stump removal occurring. Approximately 200 trees are injected with insecticide annually.</td>
<td></td>
</tr>
<tr>
<td><strong>Option 4a – Minimal Cost Strategy (including stumping)</strong></td>
<td>$18.3 million</td>
</tr>
<tr>
<td>Only heavily infested trees or dead Ash trees are removed and stumped. No replacement tree planting is performed. Approximately 200 trees are injected with insecticide annually.</td>
<td></td>
</tr>
<tr>
<td><strong>Option 5 – Zero net additional cost strategy</strong></td>
<td>$0</td>
</tr>
<tr>
<td>Resources (in house and contracted) are redirected to Ash removals and the Street Tree Trimming, tree removal and parks tree maintenance will be suspended. All replacement tree plantings will be funded through the current Tree Planting program. Current Forestry programs such as the Street Tree Trimming Program, tree removal, and parks tree maintenance will be suspended. Only the Forestry Storm response program and property damage services would continue.</td>
<td></td>
</tr>
</tbody>
</table>
Tourism Advisory Committee Terms of Reference DRAFT

1. Mandate

The Tourism Advisory Committee, reporting through the General Issues Committee, provides advice to City Council on the tourism industry and identifies issues and opportunities to support the growth and development of tourism as an economic, community and cultural driver in Hamilton.

As advocates for innovation, leadership, and exceptional city attractiveness for visitor experiences, the Tourism Advisory Committee (“the Committee”), provides a voice for, and a means of communication to, and from, the tourism industry.

2. Objectives

a. Provide knowledgeable and informed advice on the tourism industry to the City of Hamilton.

b. Identify issues and opportunities for the continued development of tourism in Hamilton.

c. Identify, facilitate and support partnership and collaboration with the tourism industry.

d. Enhance communication within the tourism sector.

e. Assist in the development of measurable outcomes for the City of Hamilton’s tourism activities and initiatives.

f. Advise on the development and implementation of the City of Hamilton’s Tourism Marketing Plan.

g. Promote the value and contribution of tourism to Hamilton’s economic, community and cultural vitality.

h. Assist in furthering the success of relevant corporate policies, plans and initiatives such as the City’s Strategic Plan and Cultural Policy.
3. Membership

a. Members of the Committee are appointed by Hamilton City Council through the City’s Selection Process.

b. Council will appoint a minimum of 1 and up to 3 members of Council to serve on the Committee.

c. Council may appoint a minimum of 7 and up to 12 members from the public who have a demonstrated interest in and knowledge of the tourism sector.

d. Citizen applications for membership are submitted and reviewed by the Selection Committee as part of the City of Hamilton application process for Agencies, Boards and Committees.

e. The duration of membership is for the term of Council or until such time as successors are appointed by Council.

f. If a vacancy occurs before the end of a term, Council may appoint a replacement at the recommendation of the Selection Committee.

g. A Chair and Vice Chair shall be appointed annually by a majority vote of the Committee.

4. Responsibilities of Members

a. Members are expected to prepare for and attend all scheduled meetings of the Committee and participate in the Committee’s discussions and deliberations.

b. Members may be asked to represent the Committee at events and to make presentations as required.

c. A member who misses 3 consecutive meetings, without being excused by the Committee, may be asked to resign.
5. Meetings

a. Quorum consists of a majority of the membership plus one.

b. Meetings occur at the call of the Chair or as determined by the Committee (minimum of 4 meetings per year).

6. Reporting

Minutes and Reports (when required) of the Committee shall be forwarded to the General Issues Committee in accordance with established City policy and procedures.

The Committee will report to the General Issues Committee detailing highlights of their accomplishments.

7. Resources

a. Designated Tourism and Culture Division staff will attend meetings and assist in preparing agendas and performing minor tasks related to Committee activity in accordance with the rules and procedures established by the City Clerk’s Office.

b. Additional Tourism and Culture Division staff may attend meetings on an as needed basis to discuss specific items and/or in an advisory capacity.

c. Meeting space will be provided by the City of Hamilton.

d. The Committee may call upon ad hoc advisers to address specific industry topics.
Application for Temporary Occupancy

1. Address of Business ________________________________________________

2. Proposed Use: (Please provide detailed description of use)
   _________________________________________________________________
   _________________________________________________________________

3. Name of Business: ________________________________________________

4. Number of Employees: _____________________________________________

5. Date Business Commenced: _________________________________________


7. Floor Area:
   i) Total Building Gross Floor Area _________________________________
   ii) Total Gross Floor Area Occupied by Business: ______________________

8. Previous Use (if known): __________________________________________

APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>Contact Information</th>
<th>Property Owner</th>
<th>Business Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City/Postal Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPLICANT WAIVER

I, ________________________________, declare that

(i) I am the:

__ Owner of the Premises

__ Authorized Agent of the Owner of the Premise (include written authorization); and,

(initial)

The issuance of a Business Licence, based on the use applied for within the Application for Temporary Occupancy, does not confirm zoning compliance or legal non-conforming status for the use on the subject property.

(initial)

I am aware that the use may not be permitted either through a Council decision on a related development application nor may not be permitted within the new Comprehensive Zoning By-law; and,

(initial)

Should the use not be permitted through a related development application or within the new Comprehensive Zoning By-law, the use must cease within three months of receiving the decision; and,

(initial)

Should the use cease, the Business License shall be returned to the City of Hamilton; and,

(initial)

The Applicant and Property Owner do not hold the City of Hamilton responsible for any costs associated with the submission of a development application or any other costs associated with obtaining the Application for Temporary Occupancy approval.

I make this declaration that the information and statements provided within this application are to the best of my knowledge to be correct and true.

________________________  ____________
Applicant     Date

For Office Use Only Staff Date
**APPLICATION REVIEW**

1. **Confirmation from the Director, Planning Division, or designate, that a Zone Change Application has been filed with the Planning and Economic Development Department, which Application, if approved, will permit the proposed business use; or,**

<table>
<thead>
<tr>
<th>Authorized Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

2. **Confirmation from the Director, Planning Division or Designate that the City’s Comprehensive Zoning By-law Program is expected, once approved, to permit the proposed business use; and,**

<table>
<thead>
<tr>
<th>Authorized Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

3. **Confirmation from the Director of Planning, or designate, that the proposed business use is a use permitted in the City’s Official Plan, including the new Urban or Rural Official Plans presently before the Ontario Municipal Board; and,**

<table>
<thead>
<tr>
<th>Authorized Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

4. **Confirmation from the Chief Building Official, or designate, that occupancy for the proposed business use will not require the issuance of a Building Permit under the Ontario Building Code;**

<table>
<thead>
<tr>
<th>Authorized Signature</th>
<th>Date</th>
</tr>
</thead>
</table>
**Division/Department:** Area Rating-Special Capital Reinvestment  
**Project Name:** John St. N/Robert St. - Pedestrian Signal  
**Objectives:** Council Directive  

<table>
<thead>
<tr>
<th>Category:</th>
<th>Council Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward:</td>
<td>2</td>
</tr>
<tr>
<td>Initiation Date:</td>
<td>2012</td>
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### CITY OF HAMILTON
2012-2036 CAPITAL BUDGET PROJECT SUBMISSION FORM

**Division/Department:** Area Rating-Special Capital Reinvestment  
**Project Name:** Herkimer St./Caroline St. S - Pedestrian Signal  
**Objectives:** Council Directive

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| Project Manager | R. Gallo |

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Division/Department: Area Rating-Special Capital Reinvestment

Project Name: School Nutrition Program

Objectives:
To enhance the number of student nutrition programs available to school aged children in Hamilton.

Work in conjunction with Hamilton Partners in Nutrition, Hamilton Community Foundation and City to identify best locations for expansion of student nutrition programs (based on need, capacity etc.). Develop communication strategy to encourage other investors (private sector, philanthropic) to match contribution by Councillor

Category: Council Priority
Ward: 2
Initiation Date: 2012
Start Date: 2012
Completion Date: 2013
TCA: No
Project Manager: P. Johnson

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**Division/Department:** Area Rating-Special Capital Reinvestment  
**Project Name:** Strachan Open Space Free Run Leash free area  
**Objectives:** Conversion of a portion of the Strachan Open Space into a Free Run Leash free area. Work includes the addition of 200m fencing along the south side of the property and addition of leash free signage.

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**Project Name:** Sidewalk Replacements - various locations  
**Objectives:**  
To replace deficient sidewalk in need of reconstruction to improve walkability and increase public safety. This is intended to improve related levels of service while reducing overall risk, liability, and ongoing maintenance costs.

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Division/Department: Area Rating-Special Capital Reinvestment  
Project Name: Renew Hamilton Grant  
Objectives: A $20,000 grant to the Hamilton Chamber of Commerce to establish an office for the Renew Hamilton initiative.

### Expenditures:

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Division/Department: Area Rating-Special Capital Reinvestment
Project Name: Gore Park Speakers Grant
Objectives: A grant to the Downtown BIA for the purchase and installation of speakers at Gore Park to facilitate audio equipment and future events.

Category: Council Priority
Ward: 2
Initiation Date: 2012
Start Date: 2012
Completion Date: 2012
TCA: No
Project Manager: M. Hazell

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**Division/Department:** Area Rating-Special Capital Reinvestment  
**Project Name:** Central School - Flashing 40s  
**Objectives:**  
That a part-time flashing school zone be implemented on Bay Street South and Hunter Street West abutting Central Public School, 75 Hunter Street West.

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2012 | 2013 | 2014-2022  
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Costs(Savings) | 1 | 9  

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**Division/Department:** Area Rating-Special Capital Reinvestment  
**Project Name:** Dr. J.E. Davey School - Flashing 40s  
**Objectives:** That a part-time flashing school zone speed limit be implemented on Wilson Street abutting Dr. J.E. Davey School

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**Category:** Council Priority

| Ward:              | 2 |
| Initiation Date:   | 2012 |
| Start Date:        | 2012 |
| Completion Date:   | 2013 |
| TCA:               | Yes |

**Project Manager:** S. Parker
Division/Department: Area Rating-Special Capital Reinvestment
Project Name: Promenade Staging
Objectives:
Promenade staging for a Downtown BIA presentation at the Sept. 14th and 15th 2012 weekend event at Gore Park.

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| Ward: | 2 |
| Initiation Date: | 2012 |
| Start Date: | 2012 |
| Completion Date: | 2012 |
| TCA: | No |

| Project Manager | N/A |

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**Project Name:** Beasley Banners Installation  

**Objectives:** The installation of banners (40) to be placed along Cannon St. E, Wilson St., John St. N and Wellington St. N to identify the Beasley Neighbourhood.

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**Project Manager:** TBD

**Expenditures:**

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Division/Department: Area Rating-Special Capital Reinvestment  
Project Name: Park St. 2-way conversion  
Ward: 2  
Initiation Date: 2012  
Start Date: 2012  
Completion Date: 2013  
TCA: Yes  
Project Manager: S. Russell

Objectives:
Radius improvements that are needed at the corner of Cannon St. W and Park St. N for the conversion of the remainder of Park St. N.

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<td>Total Revenue</td>
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Net Cost

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<td>Costs(Savings)</td>
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<td>Staffing Impacts (F.T.E.)</td>
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<tr>
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**Division/Department:** Area Rating-Special Capital Reinvestment
**Project Name:** Downtown Pop-Up Concert

**Objectives:**
A grant for a Downtown Pop-Up concert organized by Sonic Unyon for set-up and staging.

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<td>Total Revenue</td>
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</table>

**Net Cost**

**Operating Budget Impact:**

<table>
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<tr>
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<th>Weight</th>
<th>Rating (1 - 10)</th>
<th>Rating</th>
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<tr>
<td>Contractual/Legislated Obligations</td>
<td>0.46</td>
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<tr>
<td>Strategic Direction (Dominant Project Theme)</td>
<td>0.29</td>
<td>0.00</td>
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</tbody>
</table>
Present: Councillors B. Johnson (Chair), M. Pearson (Vice Chair), B. Clark, B. Morelli and R. Powers

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 12-007 AND RESPECTFULLY RECOMMENDS:

1. Freedom of Information Quarterly Report (April 1 to June 30, 2012) (CL12004(a)) (City Wide) (Item 5.1)

   That Report CL12004(a), respecting the Freedom of Information Quarterly Report (April 1 to June 30, 2012), be received.

2. 2012 Second Quarter Emergency and Non-Competitive Procurements Report (FCS12040(a)) (City Wide) (Item 5.2)

   That Report FCS12040(a), respecting the 2012 Second Quarter Emergency and Non-Competitive Procurements Report, be received.

3. 2012 Second Quarter Non-compliance with the Procurement Policy Report (FCS12038(a)) (City Wide) (Item 5.3)

   That Report FCS12038(a), respecting the 2012 Second Quarter Non-compliance with the Procurement Policy Report, be received.

4. Monthly Status Report of Tenders and Requests for Proposals for June 7, 2012 to August 1, 2012 (FCS12018(e)) (City Wide) (Item 5.4)

   That Report FCS12018(e), respecting the Monthly Status Report of Tenders and Requests for Proposals for June 7, 2012 to August 1, 2012, be received.

Council – September 12, 2012
5. Reserve/Revenue Fund Investment Performance Report - June 30, 2012 (FCS12067) (City Wide) (Item 5.5)


6. Cemetery Accounts Investment Performance Report - June 30, 2012 (FCS12069) (City Wide) (Item 5.6)

That Report FCS12069, respecting the Cemetery Accounts Investment Performance Report - June 30, 2012, be received.

7. Hamilton Future Fund Investment Performance Report - June 30, 2012 (FCS12068) (City Wide) (Item 5.7)


8. Update – Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton (FCS11104(b)) (City Wide) (Item 5.8)

That Report FCS11104(b), respecting an update of the Needs Assessment of the Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Community of Hamilton, be received.

9. Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS12007(f)) (City Wide) (Item 5.9)

(a) That Appendix “A” attached to Report 12-007, respecting the “Tax Write-Offs processed under Section 357 of the Municipal Act, 2001”, in the amount of $89,811, be approved;

(b) That Appendix “B” attached to Report 12-007, respecting the “Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001”, in the amount of $69,400, be approved.

10. Development Charges Reserves Status Report as of December 31, 2011 (FCS12052) (City Wide) (Item 5.10)

(a) That Report FCS12052 – Development Charges Reserves Status Report as of December 31, 2011, be received for information;
(b) That Report FCS12052 – Development Charges Reserves Status Report as of December 31, 2011, be forwarded to the Ministry of Municipal Affairs and Housing.

11. Request for Relief from Development Charges Liability at 168 West Avenue North, Hamilton, Ontario (Item 8.1(a))

That the correspondence from Mark McMaster, respecting his request for relief from development charges liability at 168 West Avenue North, Hamilton, Ontario, be received.

12. Development Charges and Fees Exemption Request – 168 West Avenue North, Hamilton (FCS12062) (Ward 3) (Item 8.1(b))

(a) That the request to waive the Development Charge (DC) Liability of $3,324.20 for the conversion of 168 West Avenue North, from a place of worship to a single family dwelling, be denied;  

(b) That the request to waive the Cash-in-Lieu of Parkland Dedication Fee in the amount of $3,404 for the conversion of 168 West Avenue North, from a place of worship to a single family dwelling, be denied.

13. Amendment of Provincial Offences Administration (POA) Collection Fee By-law (FCS12066) (City Wide) (Item 8.2)

That the by-law attached as Appendix “A” to Report FCS12066, be passed to amend By-law 07-007 to establish new collection agency fees at 9.9% (corporations), 12.5% (individuals) for debt assignment to the first agency and at 10% (corporations) and 23% (individuals) for debt re-assignment to the second agency.

14. Proposed Write-offs of Outstanding Fines for Provincial Offences (FCS12059) (City Wide) (Item 8.3)

That staff be authorized to write-off all outstanding Provincial Offences deemed uncollectible with a due date of December 31, 2004.
15. **Treasurer's Write-off of Taxes for the Dr. Bob Kemp Hospice under Section 354 of the Municipal Act, 2001 (FCS12060) (Ward 7) (Item 8.4)**

That the Treasurer, under Section 354(4)(b) of the *Municipal Act* (2001), be directed to write off taxes in the amount of $40,831 for the Dr. Bob Kemp Hospice at 227 Stone Church Road East.

16. **Interview Sub-Committee (to the Audit, Finance & Administration Committee) Report 12-001, dated September 4, 2012 (12.1)**

(a) That the following applicants be appointed to the Committee Against Racism for the balance of the 2010-2014 term of Council or until successors are appointed by Council:

   (i) Maher Naschwati

   (ii) Marlene Dei-Amoah

(b) That the following applicants be appointed to the Status of Women Advisory Committee for the balance of the 2010-2014 term of Council or until successors are appointed by Council:

   (i) Linda Gill

   (ii) Jeannie Howe

   (iii) Nashwa Khan

(c) That the Interview Sub-committee (to the Audit, Finance & Administration Committee) Report 12-001, be released as a public document.

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**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA (Item 1)**

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

(i) Added as Item 12.1 - Interview Sub-Committee (to the Audit, Finance & Administration Committee) Report 12-001, dated September 4, 2012
The agenda for the September 10, 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) June 11, 2012 (Item 3.1)

The Minutes of the June 11, 2012 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Mark McMaster, respecting Items 8.1(a) and 8.1(b) - Request for Relief from Development Charges Liability at 168 West Avenue North, Hamilton, Ontario (Item 4.1)

The delegation request, submitted by Mark McMaster, respecting Items 8.1(a) and 8.1(b) - Request for Relief from Development Charges Liability at 168 West Avenue North, Hamilton, Ontario, was approved.

(e) DELEGATIONS / PUBLIC HEARINGS (Item 6)

(i) Mark McMaster, respecting Item 8.1(a) and 8.1(b) - Request for Relief from Development Charges Liability at 168 West Avenue North, Hamilton, Ontario (Item 6.1)

Mr. McMaster addressed Committee for the second time, respecting his request for relief from Development Charges liability at 168 West Avenue North, Hamilton, Ontario. Mr. McMaster's spoke to his correspondence, which is listed as Item 8.1(a) on this agenda, and 8.1(b), Report FCS12062 - Development Charges and Fees Exemption Request – 168 West Avenue North, Hamilton.

The presentation by Mark McMaster, respecting his request for relief from Development Charges liability at 168 West Avenue North, Hamilton, Ontario, was received.
(f) Status of Provincial Offences Administration (POA) Fine Collections and Staffing (Item 9.1)

Staff was directed to provide a report, respecting the status of Provincial Offences Administration (POA) fine collections and staffing, to the Audit, Finance & Administration Committee, prior to the 2013 budget deliberations.

(g) Reciprocal Agreements with Provinces and States for the Collection of Outstanding Provincial Offences Act Fines

Staff was directed to provide a report, respecting which provinces and states currently have reciprocal agreements with the Province of Ontario for the collection of outstanding Provincial Offences Act fines, how those agreements are implemented, and what impacts those agreements have on the licensee/offenders ability to continue driving until such outstanding fines have been paid, and report back to the Audit, Finance & Administration Committee.

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

(i) Various Advisory Committee Minutes (Item 11.1)

The following Advisory Committee Minutes were received:

1. Aboriginal Advisory Committee:
   (a) November 17, 2011
   (b) February 13, 2012
   (c) March 1, 2012
   (d) May 3, 2012

2. Committee Against Racism:
   (a) January 25, 2011
   (b) June 28, 2011
   (c) July 26, 2011
   (d) September 13, 2011
   (e) October 25, 2011
   (f) November 22, 2011
   (g) December 13, 2011

3. Immigrant and Refugee Advisory Committee:
   (a) June 9, 2011
(b) September 8, 2011  
(c) October 13, 2011  
(d) November 10, 2011  
(e) December 8, 2011  

4. Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee:  
   (a) February 16, 2011  
   (b) August 18, 2011  
   (c) September 15, 2011  
   (d) October 20, 2011  
   (e) November 17, 2011  
   (f) March 15, 2012  

5. Hamilton Mundialization Committee:  
   (a) May 18, 2011  
   (b) September 21, 2011  
   (c) October 19, 2011  
   (d) December 14, 2011  
   (e) February 15, 2012  
   (f) March 21, 2012  
   (g) April 18, 2012  
   (h) May 23, 2012  

6. Status of Women Committee:  
   (a) June 23, 2011  
   (b) September 22, 2011  
   (c) October 27, 2011  
   (d) November 24, 2011  
   (e) February 23, 2012  
   (f) April 26, 2012  
   (g) May 24, 2012  

(ii) Amendments to the Outstanding Business List (Item 11.2):  

The proposed new due date for the following Item was approved:  

(a) Item “B” – LGBTQ Space Requirements  
   Current Due Date: September 10, 2012  
   Proposed New Due Date: December 10, 2012  

Council – September 12, 2012
(i) **ADJOURNMENT (Item 13)**

There being no further business, the Audit, Finance and Administration Committee adjourned at 9:57 a.m.

Respectfully submitted,

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

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
September 10, 2012
### Appendix "A" to Item 9 of AFA Report 12-007

**City of Hamilton**  
Corporate Services Department  
Taxation Division  
Section "357" Appeals of the Municipal Act, 2001

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<td>357-09-233</td>
<td>Sulphur Springs</td>
<td>140130344500000</td>
<td>Exempt does not meet criteria</td>
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<tr>
<td>357-09-236</td>
<td>Calvin St</td>
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<td>Exempt does not meet criteria</td>
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<td>357-09-237</td>
<td>Harmony Hall</td>
<td>140380438020000</td>
<td>Exempt does not meet criteria</td>
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<td>357-10-009</td>
<td>293 Wellington St N</td>
<td>020182094100000</td>
<td>Exempt leased by Hamilton Health Sciences</td>
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<td>357-10-205</td>
<td>28-34 Ottawa St N</td>
<td>040311010300000</td>
<td>Exempt - Hamilton Regional Indian Centre</td>
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<td>357-10-329</td>
<td>1462 Upper Sherman</td>
<td>070751065100000</td>
<td>Exempt - group home</td>
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<td>-103.54</td>
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<td>357-11-058</td>
<td>1562 Rymal Rd E</td>
<td>060761001600000</td>
<td>Exempt - place of worship</td>
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<tr>
<td>357-11-124</td>
<td>145 Emerald St S</td>
<td>030204015100000</td>
<td>Tax Class Conversion converted from 7 to 6 units now RT</td>
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<td>357-11-140</td>
<td>693 Barton St E</td>
<td>030265525100000</td>
<td>Renovations - denied inspection did not reveal any renovations</td>
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<td>357-11-164</td>
<td>267-271 King St E</td>
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<td>Tax Class Conversion upper floor converted to residential</td>
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<td>171 Locke St S</td>
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<td>357-11-234</td>
<td>1835 Burlington St E</td>
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<td>Tax Class Conversion from ITN to CTN - new tenant</td>
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<td>357-11-236</td>
<td>759 Concession St</td>
<td>060621000700000</td>
<td>Tax Class Conversion - house converted back to residential</td>
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<td>357-11-237</td>
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<td>357-11-241</td>
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<td>Tax Class Conversion new tenants are commercial</td>
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<td>357-11-251</td>
<td>240 Beach Rd</td>
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<td>357-12-041</td>
<td>1 Amanda St</td>
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<td>357-12-042</td>
<td>3618 Governors Rd</td>
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<td>Demolition of structures on city property</td>
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<td>357-12-043</td>
<td>49 Ravina Cres</td>
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<td>357-12-053</td>
<td>1334 Main St E</td>
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<td>357-12-070</td>
<td>450 Sherman Ave N-Timmerman</td>
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<td>Tax Class Conversion tenant moved out revert back to PILT</td>
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<td>-63.45</td>
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<td>357-12-088</td>
<td>9300 Airport Rd</td>
<td>902310322000000</td>
<td>Tax Class Conversion UPS reduced space revert back to Exempt</td>
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<td>357-12-089</td>
<td>166 Cleghorn</td>
<td>901410619880000</td>
<td>Gross or Manifest Error MPAC billed omit on wrong roll -error on deed</td>
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<td>357-12-108</td>
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<td>Tax Class Conversion converted from 7 to 6 units now RT</td>
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<td>357-11-238</td>
<td>51 Flamingo Dr</td>
<td>070833086330000</td>
<td>Gross or Manifest Error - the basement is not finished</td>
<td>2011</td>
<td>-42.47</td>
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B- overcharge (Assessment Roll)
B1 -overcharged-application denied
E - Exempt

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<th>Property Address</th>
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<th>Reason</th>
<th>Explanation</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>358-10-004</td>
<td>293 Wellington St N</td>
<td>020182094100000</td>
<td>E</td>
<td>Space occupied by Hamilton Health Sciences</td>
<td>2009</td>
<td>-233.07</td>
</tr>
<tr>
<td>358-11-058</td>
<td>625 Rymal Rd W</td>
<td>081101089800000</td>
<td>B</td>
<td>To change tax class missed in 09 changed for 08 &amp; 10</td>
<td>2009</td>
<td>-19,594.52</td>
</tr>
<tr>
<td>358-11-089</td>
<td>693 Barton St W</td>
<td>030265525100000</td>
<td>B1</td>
<td>Denied no indications of renovation to property</td>
<td>2010</td>
<td>0.00</td>
</tr>
<tr>
<td>358-12-053</td>
<td>1334 Main St E</td>
<td>040305005800000</td>
<td>B</td>
<td>Old service garage demolished but still reflected on the roll</td>
<td>2010</td>
<td>-430.42</td>
</tr>
<tr>
<td>358-11-129</td>
<td>51 Flamingo Dr</td>
<td>070833086330000</td>
<td>B</td>
<td>Property incorrectly valued as having a finished basement</td>
<td>2010</td>
<td>-42.18</td>
</tr>
<tr>
<td>358-11-130</td>
<td>51 Flamingo Dr</td>
<td>070833086330000</td>
<td>B</td>
<td>New commercial tenants moved in owner not aware he had to notify</td>
<td>2010</td>
<td>-10,383.36</td>
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<tr>
<td>358-11-131</td>
<td>70 Innovation Dr</td>
<td>302270171000000</td>
<td>B</td>
<td>City of change in tax class</td>
<td>2010</td>
<td>-2,376.83</td>
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<tr>
<td>358-12-12</td>
<td>343 East 28th St</td>
<td>070664070700000</td>
<td>B</td>
<td>In ground pool removed years ago</td>
<td>2011</td>
<td>-187.08</td>
</tr>
<tr>
<td>358-12-15</td>
<td>86 Orchard Dr</td>
<td>140320392000000</td>
<td>B</td>
<td>Original structure still reflected on the roll</td>
<td>2011</td>
<td>-631.80</td>
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<td>358-12-21</td>
<td>28-34 Ottawa St N</td>
<td>040311010300000</td>
<td>E</td>
<td>Ham Reg Indian Centre - Indian Friendship Centre</td>
<td>2011</td>
<td>-31,385.55</td>
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<tr>
<td>358-11-100</td>
<td>1334 Main St E</td>
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<td>Old service garage demolished but still reflected on the roll</td>
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<tr>
<td>358-12-040</td>
<td>166 Cleghorn</td>
<td>901410619880000</td>
<td>B</td>
<td>Omit assessment issued on the wrong roll</td>
<td>2011</td>
<td>-1,536.99</td>
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</table>

Total -69,400.51
EMERGENCY & COMMUNITY SERVICES COMMITTEE
REPORT 12-007
AS AMENDED BY COUNCIL ON SEPTEMBER 12, 2012
1:30 p.m.
Monday, September 10, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with regrets: Councillor T. Whitehead, Vice-Chair, City Business

THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 12-007 AND RESPECTFULLY RECOMMENDS:

1. Sir Allan MacNab Land Lease Agreement (CS12030) (Ward 8) (Item 5.2)

   (a) That the draft Sir Allan MacNab Land Lease Agreement (attached as Appendix A to Report CS12030) between the City of Hamilton and the Hamilton-Wentworth District School Board, located at 145 Magnolia Drive, Hamilton, be approved;

   (b) That the Mayor and City Clerk be authorized and directed to execute the Sir Allan MacNab Land Lease Agreement, between the City of Hamilton and the Hamilton-Wentworth District School Board, located at 145 Magnolia Drive, Hamilton (attached as Appendix A to Report CS12030), in a form satisfactory to the City Solicitor.

2. Standardization of Ambulance Fleet Purchases (HES12015) (City Wide) (Item 5.3)

   (a) That the purchase and conversion of ambulance vehicles be standardized and single sourced to Demers Ambulance Manufacturer Inc.;
(b) That Staff be authorized to negotiate a “house account” for the supply of replacement parts with the original equipment manufacturers of the approved standardized product.

3. Paramedic Service Response Time Reporting 2013 (HES12014) (City Wide) (Item 5.4)

(a) That the City of Hamilton adopt emergency medical response time targets for the calendar year 2013 in accordance with the Ambulance Act, Ontario Regulation 267/08, amending O. Reg. 257/00 with the heading Section 22: Part VIII, Response Time Performance Plans and the related Sections 23 and 24 (attached as Appendix A to Report HES12014);

(b) That the emergency medical response times targets noted in the Response Time Performance Plan, hereto attached as Appendix “A”, be approved, as amended.

The following Item 4 was amended as highlighted below, and approved as amended:

4. Community Homelessness Prevention Initiative (CHPI) (CS12031) (City Wide) (Item 7.1)

(a) That for the 2013 tax supported operating budget process, staff report back with a program enhancement reflecting the restatement of the 2012 net levy portion of Community Start-Up and Maintenance Benefit (CSUMB) presently in Ontario Works estimated at $860,000 to the Housing Service Division’s Community Homelessness Prevention Initiative (CHPI) to provide financial supports to low income households;

(b) That for the 2013 tax supported operating budget process, staff report back with a program enhancement reflecting the restatement of following net levy program costs to the Consolidated Homelessness Prevention Initiative:

(i) $892,270 from the Emergency Shelter Program
(ii) $1,363,800 from the Domiciliary Hostel Program
(iii) $138,250 from the Domiciliary Hostel Reinvestment
(iv) $96,760 from the Consolidated Homelessness Prevention Program;
Sub-section (c) was TABLED to the October 10, 2012 Council meeting:

(c) That the General Manager of the Community Services Department be authorized and directed to fund the Consolidated Homelessness Prevention Initiative for 2013 in the annualized amount of $3,351,080 from 2013 Community Services departmental surplus, the 2013 corporate surplus and/or the Tax Stabilization Reserve (110046) pending the 2013 budget deliberations;

(d) That staff report back to the Emergency and Community Services Committee on December 10, 2012 with an implementation plan for the Community Homelessness Prevention Initiative;

Sub-section (e) was deleted in its entirety and replaced with the following therein:

(e) That the Fairness to Hamilton Campaign Sub-committee and the Mayor arrange a Hamilton Day at Queen’s Park and schedule a press conference in the media gallery to demand emergency funding for the Community Homelessness Initiative.

The following Sub-section (f) was added:

(f) That the General Manager of the Community Services Department and advocates be invited to attend to explain implications of the proposed Provincial budget cuts for this program.

5. Update on Early Learning and Care: Child Care Modernization (CS12032) (City Wide) (Item 7.2)

That the joint City of Hamilton – Best Start Network Response to the Ministry of Education Discussion Paper "Modernizing Child Care in Ontario; Sharing Conversation, Strengthening Partnerships, Working Together" hereto attached as Appendix “B” be endorsed and submitted by staff to the Province.

6. Transformation of Employment Ontario (CS12022(b)) (City Wide) (Item 8.1)

That Report CS12022(b) respecting Transformation of Employment Ontario be received.

7. Normanhurst Community Centre (CS12034) (Ward 4) (Item 8.2)

(a) That the Real Estate Section of the Planning and Economic Development Department be directed to declare surplus the subject property known as
Normanhurst Community Centre, located at 1621 Barton Street East, Hamilton, as shown on Appendix “A” to Report CS12034, in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

(b) That proceeds from the sale of 1621 Barton Street East be transferred to the 2013 Capital Budget Submission, Project 7101354105 - Mahoney Park Washroom/Pavilion.


FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

(i) Added delegation request 4.1 from Vinnie Ryan of McGrory’s Boxing Club respecting Normanhurst Community Centre which is Item 8.2 on today’s agenda;

(ii) Amendment to Item 5.4 Report HES12014 respecting Paramedic Service Response Time. Appendix B is being replaced with a revised Appendix B – copies of which have been distributed;

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 June 11, 2012 meeting were approved as presented.

(d) DELEGATION REQUESTS

The following delegation request was approved and the rules of order waived in order for the delegation to address Committee at today’s meeting:
(i) Vinnie Ryan, McGrory’s Boxing Club, respecting the proposal to declare Normanhurst Community Centre as surplus property (Added Item 4.1)

(e) PUBLIC HEARINGS/DELEGATIONS

On a motion, the order of the agenda was amended to allow Mr. Ryan to speak prior to Committee considering Item 8.2.

(i) Vinnie Ryan, McGrory’s Boxing Club, respecting the proposal to declare Normanhurst Community Centre as surplus property (Added Item 4.1)

Mr. Ryan addressed Committee reading from a prepared statement a copy of which was submitted to the Clerk for the public record. His comments included, but were not limited to, the following:

- The McGory Boxing Club has been at the Normanhurst Community Centre since 1977;
- He started coaching there in 1982;
- Has trained hundreds of children turning out not only boxing champions but also good citizens;
- He recognizes that the building needs repairs and they have volunteers willing to complete the work;
- The cost of repairs ($13,000 to $15,000) is a small amount to pay for a program that benefits the children of this community.

Mr. Ryan responded to questions from Committee.

On a motion, Committee received the delegation.

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

The following Advisory Committee Meeting Minutes were received:

(i) Hamilton Youth Advisory Committee Minutes of May 15, 2012
(ii) Seniors Advisory Committee Minutes of April 13, 2012
(iii) Seniors Advisory Committee Minutes of May 4, 2012
(iv) Tenant Advisory Committee Minutes of April 20, 2012
(g) STAFF PRESENTATIONS

(i) Community Homelessness Prevention Initiative (CHPI) (CS12031) (City Wide) (Item 7.1)

Gillian Hendry provided an overview of the report with the aid of a PowerPoint presentation and hand-outs were distributed. She commented on the following:

- A Consolidated Approach to Service Delivery and Funding;
- Community Start up and Maintenance Benefit (CSUMB);
- CHPI Funding:
  - Resulting total shortfall is $7,214,797
- Net Levy portion of program Costs;
- Moving Forward / Next steps.

Staff responded to questions from Committee.

On a motion, Committee received the presentation.

After some discussion, and input received from Mike Zegarac who attended to assist Committee, Committee amended the recommendations by deleting subsections (a) and (b) in their entirety and replacing them with the following therein, and by adding a new subsection (c) and re-lettering the balance of the sub-sections accordingly to read as follows:

(a) That for the 2013 tax supported operating budget process, staff report back with a program enhancement reflecting the restatement of the 2012 net levy portion of Community Start-Up and Maintenance Benefit (CSUMB) presently in Ontario Works estimated at $860,000 to the Housing Service Division’s Community Homelessness Prevention Initiative (CHPI) to provide financial supports to low income households;

(b) That for the 2013 tax supported operating budget process, staff report back with a program enhancement reflecting the restatement of following net levy program costs to the Consolidated Homelessness Prevention Initiative:

(i) $892,270 from the Emergency Shelter Program
(ii) $1,363,800 from the Domiciliary Hostel Program
(iii) $138,250 from the Domiciliary Hostel Reinvestment
(iv) $96,760 from the Consolidated Homelessness Prevention Program;

(c) That the General Manager of the Community Services Department be authorized and directed to fund the Consolidated Homelessness Prevention Initiative for 2013 in the annualized amount of $3,351,080 from 2013 Community Services departmental surplus, the 2013 corporate surplus and/or the Tax Stabilization Reserve (110046) pending the 2013 budget deliberations;

(d) That staff report back to the Emergency and Community Services Committee on December 10, 2012 with an implementation plan for the Community Homelessness Prevention Initiative;

(e) That the Mayor correspond with the Honourable John Milloy, Minister of Community and Social Services requesting that the Community Start Up and Maintenance Benefit for the Ontario Works and Ontario Disability Support Programs be reinstated.

Committee approved the staff report as amended.

(ii) Update on Early Learning and Care: Child Care Modernization (CS12032) (City Wide) (Item 7.2)

Jane Soldera provided an overview of the report with the aid of a PowerPoint presentation and hand-outs were distributed. She commented on the following:

- The state of the “System”;
- Special advisor’s recommendations;
- Key Milestones in reforming the system;
- Managing change locally;
- Modernizing child care in Ontario;
- Highlight of joint response;
- Our next steps

Staff responded to questions.

On a motion, Committee received the presentation and approved the staff report.

(h) 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: September 10, 2012
Proposed New Due Date: October 4, 2012

(bb) Item "D“ – Needs Assessment – Ice Rinks in the Stoney Creek area
Due date: September 10, 2012
Proposed New Due Date: November 12, 2012

(cc) Item "J“– Letter from OHA re: Ice Costs Based on Player Residency
Due date: September 10, 2012
Proposed New Due Date: October 14, 2012

(i)  ADJOURNMENT

There being no further business, the Emergency & Community Services Committee meeting, adjourned at 3:11 p.m.

Respectfully submitted,

Councillor J. Partridge, Chair
Emergency & Community Services Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk
## Recommended Response Time Targets

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>2010 % of Cases the Proposed Target Time was Achieved</th>
<th>2011</th>
<th>2012 YTD to June</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Call</strong></td>
<td><strong>Response Time Targets</strong> (from EMS notified of the call to arrival at site)</td>
<td><strong>Recommend 2013 City of Hamilton Benchmark %</strong></td>
<td><strong>No. of calls</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sudden Cardiac Arrest (SCA) i.e. not breathing no pulse</td>
<td>Defibrillator Response Six (6) minutes or less Set by the MOHLTC</td>
<td>75% or better</td>
<td>225</td>
<td>64.8 % within 6m</td>
<td>75.1%</td>
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<td>CTAS* 1 (other than SCA) i.e. major shock</td>
<td>Paramedic Response 8 mins or less Set by the MOHLTC</td>
<td>75% or better</td>
<td>539</td>
<td>85.3% within 8m</td>
<td>84.0%</td>
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<td>CTAS 2 (emergent care) i.e. chest pain</td>
<td>Paramedic Response 10 mins or less Set by the CoH</td>
<td>75% or better</td>
<td>10,898</td>
<td>86.4% within 10m</td>
<td>84.7</td>
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<td>CTAS 3 (urgent care) i.e. mild asthma</td>
<td>Paramedic Response 15 mins or less Set by the CoH</td>
<td>75% or better</td>
<td>15,594</td>
<td>92.5% within 15m</td>
<td>90.9</td>
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<td>CTAS 4 (less urgent care) i.e. ear ache</td>
<td>Paramedic Response 20 mins or less Set by the CoH</td>
<td>75% or better</td>
<td>6,697</td>
<td>97.2% within 20m</td>
<td>96.3</td>
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<td>CTAS 5 (non urgent care) i.e. sore throat</td>
<td>Paramedic Response 25 mins or less Set by the CoH</td>
<td>75% or better</td>
<td>1,147</td>
<td>98.4% within 25m</td>
<td>98.8</td>
</tr>
</tbody>
</table>
Hamilton’s Early Years Community Response to Modernizing Child Care in Ontario
Background


The discussion paper provides an overview of the government’s long-term vision for child care and action plans over the next 3 years to support the vision. The Government of Ontario's long-term vision for child care is, “to build a high-quality, accessible and coordinated early learning and child care system for children before they start school and for school-aged children.” They note that this system will focus on “learning in safe and caring play-based environments, on healthy physical, social, emotional and cognitive development, and on early identification and intervention for children in need of supports”.

To support this vision, the government proposes taking action in the following five key areas over the next 3 years:

1) Operating Funding Formula: By developing a new approach to funding that is transparent and informed by evidence and experience to support consistency in approach, accessibility for families and quality for children and child care operators.

2) Capital Funding Priorities: By pursuing capital funding that emphasizes child care spaces in schools (a “schools-first” approach).

3) Quality Programs: By developing:
   a) mandatory provincial program guidelines,
   b) an updated framework to support children with special needs, and
   c) new resources and information for parents and providers.

4) Modernizing Legislative & Regulatory Framework: By reviewing and updating the legislation and regulations that govern the continuum of child care services based on evidence and experience to ensure the health, safety, and quality of child care for children, parents, and providers.

5) Support for Accountability & Capacity-Building: By improving data collection, enhance licensing procedures, and develop supports for parents and operators to help better evaluate outcomes, support sector capacity, reduce duplication and improve accountability.
The government requested input on the five key areas and provided questions to guide parents and stakeholders in providing input to the Ministry of Education by September 24, 2012. The following document provides a collective response to the government’s appeal for input from the City of Hamilton, Hamilton’s Best Start Network, and community partners.

The City of Hamilton, as the local Consolidated Municipal Service Manager (CMSM), like other municipalities across the province, plays a key leadership role in planning for and managing the local early years system. Further, the City has a strong history in developing community driven approaches to planning for human services in a collaborative and integrated manner.

In our community, the Best Start Network has been the City’s ‘go to table’ to work on integrated human service planning for young children and their families. The Best Start Network is a collaboration of over 50 organizations that come together from various sectors (e.g. child care services, law enforcement, mental health, public health, health providers, child development, etc.) with the common purpose for making Hamilton the best place to raise a child.

The Ontario Municipal Services Association (OMSSA) Moving Forward Hand in Hand document released in May 2012 provides a reference point for the collective response in this report. The City of Hamilton is a member of OMSSA and had previously provided input into the Moving Forward document.

Moving Forward Hand in Hand seeks to support the government in creating the best environment for children and families to have accessible, quality, accountable and sustainable early learning and child care services families deserve.

The following definitions from that report form the foundations for aligning Hamilton’s collective response with the government’s policy priorities pertaining to children as follows:

- **Accessibility**: Children and families in Ontario can access an integrated and inclusive continuum of early learning and child care services they need when they need them.

- **Quality**: A range of early learning and child care services are provided which demonstrate exemplary standards through evidence informed, age appropriate practices, and services delivered by knowledgeable, skilled, and committed educators working in supportive and rewarding environments as outlined by the Expert Panel on Quality and Human Resources in Investing in Quality 2007 Report.
- Accountability: A partnership formed between orders of government where leadership and responsibility are shared, while working toward common goals for children and families.

- Sustainability: An adequately resourced, publicly funded, organized early learning and child care system that delivers on accessibility, quality and accountability.

We commend the Province of Ontario for initiating the transformation and modernization of child care and believe municipalities are well situated to partner with the Ministry of Education to implement solutions to improve early learning for children and their families.

This collective response from the City of Hamilton, and Hamilton’s Best Start Network puts families and children at the forefront of human service planning and builds on the government’s child-oriented policy priorities as evidenced through the implementation of full-day learning and the movement towards planning an integrated Best Start Child and Family System as recommended by Dr. Charles Pascal’s *With Our Best Future in Mind*.

Method

The City of Hamilton in their role as Service Manager for Child Care and lead for Best Start initiative gathered together the members of the Best Start Network and the Consolidated Municipal Service Manager (CMSM) Child Care Working Group¹ on August 1, 2012 to focus on submitting a collective response to the questions from the Ministry of Education through participatory discussions.

¹ CMSM Child Care Working Group is comprised of partners that serves as an advisory to the CMSM on Child Care Services in Hamilton.
1) Operating Funding Formula Response

Based on the discussions, the following highlights key advice for the Ministry to consider in developing a new approach to funding. Under the following themes, the government needs to:

Funding Principles

- "Develop the new funding model within an accountability framework that has agreed upon outcomes for children, families and service providers."

- "Ensure the new funding model is consistent, stable, indexed and multi-year in order to support municipalities to complete long term collaborative planning that best meets the needs of children, families and service providers at the local level."

- "Consider new models for funding in Ontario based on successful models from other jurisdictions such as Quebec or Manitoba."

- "Consider replicating the Education model of funding for early learning and care to ensure universal access to early learning and care for all children in Ontario."

- "Take into account the full spectrum of early learning and care programs when designing funding models."

- "Streamline funding by eliminating the multitude of funding streams that currently exist to provide municipalities the flexibility necessary to respond to emerging local needs in a timely manner."

Equity

- "Develop a new funding formula that would take into account 'equity of access' to child care by ensuring funding allocations and flexibility of funding that allows communities to address barriers to access that can occur due to demographic and geographic differences (e.g. low-income families, English or French as a second language, population growth, percentage of child population under 6 years, etc.). It will be imperative that the government determines whether additional new funding will be required when applying the formula to ensure that gains made thus far by local communities across the province will not be at risk."

Base Funding

- "Create a new funding formula that provides a stable, transparent platform of investment that clearly identifies the role of the governance and partners (such as
Operating Funding Formula Response cont’d...

the municipality, school boards, and child care operators) involved in the funding model. This investment should ensure the flexibility needed to address varying operational costs. This investment should also allow adequate funds to be available for fair remuneration of Early Learning and Care Professionals and support their ongoing professional development."

Quality Indicators

- “Ensure that any funding model that is developed fully supports the quality outcomes as outlined by the Expert Panel on Quality and Human Resources Panel, Investing in Quality 2007 Report (e.g. Health & Safety, Accessibility, Equitable and Fair Accommodations, Early Learning and Care Professional Standards & Training, etc.).”

Maximization of Existing Resources

- “Support efforts by local municipalities, school boards and/or service providers to maximize the sharing of resources (e.g. funding/space) or the amalgamation of services to ensure a sustainable level of service delivery.”

2) Capital Funding Priorities Response

The following highlights advice for the Ministry to consider in pursuing capital funding that emphasizes child care spaces in schools (a “schools-first” approach). Under the following theme, the government needs to:

Integrated Human Services Approach

- “Ensure that capital planning processes consider the entire early years system rather than just child care and focus on a neighbourhood and community first approach that takes into account community needs.”

- “Set specific expectations, requirements and accountabilities to support integrated capital planning between municipalities and local school boards.”

- “Take into consideration how third party operating policies at the local School Boards either support or serve as a barrier to emerging government direction related to encouraging community service providers to re-locate to school facilities.”
3) Quality Programs Response

The following highlights advice for the Ministry to consider in developing mandatory provincial program guidelines, updating frameworks for children with special needs, and new resources and information for parents and providers. Under the following themes, the government needs to:

Quality Assurances

• "Ensure there is a process for addressing quality as current licensing process does not take into account all the quality outcomes (e.g. child/caregiver interactions) as outlined by the Expert Panel on Quality and Human Resources Panel, Investing in Quality 2007 Report."

• "Commit to Early Learning for Every Child Today (ELECT) as a common framework for early learning and ensure the principles of ELECT are embedded in the provincial policy framework."

• "Make provincial policy include local accountability initiatives, such as Hamilton’s Raising the Bar Quality Assurance Program, that are linked to quality indicators and tied to funding so a process for addressing sub-standard care/programs is at the local level (e.g. closures at the local level)."

• "Develop pay scales for ECEs that should be linked to professional development and educational attainment. Consistent scales should be established at the local level."

• "Determine who is best suited to take on the role of monitoring program quality and the resources that are associated with the process and procedures needed."

• "Consider how blending smaller programs together or amalgamating them with larger organizations could better support program quality as smaller programs are unable to address quality due to their lack of resources and infrastructure."

Professional Standards & Development

• “Work with the College of Early Childhood Educators to adopt standards of quality and recognize the contributions of the Early Learning and Care Professional in quality early learning and care programs as outlined in 2011 Code of Ethics and Standards of Practice.”
Quality Programs Response cont’d...

Parent Engagement

- “Develop a framework for engaging parents to inform them about their choices in child care based on quality and what that means for their children’s development and life-long learning.”

Children with Special Needs

- “Develop consistent and appropriate resourcing that ensures the accessibility of all children.”

- “Support families and their children as they transition across a seamless system of early learning and care and ensure quality of care are standardized, equitable, fair and appropriate to families and children with special needs.”

- “Offer families who have children with special need options and choices based on quality; cost should not be a barrier.”

4) Modernizing Legislative & Regulatory Framework Response

The following highlights advice for the Ministry to take into consideration in reviewing and updating the legislation and regulations that govern the continuum of child care services. The government needs to:

- “Ensure that provincial licensing process aligns with and supports the local service manager planning processes which reflect integrated human services planning principles, is based on local need, and ensures effective use of public funds.”

- “Develop a harmonized system that would provide one ‘best’ standard for both school boards and child care programs in areas such as:
  
  o Fire inspections for school and child care spaces;
  o CSA standards;
  o Playground equipment inspection;
  o Zoning;
  o Lead testing;
  o Water testing;
  o Public and shared spaces;
  o Administrative costs associated with standards; and,
  o Shared supports between childcare/schools (e.g. transitioning children with special needs into school).”
Modernizing Legislative & Regulatory Framework Response cont’d...

- "Develop a recreation based care model for 6 to 12 years olds that:
  - Includes quality, evidenced-based programming that would be addressed not only in schools and child care but any programs for children 6 to 12 years old that would be regulated and funded under this legislation;
  - Builds on before and after school recreation, arts, and homework programs;
  - Adopts high standards for public accessibility during flexible hours throughout the day (e.g. lunch hour programs, after school, weekends, etc.); and,
  - Adopts flexible staffing approaches to accommodate accessibility for extended hours in the day and week for families who need child care (e.g. parents who work night shift and require child care)."

5) Support for Accountability & Capacity-Building Response

The following highlights advice for the Ministry to take into consideration in developing supports for accountability and capacity-building. Under the following themes, the government needs to:

Accountability measures

- “Partner with municipalities as local service managers to develop an accountability framework that has clearly defined expectations and outcomes for children, families and service providers.”

- “Provide a definition of ‘risk assessment’ that would expand on what is outlined in the discussion paper to identify how this type of assessment is different from what is currently happening in organizations that already do risk assessments (e.g. quality assurance measures in the developmental services sector) for public funds and explain how this type of assessment would support quality and accountability.”

- “Develop evaluation approaches that are interactive and take into consideration the quality assurances already used in early years systems, such as Hamilton’s Raising the Bar Quality Assurance Program.”

- “Include flexibility for organizations’ accountability so as to allow organizations to service the additional needs of some neighbourhoods and communities (e.g. placing an extra staff person in a program that has a child with greater support needs related to a child’s special needs).”
Support for Accountability & Capacity-Building Response cont'd...

Tools

- “Develop a system for monitoring children beginning at birth that provides the critical, reliable data for making evidence-based, informed decisions about the extent to which programs and services are optimizing children's well-being and developmental outcomes so as to ensure "transformative effects" (e.g. economic prosperity) for individuals, society, communities and the province as outlined in the Early Years Study 3: Making Decisions Taking Action.”

- “Create a common database that would facilitate the efficient collection of, standardization of, sharing of, linking of and storing of data that takes into account (e.g. informed consent) families' and providers' right to voluntarily provide information for the purposes of monitoring.”

- “Develop methods and tools for collecting data that are culturally sensitive, accessible and linked across systems as children transition in and out of various services, programs, schools, etc.”

- “Revise legislation and regulations pertaining to the collection, linking and sharing of data based on the Information Privacy Acts that govern the different authorities to collect and be the custodian of families' and children's data.”

Public Reporting

- “Develop reporting mechanisms that are quantitative and aggregated so as to ensure the privacy and confidentiality of families and young children while providing public accountability.”

- “Educate professionals, parents and the general public about the benefits of evaluation that would foster a culture of accountability and capacity-building.”
Concluding Advice

Through a collective response to the government's request for input, Hamilton's Best Start Network, community partners and the City of Hamilton have highlighted our best advice for the Ministry of Education as it relates to child care and the early years system.

Overall, the collective responses suggest that the Ministry's efforts in modernizing child care are warranted and that current examination of the existing child care system needs to inform the future of child care in Ontario.

General consensus among the responses resonated around the need for sufficient funding. There was concern with the potential for reduced funding as a result of applying an equity formula without the infusion of additional funding that would be counter intuitive to modernizing child care in Ontario.

Recognition of the key topic areas for modernizing child care and how they are related to one another needs to be examined as they will impact the nature of how each area is re-engineered to meet the needs of families, children and communities. For example, quality will impact funding; funding will impact the extent to which organizations can be accountable while building capacity; etc.

It becomes problematic when the guiding principles laid out in the Ministry's document outlines expansion through the adoption of a new age category for care built on a "recreation model" when efficiency is a funding expectation.

Further information and ongoing consultation between partners and the government will be needed to continue to determine if the government's plans for modernization are realistic in truly supporting children and families in Ontario.

Finally, it is imperative that the government ensures that measures taken to modernize child care not happen outside the context of planning for the broader early years system including future development of the Best Start Child and Family Centres.