Committee of the Whole
MINUTES 09-027

9:30 a.m.
October 13, 2009
Albion Room
Hamilton Convention Centre

Present: Mayor F. Eisenberger
Deputy Mayor T. Jackson

Absent with regrets: Councillor R. Powers – City Business
Councillor C. Collins - Illness

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic Development
J.A. Priel, General Manager, Community Services
J. Kay, General Manager, HES, Fire Chief
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

THE FOLLOWING WAS REPORTED TO CITY COUNCIL FOR CONSIDERATION:

A. ANNOUNCEMENTS

HONOURARY MAYORS FOR THE DAY – MONTH OF OCTOBER

The Mayor introduced and presented certificates to the two Deputy Mayors for the Month of October: Patricia Warnock and Emily McCleary
1. **CHANGES TO THE AGENDA**

   The Clerk noted the following change to the agenda:

   Added Confidential Report to be added as Item 11.4 respecting a proposed settlement for a Personal Injury Litigation matter.

   *(McCarthy/Pearson)*

   The agenda be adopted as amended.  **CARRIED.**

2. **DECLARATIONS OF INTEREST**

   None

3. **ADOPTION OF MINUTES**

   3.1 September 15, 2009

       *(Ferguson/Pasuta)*

       That the Minutes of September 15, 2009, be adopted as presented.  **CARRIED.**

   3.2 September 16, 2009 – Special

       *(Ferguson/Pasuta)*

       That the Minutes of September 16, 2009, be adopted as presented.  **CARRIED.**

   3.3 September 17, 2009 – Special

       *(Ferguson/Pasuta)*

       That the Minutes of September 17, 2009, be adopted as presented.  **CARRIED.**

   3.4 September 24, 2009 – Special

       *(Ferguson/Pasuta)*

       That the Minutes of September 24, 2009, be adopted as presented.  **CARRIED.**

4. **CONSENT ITEMS**

   4.1 **Advisory Committee for Persons with Disabilities Report 09-006**

       *(Pearson/Pasuta)*

       Comments on the Draft Built Environment Standard under the Accessibility for Ontarians with Disabilities Act
That the comments respecting the Draft Built Environment Standard under the AODA, attached as Appendix A to the Advisory Committee for Persons with Disabilities Report 09-006 be approved and forwarded to the Accessibility Directorate of Ontario.

CARRIED.

4.2 Relocation of Coyotes in the City of Hamilton (PED09281) (City Wide)
(Clark/Whitehead)
That this item be tabled to allow Councillor Collins the opportunity to speak to the report.
CARRIED.

5. DELEGATION REQUESTS

5.1 Request to address Committee by Tyler MacLeod, Chair, Hamilton Economic Summit respecting follow up to the 2009 Hamilton Economic Summit and plans for 2010
(Ferguson/Whitehead)
That the delegation request by Tyler MacLeod of the Hamilton Chamber of Commerce be approved and the presentation be scheduled at a future Committee of the Whole meeting.
CARRIED.

6. PUBLIC DELEGATIONS

6.1 Dave Barnett respecting The Best Place to Raise a Child
Mr. Barnett addressed issues faced by those that are homeless and mentally challenged within our community.

(Pearson/Pasuta)
That the presentation by Mr. Barnett be received.
CARRIED.

Mayor Eisenberger relinquished the Chair to Deputy Mayor Jackson.

6.2 Backflow Prevention Program (PW09087)
Dan McKinnon provided a power point presentation. Highlights included:
- What is backflow?
- What does it look like?
- Who does this affect?
- Compliance for Property Owners
- Compliance for Testers
- Costs
- By-law Amendments
- Consultation held – two public meetings held in November 2008

(Whitehead/Pearson)
That the presentation be received. CARRIED.

(Whitehead/Mitchell)
That the report be referred back to staff to explore the following:
1. Options for payment to mitigate the financial impact for property owners.
2. What can be done to address the issue of price gauging
3. Process of appeal for challenging assessments
4. Breakdown of who attended the public

CARRIED.

7. PRESENTATIONS

Deputy Mayor Jackson relinquished the chair to Councillor Ferguson.


Highlights included:
- Overview
- Activity at John C. Munro Hamilton International Airport
- Operational Overview
- Rent and Economic Impact
- 2009 Preview

Councillor Clark raised the issue of the outstanding release of the Airport Lease for public review. Staff advised that the information would be presented to Committee in December. The Clerk noted that this issue is currently on the outstanding business list. It was noted that the information would be presented to the Economic Development and Planning Committee as it currently is an outstanding item on that Committee agenda.

Committee discussed the issue of the Airport Improvement Fee and what it is used for. Committee was advised that the airport fee is
used for capital infrastructure and any increases to the fee has to be agreed to by the participating airlines.

The fee cannot be used for runway extension land purchases

Mr. Koroscil advised committee that an independent aviation consultant has been hired to provide information on lands to accommodate future growth at the airport and that report is expected in the next couple of months. It would be appropriate once that information is known to have a discussion with the City on how best to manage that and explore alternatives.

(Mitchell/Pearson)
That the presentation and 2008 Annual Report be received. CARRIED.

8. DISCUSSION ITEMS

8.1 Tax & Rate Budget Operating Variance Report to August 31, 2009 (FCS09097) (City Wide)

Rob Rossini, General Manager of Finance and Corporate Services provided an overview of the projected deficit the City is currently facing of $15 million which is the combined result of a $7.3 million deficit in the tax supported operations plus a $7.7 million deficit in the rate supported operations as well as what measures are in placed to help mitigate some of that deficit. (i.e. debt charges, contractual savings, gapping)

(Morelli/Pearson)
That the 2009 Tax and Rate Operating Budget Variance Report to August 31, 2009 be received. CARRIED.

(Clark/Whitehead)
That staff provide a report as quickly as possible on the current financial realities the city is facing to determine what the “ask” of the Province will be to assist the City in mitigating the financial shortfall. CARRIED.

8.2 Contribution Agreement between Metrolinx and the City of Hamilton for Rapid Transit Studies (PW09088) (City Wide)

Gerry Davis provided an overview. Report addresses funding for design for the operation of the B-Line Eastgate to McMaster University.
(McHattie/Pearson)

(a) That the City of Hamilton enter into a Contribution Agreement with Metrolinx for $3 Million in funding for Rapid Transit Studies;

(b) That the General Manager of Public Works and the City Treasurer be authorized and directed to negotiate and sign the final terms of the Agreement in a form acceptable to the City Solicitor. CARRIED.

Councillor Clark opposed.

9. MOTIONS

None

10. NOTICES OF MOTION

None

11. PRIVATE AND CONFIDENTIAL

(Pearson/Mitchell)
That Committee move into closed session further to the following sections of the Municipal Act and Procedural By-law:

section 8.1(c) as the matter pertains to a proposed or pending acquisition or disposition of lands for municipal purposes;

section 8.1 (b), (e) and (f) as the subject matter pertains to personal matters about identifiable individuals, litigation and solicitor client communications and advice. CARRIED.

11.1 Closed Session Minutes of September 16, 2009 – Special

11.2 Closed Session Minutes of September 24, 2009 - Special

11.3 Agreement of Purchase and Sale, Hamilton (PED09286)

11.4 Proposed settlement of Personal Injury Litigation

(Jackson/Duvall)
That Committee reconvene in Open Session. CARRIED.
11.1 Closed Session Minutes of September 16, 2009 – Special (Pearson/Whitehead)
That the Minutes of the Closed Session meeting held on September 16, 2009 be adopted as presented and remain private and confidential.

11.2 Closed Session Minutes of September 24, 2009 - Special (Jackson/Clark)
That the Minutes of the Closed Session meeting held on September 24, 2009 be adopted as presented and remain private and confidential.

11.3 Agreement of Purchase and Sale between Rheem Canada Ltd. and the City of Hamilton for Lands Municipally Known as 128 Barton Street West, Hamilton (PED09286) (City Wide)
(McHattie/Pearson)
(a) That an Agreement of Purchase and Sale between Rheem Canada Ltd. and the City of Hamilton for lands known as 128 Barton Street West, in the City of Hamilton (as shown on Appendix “A” to Report PED09286 attached), being composed of all of Lots 1 to 31 both inclusive and an Unnumbered Lot at the southwest corner of Stuart and Tiffany Streets, all in Block H being the whole of the Block bounded by Stuart, Tiffany, Barton and Caroline Streets as shown on Plan 119 in the City of Hamilton be approved and completed and that the purchase price be funded from the 2009/2010 Strategic Initiative Funds as required.

(b) That as consideration, the amount of $10, paid to the owner pursuant to the agreement be deducted from the purchase price.

(c) That the financial details of the acquisition outlined in Appendix “B” of Report PED09286 remain confidential until final disposition by Council and the completion of the transaction.

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

(e) That the Senior Director of Transportation, Energy and Facilities be authorized and directed to make the necessary
applications for the demolition of 128 Barton Street West in the City of Hamilton.

(f) That Report PED09286 remain confidential and not be released as a public document. CARRIED.

Councillor Ferguson Opposed.

11.4 Proposed Settlement of Personal Injury Litigation (LS09013) (Jackson/Duvall)
(a) That the City of Hamilton settle the action in Legal Services File No. 03-0481 by way of payment to the plaintiffs of $344,701.88 inclusive of all claims for damages, interest and costs;

(b) That payment be charged to the Insurance Reserve Account Number, 23007 000100;

(c) That the plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

(d) That the action be dismissed on consent. CARRIED.

12. GENERAL INFORMATION/OTHER BUSINESS

(Pearson/Whitehead)
That the meeting adjourn at 1:20 p.m. CARRIED.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
October 13, 2009