



**Committee of the Whole**

**REPORT 09-027**

**As Amended on December 1, 2009**

**9:30 a.m.**

**October 13, 2009**

**Albion Room**

**Hamilton Convention Centre**

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**Present:**

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

**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

**COMMITTEE OF THE WHOLE PRESENTS REPORT 09-027 AND RESPECTFULLY RECOMMENDS:**

- 1. Advisory Committee for Persons with Disabilities Report 09-006 (Item 4.1) - 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.

**2. Delegation - Dave Barnett respecting The Best Place to Raise a Child (Item 6.1)**

That the presentation by Mr. Dave Barnett be received.

**3. 2008 Annual Report – Tradeport International Corp. (Item 7.1)**

That the presentation by Mr. Richard Koroscil and the 2008 Annual Report be received.

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

That the 2009 Tax and Rate Operating Budget Variance Report to August 31, 2009 be received.

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

- (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.

**6. 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) (Item 11.3)**

- (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), 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.

On **December 1, 2009** the transaction of this property acquisition was completed and Appendix "B" is hereby released. Subjoined are the financial details as outlined in Appendix "B":

#### **APPENDIX "B"**

#### **FINANCIAL DETAILS**

1. Purchase Price - \$650,000 plus disbursements
2. Costs for the demolition of 128 Barton Street West, estimated at \$550,000 plus environment abatement, be funded from the 2009/2010 Strategic Initiative Funds as required;
3. In the event that the City is awarded the Pan Am Games, and that these lands fall within the precinct containing Pan Am Games use (e.g. stadium, velodrome, or other) it is being recommended that any eligible expenditures regarding the Pan Am real property acquisition, remediation and demolition, be returned to the original municipal funding source.

- (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.

**7. Proposed Settlement of Personal Injury Litigation (LS09013) (Item 11.4)**

- (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;
- (d) That the action be dismissed on consent.

**FOR THE INFORMATION OF COUNCIL:****(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

**(b) 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.

The agenda was adopted as amended.

**(c) DECLARATIONS OF INTEREST**

None

**(d) ADOPTION OF MINUTES**

The following minutes were adopted as presented.

- 3.1 September 15, 2009
- 3.2 September 16, 2009 – Special
- 3.3 September 17, 2009 – Special
- 3.4 September 24, 2009 – Special
- 11.1 Closed Session Minutes of September 16, 2009 – Special
- 11.2 Closed Session Minutes of September 24, 2009 – Special

(e) **Relocation of Coyotes in the City of Hamilton (PED09281) (City Wide) (Item 4.2)**

This item was tabled to allow Councillor Collins the opportunity to speak to the report.

(f) **DELEGATION REQUESTS**

(i) **Request to address Committee by Tyler MacLeod, Chair, Hamilton Economic Summit respecting follow up to the 2009 Hamilton Economic Summit and plans for 2010 (Item 5.1)**

The delegation request by Tyler MacLeod of the Hamilton Chamber of Commerce was approved and the presentation will be scheduled at a future Committee of the Whole meeting.

(g) **PRESENTATIONS**

(i) **Dave Barnett respecting The Best Place to Raise a Child (Item 6.1)**

Mr. Barnett addressed issues respecting the homeless and mentally challenged within our community.

(ii) **Backflow Prevention Program (PW09087) (Item 6.2)**

Dan McKinnon provided a power point presentation on the program. 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

The presentation was received.

**Direction:**

The report was 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 two public sessions held

**(iii) 2008 Annual Report – Tradeport International Corp. (Item 7.1)**

Richard Koroscil of Tradeport presented highlights of the 2008 Annual Report.

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 of the Economic Development and Planning Committee.

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 and explore alternatives.

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

Rob Rossini, General Manager of Finance and Corporate Services provided an overview of the projected deficit the City is currently facing. \$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. Mr. Rossini also highlighted what measures are in place to help mitigate some of that deficit. (i.e. debt charges, contractual savings, gapping)

**Direction:**

Staff were directed to 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.

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

Councillor Clark indicated he wished to be recorded as Opposed to this item.

(h) **PRIVATE AND CONFIDENTIAL**

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 between Rheem Canada Ltd. and the City of Hamilton for Lands Municipally Known as 128 Barton Street West, Hamilton (PED09286) (City Wide) (Item 11.3)

11.4 Proposed settlement of Personal Injury Litigation

Committee moved into closed session on these items 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.

Upon reconvening in Open Session at 1:15 p.m. direction was provided as indicated in items #6 and #7 of this report.

**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) (Item 11.3)**

Councillor Ferguson indicated he wished to be recorded as Opposed to Item 6 of this report - 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) (Item 11.3)

That the meeting adjourn at 1:20 p.m.

Respectfully submitted,

Mayor F. Eisenberger

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