GENERAL ISSUES COMMITTEE
REPORT 13-016
(as amended by City Council on August 16, 2013)

9:30 a.m.
Monday, August 12, 2013
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with Regrets:
Councillor B. Morelli – Sick Leave
Councillor R. Pasuta – Personal
Councillor T. Whitehead – City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-016 AND RESPECTFULLY RECOMMENDS:

1. King Street West Business Improvement Area (BIA) Revised Board of Management (PED11036(b)) (Ward 2) (Item 5.1)

   That Gilles Duchon and Michael Losak be appointed to the King Street West Business Improvement Area (B.I.A.) Board of Management.

2. Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) – 149 Young Street (PED13120) (Ward 2) (Item 5.2)

   (a) That a conditional loan commitment totaling $356,000 for G. S. Maher Property Holdings Ltd. (Garnet Shawn Maher) the registered owner of the property at 149 Young Street, be authorized and approved under the Hamilton Downtown Multi-Residential Property Investment Program in accordance with the Program’s terms and conditions;

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(b) That the Mayor and City Clerk be authorized and directed to execute a loan agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED13120, in a form satisfactory to the City Solicitor;

(c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program, as approved by City Council, are maintained.

Item 3 was deleted in its entirety and replaced with the following in lieu thereof:

3. Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Item 5.3)

   (a) That the proposed amendments to the Property Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Programs, attached hereto as Appendices "A" and "B", be presented to a Public Meeting of the Planning Committee;

   (b) That the proposed amendments be presented to the General Issues Committee for consideration/approval following the Public Meeting referenced in sub-section (a).

   That the proposed amendments to the Program Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Program, attached as Appendices "A" and "B" to General Issues Committee Report 13-016, be presented to a Public Meeting of the Planning Committee through an amendment to the Downtown and Community Renewal Community Improvement Plan as legislated under the Planning Act."

4. Declaration of Surplus Property and Sale of Vacant Land, 10-16 Patterson Street and 9-15 Clarence Street, Hamilton (PED13141) (Ward 1) (Item 5.4)

   (a) That the property municipally known as 10-16 Patterson Street and 9-15 Clarence Street, comprising an area of approximately 2828 square metres (19,676 square feet) on the north limit of Clarence Street and the south limit of Patterson Street, identified as PIN 17149-0262(LT) and Roll Number 2518020125017900001, as shown on Appendix "A" attached to Report PED13141, be declared surplus to the requirements of the City of Hamilton;
(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands at fair market value in accordance with the Procedural By-law for the Sale of Land, being By-law 04-299, following, and subject to, completion and final approval of a City Initiated Zoning By-law Amendment that conforms to the applicable Official Plan and the "Medium Density Residential" policies of the Setting Sail Secondary Plan.

5. Parking Revenue Shortfalls (PED13050(a)) (City Wide) (Outstanding Business Item – 2013 Budget Deliberations) (Item 5.5)

That Report PED13050(a) respecting "Parking Revenue Shortfalls" be received.

6. Criminal Conviction Record Checks for Applicants under Certain City Loan/Grant Programs (LS13028) (City Wide) (Item 5.6)

(a) That the following proposed policy amendment to the City of Hamilton's Downtown and Community Renewal Loan/Grant Programs be approved, in principle:

"Without limiting the discretion as set out in paragraph XX herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where the applicant's criminal conviction record raises concerns that the applicant, in undertaking the activity, operation or business for which the loan/grant is sought, will not conduct himself with honesty and integrity. For corporate applicants, it is the individuals behind the corporation (Officers/Directors/Shareholders) whose criminal conviction record will be considered."

(b) That staff be directed to submit the proposed amendment to the Information and Privacy Commissioner for comment prior to implementation.

7. Enbridge Pipelines Inc. 9B Reversal and Line 9 Capacity Expansion Project – Update (PED12160(b)/LS12022(b)) (City Wide) (Item 5.7)

That Report PED12160(b)/LS12022(b) respecting “Enbridge Pipelines Inc. 9B Reversal and Line 9 Capacity Expansion Project” be received.
8. **Real Estate Matter regarding 64 Melrose Avenue North (PW13060) (Ward 3 with City Wide Implications (Item 12.4)**

That Report PW13060 respecting the “Real Estate Matter regarding 64 Melrose Avenue North”, be received and the contents remain confidential.

9. **Extension of Service Contract for Management of the Hamilton Farmers’ Market (CS12045(a)) (Ward 2) (Item 12.3)**

(a) That staff be directed to renew the current employment contract for management of the Hamilton Farmers’ Market for a maximum additional six-month period to December 31, 2013;

(b) That Report CS12045(a) respecting the “Extension of Service Contract for Management of the Hamilton Farmers’ Market” remain confidential and not be released as a public document as the information relates to identifiable individuals.

10. **Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area (PED11188(b)/PED12228) (Ward 11) (Item 7.1)**

(a) That Urban Renewal staff be directed to prepare amendments to the Downtown and Community Renewal Community Improvement Plan and Project Area to implement community improvement initiatives as outlined in Report PED11188(b) in the Mount Hope/Airport Gateway area as delineated on Appendix “C” to Report PED11188(b);

(b) That such amendments be prepared for presentation to a Public Meeting of the Planning Committee.


(a) **Built Environment Sub-Committee Report – June 4, 2013-08-07**

That staff be directed to investigate various funding options and the development of a charitable fund program to be used toward the installation of Accessible Pedestrian Signals to allow the City of Hamilton to meet the requirements of the Built environment Standard by the year 2025.

(a) Quorum and Attendance at Meetings

(i) That Roger Cameron be removed from the membership of the Advisory Committee for Persons with Disabilities due to continued and on-going non-attendance;

(ii) That a letter be sent to R. Cameron thanking him for his work with the Advisory Committee for Persons with Disabilities, and encouraging him to volunteer to serve on City Committees again in the future;

(iii) That the vacant position on the Advisory Committee for Persons with Disabilities be referred to the Selection Committee for consideration.


(a) Correspondence from Michael Borrelli, Co-President of the Beasley Neighbourhood Association, respecting Cleanliness and Security in the Beasley Neighbourhood

That the item of correspondence from Michael Borrelli, Co-President of the Beasley Neighbourhood Association, respecting “Cleanliness and Security in the Beasley Neighbourhood” be received.

(b) Gore Park Demolition

That the City’s Building Department be directed to work with Budget Environmental respecting shrouding and any other possible opportunities for dust mitigation during the demolition of 24 and 28 King Street East.


(a) Renaming of Skyway Park to Reg Wheeler Park (PW13052) (Ward 5)

That the request to rename the park site commonly known as Skyway Park to Reg Wheeler Park, located at 189 Beach Boulevard, be approved as the request meets the approval of the City of Hamilton Municipal Property and Building Naming Policy.
(b) Renaming of Red Hill Bowl to Jack MacDonald Park (PW13051)  
(Ward 4)

That the request to rename the park site commonly known as Red Hill Bowl to Jack MacDonald Park, located at 1570 Lucerne Avenue, be denied at this time as this request does not meet the approval of the MacDonald family.


Whereas the Lac-Mégantic derailment of July 6, 2013 illustrated the devastating and horrific impact that can result from lax safety standards; and

Whereas the Lac-Mégantic tragedy was due in no small part to a train carrying dangerous materials being left unattended; and

Whereas Transportation Canada has since issued an emergency directive requiring that any train carrying dangerous goods requires a minimum of two crew members and no such train shall be left unattended; and

Whereas the emergency directive is set to expire in December, 2013 at which time Transportation Canada has indicated a desire that railways will have developed new permanent rules to reflect the directives;

Therefore Be It Resolved:

(a) That the City of Hamilton fully support Transport Canada’s introduction of the emergency directive placing greater safety measures in place around the rail transportation of dangerous goods;

(b) That the Federal Government be requested to make this emergency directive binding on all dangerous goods transported via railway through the passage of supporting legislation or regulations prior to the expiration of the emergency directive;

(c) That a copy of this resolution be sent to the Federal Minister of Transportation, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario and to all local M.P.’s and M.P.P.’s.
16. **Funding Request for Waterdown Memorial Hall – Minister Ted McMeekin (Item 9.5)**

Whereas the Waterdown Memorial Hall located at 317 Dundas Street East in Waterdown is one of only seven war memorial buildings erected in Canada after World War 1 and, as with the creation of most war memorials, was the result of a larger community fundraising effort; and

Whereas the building itself can be seen as “an expression of the community’s feeling towards those war heroes who lost their lives so we could have freedom”, and plays a significant role as the heart of the Waterdown community; and

Whereas, it has been determined that the 1922 Waterdown Memorial Hall possesses cultural heritage value due to its association with the themes of Canadian military commemoration and the home-front wartime efforts and it is also a good example of the Edwardian Classicist style of architecture and a landmark in the Waterdown community; and

Whereas the total amount needed to restore the heritage features, plus a new glass enclosed entrance and elevator upgrade to allow accessibility is estimated at $1.4 million, and the City has committed $600,000 as part of the 2013 capital fund (Community Hall retrofits – 7101341701) for Phase 1 of the multi-phase project to renovate the Waterdown Memorial Hall; and

Whereas efficiencies and cost effectiveness can be gained by bundling work into a single phase project with building the elevator enclosure at the same time.

**Therefore Be It Resolved:**

That the Council of the City of Hamilton request that the Province of Ontario, through Minister Ted McMeekin’s office, provide Two Hundred and Fifty Thousand Dollars ($250,000) toward the Waterdown Memorial Hall Restoration Project, thereby contributing to the community spirit as a partner to this historic memorial building.

17. **Asphalt Pathway Replacement at T. B. McQuesten Community Park**

(a) That a portion of the asphalt pathway (approximately 1250 square metres) be replaced at T. B. McQuesten Community Park;

(b) That the associated costs of approximately $40,000 for replacing the asphalt pathway at T. B. McQuesten Community Park be funded from the Ward 7 Area Rating Special Capital Reinvestment Reserve #108057.
Information Item (h)(iv) was lifted from the Information Section and added as Item 18. The motion was subsequently Withdrawn.

18. Bill 73 – Fair and Open Tendering Act (Item 9.4)

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America, Local 18 (the “Carpenters Union”), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the “City”) meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City's ability to tender bids in an efficient manner; and

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the Ontario Labour Relations Act, 1995 (the “Act”) notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and

Whereas an amendment of the Ontario Labour Relations Act, 1995 (the “Act”), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and

Whereas Bill 73, the Fair and Open Tendering Act, which was tabled and received First Reading at Queen’s Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and

Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City’s existing obligations to the Carpenters Union such that the City’s construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City’s construction projects.

Therefore Be It Resolved:
(a) That the City of Hamilton fully supports any and all efforts to pass Bill 73, the Fair and Open Tendering Act, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;

(b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors’ Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, to the Mayors and Regional Chairs of Ontario (MARCO), and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.’s for their information;

(c) That the Information Update dated August 14, 2013 respecting Bill 73 and Background Information re: Previous Decisions of Council with respect to the Carpenters’ Union Certification, attached hereto, be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

ADDED DELEGATION REQUESTS

For Future Meeting

4.2 Delegation Request from Graham MacNally and Philip Toms, Tactical Urbanism Hamilton, “to provide background information on what Tactical Urbanism is and how it can benefit the City of Hamilton”

For Today’s Meeting

4.3 Delegation Request from Lynda Lukasik, Environment Hamilton, respecting Particulate Matter Reduction By-law (Item 9.2 of this Agenda)

ADDED CONSENT ITEM

5.7 Enbridge Pipelines Inc. 9B Reversal and Line 9 Capacity Expansion Project – Update (PED12160(b)/LS12022(b)) (City Wide)
PRESENTATIONS

7.1 Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area (PED11188(b)/PED12228) (Ward 11)

Typographical error – PED12228 in the subject line is to be deleted

ADDED NOTICE OF MOTION

10.1 Asphalt Pathway Replacement at T. B. McQuesten Community Park (Ward 7)

10.2 Financing of the Pan Am Stadium Precinct (Ward 3)

PRIVATE & CONFIDENTIAL

12.4 Real Estate Matter regarding 64 Melrose Avenue North (PW13060) (Ward 3 with City Wide Implications)

Reason for Private & Confidential is to be deleted and replaced with the following in lieu thereof:

Pursuant to Sub-sections 8.1(c) and (f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to:

(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Item 9.4 Bill 73 – Fair and Open Tendering Act

Councillor B. Johnson declared an interest in this item as she has a family member who is a member of the Carpenters’ Union.

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

The Minutes of the General Issues Committee Meetings held on July 8 and July 11, 2013 were approved as presented.

(d) DELEGATION REQUESTS

The following delegation requests were approved:
(i) John D. Hall, RAP Co-ordinator, Hamilton Harbour Remedial Action Plan, to provide an update on the Remedial Action Plan and the Bay Area Restoration Council

(ii) Graham MacNally and Philip Toms, Tactical Urbanism Hamilton, to provide background information on what Tactical Urbanism is and how it can benefit the City of Hamilton

The delegation request from Lynda Lukasik, Environment Hamilton, to appear before the Committee respecting Particulate Matter Reduction By-law (Item 9.2 of this agenda) was approved and the rules of order were suspended in order to allow for Ms. Lukasik to appear before the Committee at this meeting.

(e) CONSENT AGENDA

(i) Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Item 5.3)

Sub-sections (a), (b) and (c) of Report PED13132 were deleted in their entirety and replaced with the following in lieu thereof:

(a) That the proposed amendments to the Property Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Programs, attached as Appendices "A" and "B" to Report PED13132, be presented to a Public Meeting of the Planning Committee;

(b) That the proposed amendments be presented to the General Issues Committee for consideration/approval following the Public Meeting referenced in sub-section (a).

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

(ii) Criminal Conviction Record Checks for Applicants under Certain City Loan/Grant Programs (LS13028) (City Wide) (Item 5.6)

(Clark/McHattie)
That sub-section (a) be amended by adding the words, “in principle”, following the word, “approved”.

The Amendment Carried and the Main Motion, as amended, Carried.
(f) PUBLIC HEARINGS/DELEGATIONS

(i) John C. Munro/Hamilton International Airport – Annual Report (Item 6.1)

Frank Scremin, Director of Operations, John C. Munro/Hamilton International Airport appeared before the Committee and provided a PowerPoint presentation which addressed the following:

- Strategic Focus
- 5-year Objectives
  - Passenger Service Retention and Development
  - Cargo Service Retention and Development
  - Non-Aeronautical Revenue Development
  - Operational Excellence
  - Infrastructure Development
- Financial Performance
- Capital Investments
  - Capital Investments in 2012 = $3 million
  - Projected 2013 Capital Investment = $3.5 million
- Activity Highlights: Passenger, Cargo and General Aviation
- Customer Service: 2012 and 2013 Initiatives
- Giving Back
  - $209 million direct benefit to the City
  - 2,876 jobs created
  - $195,000 donations and gifts in kind
- Airport Operations
  - Noise
  - Environmental
  - Safety
- Airport Operations
- PFOS Update
  - Phase/Report complete and submitted to MOE
  - MOE Review
  - Transport Canada Involvement
- Funding Initiatives
  - Cargo facility
- Lease Agreement Status
  - Lease Term
  - Extension Term
  - Critical for Future Investment

A copy of the PowerPoint presentation was submitted to the Clerk for the public record and is available for viewing on the City of Hamilton website.
The presentation from Frank Scremin, Director of Operations, respecting the Annual Report of John C. Munro/Hamilton International Airport was received.

(ii) Lynda Lukasik, Environment Hamilton, respecting the Particulate Matter Reduction By-law (Item 9.2 of this Agenda) (Item 4.3/6.2)

Lynda Lukasik appeared before the Committee to speak in support of the motion being put forward by Councillor B. McHattie respecting Particulate Matter Reduction By-law (Item 9.2).

A copy of Ms. Lukasik’s comments was submitted to the Clerk for the public record and are attached hereto as Appendix “C”.

The presentation from Lynda Lukasik, Environment Hamilton, respecting Particulate Matter Reduction By-law was received.

(g) PRESENTATIONS

(i) Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area (PED11188(b))

Hazel Milsome, Co-ordinator, Urban Renewal Incentives, provided a PowerPoint presentation with respect to the “Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area, and spoke to the following:

- What is a Community Improvement Plan
- Existing Plans, Programs and Project Areas
- Community Improvement Project Areas (CIPA)
- Study Background
- Policy Basis
- Mount Hope Secondary Plan
- Topographical Maps of the Proposed Project Area Boundary and the Study Area Boundary
- Reasons to Designate a CIPA
- Proposed CIPA
- Proposed Programs
- Next Steps

A copy of the PowerPoint presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation respecting “Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area” was received.
(h) MOTIONS

(i) Reduction in Greenhouse Gas and Energy (Item 9.1)

Whereas Hamilton is recognized as a leader across Canada in climate change and energy conservation actions (i.e., top milestone on Federation of Canadian Municipalities’ Partners in Climate Change Program, and numerous awards and grants for the work done in the Office of Energy Initiatives); and

Whereas Hamilton had earlier established greenhouse gas (GHG) and energy use reduction targets; and

Whereas greenhouse gas and energy reduction efforts are closely linked; and

Whereas those targets are close to being met, ahead of the 2020 schedule; and

Whereas despite efforts by Hamilton and others, greenhouse gases, mainly in the form of carbon dioxide levels, continue to increase in the atmosphere, recently overtopping the dangerous 400ppm threshold.

Therefore Be It Resolved:

That staff report back on revised science-based greenhouse gas and energy reduction corporate targets for the City of Hamilton by December 2013.

(ii) Particulate Matter Reduction By-law (Item 9.2)

Whereas Hamilton has one of the more challenged airsheds in Ontario with multiple emitters of air pollution; and

Whereas one of the most dangerous forms of air pollution is fine particulate (i.e., PM2.5 microns in size), causing significant respiratory health issues for Hamiltonians; and

Whereas the Town of Oakville has enacted a Particulate Matter Reduction By-law with the full sanction of the Ontario Ministry of the Environment.

Therefore Be It Resolved:
That Municipal Law Enforcement staff report back on Oakville’s Particulate Matter Reduction By-law, with assistance from Legal Services and other departments as required, and how it could be adapted for a similar By-law in Hamilton.

(iii) Transportation of Dangerous Goods by Railway – Emergency Directive (Item 9.3)

Sub-section (c) was amended to include the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

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

(iv) Bill 73 – Fair and Open Tendering Act (Item 9.4)

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America, Local 18 (the “Carpenters Union”), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the “City”) meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City’s ability to tender bids in an efficient manner; and

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the Ontario Labour Relations Act, 1995 (the “Act”) notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and

Whereas an amendment of the Ontario Labour Relations Act, 1995 (the “Act”), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and

Whereas Bill 73, the Fair and Open Tendering Act, which was tabled and received First Reading at Queen’s Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and
Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City’s existing obligations to the Carpenters Union such that the City’s construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City’s construction projects.

Therefore Be It Resolved:

That the City of Hamilton fully supports any and all efforts to pass Bill 73, the *Fair and Open Tendering Act*, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;

*(Partridge/Ferguson)*

That the following be added as sub-section (b):

(b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors' Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.'s for their information.

The Amendment Carried.

Sub-section (b) was amended to include that a copy of the motion be forwarded to the Mayors and Regional Councillors of Ontario (MARCO)

The Amendment Carried.

The above-noted motion, as amended, was deferred to the August 16, 2013 meeting of Council in order to allow staff (Legal and Human Resources) to provide additional information with respect to how this legislation aligns with Council’s previous decisions.

*(v)* Pre-Paid Fare System for all City of Hamilton Taxi Cab Trips between 10:00 p.m. and 5:00 a.m. (Item 10.3)

Staff was directed to evaluate the feasibility of implementing a compulsory pre-paid fare system for all City of Hamilton taxi cab trips between 10:00 p.m. and 5:00 a.m. and report back to the Planning Committee.
(i) NOTICES OF MOTION

Deputy Mayor S. Duvall relinquished the Chair in order to introduce the following Notice of Motion:

(i) Asphalt Pathway Replacement at T. B. McQuesten Community Park (Ward 7) (Item 10.1)

(aa) That a portion of the asphalt pathway (approximately 1250 square metres) be replaced at T. B. McQuesten Community Park;

(bb) That the associated costs of approximately $40,000 for replacing the asphalt pathway at T. B. McQuesten Community Park be funded from the Ward 7 Area Rating Special Capital Reinvestment Reserve Account No. 108057.

The rules of order were suspended in order to allow for the introduction of a motion respecting “Asphalt Pathway Replacement at T. B. McQuesten Community Park”.

See Item 17 for the disposition of this item.

Councillor S. Merulla introduced the following Notice of Motion:

(ii) Financing of the Pan Am Stadium Precinct (Ward 3) (Item 10.2)

Whereas the City and the Hamilton Wentworth School Board have entered into a Memorandum of Agreement wherein the City will contribute up to $17 million toward the construction of a joint secondary school/community centre on the land bounded by Cannon Street East, King Street East, Balsam Avenue North and Melrose Avenue North; and

Whereas financing of $9.45 million is available from the following sources:

(a) Capital Project for the Central City Seniors and Community Centre $1.2 million

(b) Future Development Charges $3.4 million

(c) Ward 3 Capital Reserve $500,000

(d) Proceeds received in 2013 from the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million

(e) Council’s Strategic Reserve $1.5 million
Whereas the remaining financing for the City’s share of the project is $7.55 million; and

Whereas construction of the joint secondary school/community centre is expected to be completed for the start of the school year in September 2016; and

Whereas the balance in “Hamilton Future Fund A” is forecasted to be $33,258,000 as at December 31, 2016, exclusive of the proceeds from the sale of West Harbour Lands.

Therefore Be It Resolved:

That the remaining financing of the City’s share for the construction of a joint secondary school/community centre project in the amount of $7.55 million be funded from the “Hamilton Future Fund A”.

Councillor S. Merulla introduced the following Notice of Motion:

(iii) Pre-Paid Fare System for all City of Hamilton Taxi Cab Trips between 10:00 p.m. and 5:00 a.m.

That staff be directed to evaluate the feasibility of implementing a compulsory pre-paid fare system for all City of Hamilton taxi cab trips between 10:00 p.m. and 5:00 a.m. and report back to the Planning Committee.

The rules of order were suspended in order to allow for the introduction of a motion respecting Pre-Paid Fare System for all City of Hamilton Taxi Cab Trips between 10:00 p.m. and 5:00 a.m.

See Information Item (h)(v) for the disposition of this item.

Councillor J. Farr introduced the following Notice of Motion:

(iv) Bi-directional Bike Lane Pilot Project – South Side of Cannon Street, from Sherman Avenue to Bay Street

Whereas Councillors B. McHattie (Ward 1), J. Farr (Ward 2) and B. Morelli (Ward 3) had earlier established the One-Way to Two-Way Street Study Group through Council motion, and;

Whereas community workshops/walk-abouts have since occurred on both Cannon Street and Queen Street to evaluate current traffic conditions and consider options and alternatives, and;
Whereas there is support from the study group along with increasing public support for the implementation of a "complete street" treatment of Cannon Street, which includes, but not limited to a Cannon Contra-flow blueprint from the Jamesville Neighbourhood Action Plan, the NE07 Ward 2 Participatory Budgeting Initiative and the YesWeCannon on-line campaign, and;

Whereas the City of Hamilton’s Cycling Master Plan – Shifting Gears, has identified a plan for the implementation of a "Road Diet" configuration for cycling Infrastructure on Cannon Street, and;

Whereas planning on the implementation of Complete Street approaches has been recently identified through the Social Planning and Research Council's draft Complete Streets Policy, and the joint Chamber of Commerce/HIVE/City of Hamilton Sustainable Mobility workshop featuring Gil Penalosa from 8-80 Cities, and;

Whereas in cities like New York, Chicago, Vancouver and Toronto, similar pilot projects have served to test the efficacy of complete street approaches; and

Whereas Cannon street may provide for a direct multi-model link to the Pan-Am Precinct.

Therefore be it resolved:

(a) That a bi-directional bike lane be installed as a pilot project on the south side of Cannon Street from Sherman Avenue to Bay Street,

(b) That through the design phase, staff contemplate various methods that include, but not limited to bollards, paint, knock down sticks, along with a preference toward planters erected to delineate a contra-flow bike lane from the auto traffic lanes;

(c) That the implementation of a bi-directional bike lane pilot project on Cannon Street be funded from the from the area rating capital reserves, along with appropriate sources to be identified by Public Works.

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

(i) Outstanding Business Items List

(aa) The due dates for the following items on the Outstanding Business List were revised as follows:
Item V: Waterfront and Shoreline  
Due Date: August 12, 2013  
Revised Due Date: October 2, 2013

Item T: Advertising along RHVP and LINC  
Due Date: September 5, 2013  
Revised Due Date: November 20, 2013

(bb) The following items were deemed complete and removed from the Outstanding Business List:

Item A: Realignment of Staffing (2011 Budget Outstanding Business List)  
(Item 11, GIC Report 12-004 (FCS12011(a))  
CM: February 22, 2012)

Item D: Parking Meter Rates (2013 Budget Outstanding Business List)  
(Item 5.5)

(k) PRIVATE & CONFIDENTIAL

(i) Closed Session Minutes – July 8 and July 11, 2013 (Items 12.1 and 12.2)

The Minutes of the Closed Session Meetings of the General Issues Committee held on July 8 and July 11, 2013, were approved and will remain confidential and restricted from public disclosure.

The Committee moved into closed session at 12:34 p.m. pursuant to subsections 8.1(b), (c) and (f) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matters pertained to:

(b) personal matters about an identifiable individual(s), including City Employees respecting Extension of Service Contract for Management of the Hamilton Farmers’ Market (Item 12.3)

and

(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and,

(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting real estate matter regarding 64 Melrose Avenue North (Item 12.4).

The Committee reconvened in Open Session at 2:43 p.m.
12.4 Real Estate Matter regarding 64 Melrose Avenue North (PW13060) (Ward 3 with City Wide Implications)

See Item 8 for the disposition of this item.

12.3 Extension of Service Contract for Management of the Hamilton Farmers’ Market (CS12045(a)) (Ward 2)

See Item 9 for the disposition of this item.

(I) PROCEDURAL MATTERS

The Committee recessed at 12:00 noon and reconvened at 12:30 p.m., at which time a motion was approved to move into Closed Session.

(m) ADJOURNMENT

There being no further business, the Committee adjourned at 3:58 p.m. CARRIED

Respectfully submitted

Councillor S. Duvall
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
Hamilton

HAMILTON HERITAGE PROPERTY GRANT PROGRAM

Program Description:

The Hamilton Heritage Property Grant Program (HHPGP) is intended to provide financial assistance in the form of a grant for structural/stability work required to conserve and restore heritage features of properties; the conservation and restoration of heritage features of properties; and for heritage studies/reports/assessments for properties that are designated under Parts IV or V of the Ontario Heritage Act. Eligible properties must be located within: Downtown Hamilton; a Community Downtown; an active* Business Improvement Area within the City of Hamilton; or, be designated under Parts IV or V of the Ontario Heritage Act and located within the lower city between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional or multi-residential purposes.

The objective of the Program is to assist in developing and re-using heritage properties. City Council values heritage properties as important to the urban revitalization and regeneration. Conservation and restorative initiatives must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, relevant Urban Design Guidelines, regulations contained within applicable Zoning By-laws as well as any other applicable City Council approved policies/regulations.

*An active B.I.A. is not considered dormant as defined in the Dormant Business Improvement Area Status Procedure as approved by City Council at its meeting held November 11, 2009.

Terms of the Program:

1. The applicant must be the property owner of a historically designated property or, any person whom the owner of such property has assigned the right to receive the grant, to be eligible to apply for the program.
2. Properties are to be identified by municipal address to identify multiple and separate units with ground floor street frontages.

3. The grant is contingent on properties being designated under Parts IV or V of the Ontario Heritage Act.

4. An application fee of $330 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.

5. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.

6. The grant is conditional upon all planning and building code approvals required for structural/stability works.

7. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant’s risk.

8. The Urban Renewal Section reserves the right to recommend works that are integral to the preservation of the building required to preserve/conserve the heritage features.

9. Proposed work is to be completed within two calendar years of the date of approval of the General Manager of the Planning and Economic Development Department to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.

10. Payment will be made by the City upon proof by an architect or engineer confirming the value of the work completed and the compliance with all applicable regulations/legislation or, upon proof satisfactory to the City confirming the value of the work completed.

11. Realty taxes must be paid current and in good standing.

12. Notwithstanding the above, upon completion of the improvements on condominium properties, the Urban Renewal Section will set a deadline to the condominium corporation as to when all taxes on the property are to have been paid as billed and, if on that date 100% of the taxes are not paid, the grant will be advanced proportionately based upon the percentage of paid taxes. The remainder of the grant will be cancelled.
13. For projects valued at $40,000 or less, the grant will be based on 50% of the total project cost to a maximum grant of $20,000 for eligible work under the program. For projects valued over $40,000, the grant will include $20,000 (i.e. 50% of $40,000), plus an additional grant based on 25% of the total project cost over $40,000, to a maximum additional grant of $130,000. In total, no more than $150,000 will be granted for eligible work under the program.

14. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section.

15. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.

16. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.

17. The grant is not transferable upon sale of the property.

18. The heritage grants may be received by an owner in conjunction with any other City heritage program available including the Community Heritage Trust Program. Funding under these programs will not fund the same work and will be contingent on total financing under all heritage programs not exceeding 50% of the total cost of the restoration/conservation work.

19. The heritage grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property including the City's Hamilton Downtown Multi Residential Property Investment Program; the Hamilton Tax Increment Grant Program, the Commercial Corridor Housing Loan and Grant Program and the Business Improvement Area Commercial Property Improvement Grant Program. Funding under these programs will not fund the same work.

20. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.

21. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).
22. Without limiting the discretion as set out in paragraph 19 herein, City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.

23. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

Heritage Related Reports/Assessments/Studies Component:

- The heritage related reports/assessments/studies component provides an additional grant that will fund 100% of the cost of the document(s) to a maximum of $20,000 per property.
- The applicant shall retain a qualified consultant to complete the heritage related reports/assessments/studies, who is acceptable to the City (Urban Renewal Section and Community Planning and Design).
- The final document is to meet the satisfaction of the City (Urban Renewal Section and Community Planning and Design).
- Copies of the final document shall be provided to the City (Urban Renewal Section and Community Planning and Design) and may be used as the basis for future work on the property by a future owner should the ownership of the property change.

Eligible structural/stability work:

- Work necessary to restore the building to structural soundness e.g., the correction of serious structural faults that threaten the building's survival; stabilization works to retain portions of the property; underpinning of building structures; repair/new roofs.

Eligible conservation work:

- Any work that conserves or enhances elements specified in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the Ontario Heritage Act (“OHA”).
- The conservation of significant architectural features is eligible. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the OHA.
- The conservation of fences and outbuildings if specifically referred to in Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes accompanying the designating by-law under the OHA.
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- The conservation or renewal of original siding and roofing materials including repair and replacement where necessary of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.

- The reconstruction of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.) is eligible.

- The reconstruction of store fronts which have been altered or replaced. The documentation should be in the form of historic photographs or drawings clearly showing the feature(s) to be reconstructed.

- Cleaning of masonry buildings may be eligible if it is necessary for the building's preservation. Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Heritage Staff approval is required as to cleaning method to be employed before work is undertaken.

- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. Painting of unpainted masonry is not eligible.

Non-eligible works:

The following works, including repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance:

- Short-term, routine maintenance. This includes minor repairs (such as repairing a broken step or a broken window); repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.)
- Landscaping
- Work on modern additions
- Work on sheds or outbuildings not specifically referred to in the Reasons for Designation, the Statement of Cultural Heritage Value of Interest or, a description of the Heritage Attributes
- Installation of modern doors and windows unless replicas of the original
- Installation of new storm or screen doors and windows
- Chimney repairs other than restoration of a significant chimney
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure
- Repairs to or renewal of modern materials
- Painting previously unpainted masonry
- Interior Work (unless required to stabilize/preserve the property e.g. furnaces)
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning
THE "GORE" BUILDING IMPROVEMENT GRANT PROGRAM

PROGRAM DESCRIPTION

The Gore Building Improvement Grant Program (the "Program") was developed to support the maintenance, attractiveness, functionality and viability of the historic building stock that fronts on King Street East between James Street and Catharine Street, known as the "Gore". The Program is intended to provide financial assistance to bring existing properties to present-day Property Standards and Sign By-law requirements and, to improve their accessibility.

The Program supports an objective of the Downtown Secondary Plan: conserve and enhance the Gore as the primary landscaped open space and concentration of heritage buildings in Downtown Hamilton.

Applications under the Program will be accepted to the end of December 2014 (subject to the availability of funding). Improvements funded under the Program must be completed no later than August 1, 2015.

PROGRAM TERMS

1. Property owners and, tenants authorized in writing by the owner, are eligible to apply for a grant under the program.

2. Each application is to be defined by municipal address to identify multiple and separate units with ground floor street frontages. One grant per application.

3. Two separate cost estimates of the work to be provided by a licensed contractor other than the owner. Owner may present an estimate but is required to have at least two prepared by contractors. The grant will be calculated based upon lowest cost estimate, and is not to address cost increases or over runs. In the case where the applicant is the owner of a contracting company and wishes to utilize the company to undertake the improvements, one cost estimate will be required. A Building Inspector...
will review all estimates provided for the purpose of ensuring competitiveness:

4. Applicants will be required to provide a business case that identifies how the improvements will improve the marketability of the property for prospective tenants and/or improve the business vitality and/or utilize formerly under-utilized upper floors.

5. Grants will be paid on a matching basis up to a maximum of $50,000 for eligible work under the Program.

6. A building inspector will perform initial inspection relative to the proposed improvements, and subsequent final inspection to assure compliance with Property Standards.

7. Approval of the grant is at the sole discretion of the General Manager of the Planning and Economic Development Department and subject to the availability of funds.

8. Proposed improvements to be completed within one year to be eligible for payment. A one year extension can be authorized by the Manager of Urban Renewal.

9. Work completed must be consistent with estimates, and work proposed and identified within the application unless previously discussed and approved by the Urban Renewal Section.

10. The Applicant shall provide to the City's Urban Renewal Section copies of paid invoices for all work undertaken on the property for which the grant is applicable. This documentation is to be provided prior to the final inspection.

11. A City Building Inspector's final inspection report confirming all works have been carried out satisfactorily will be provided prior to release of any grant monies.

12. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.

13. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.

14. The grant is not transferable upon sale of the property.
15. The grant may also be received by an owner in conjunction with any other available City program in support of the redevelopment/development of the property with the exception of the Hamilton Downtown Commercial Façade Property Improvement Grant Program.

16. An application fee of $330 is payable upon submission of application. The fee will be authorized through a by-law passed by City Council. The rate of the fee may be changed from time to time as approved by City Council.

17. Without limiting the discretion as set out in paragraph 6 herein, the City, Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

18. Without limiting the discretion as set out in paragraph 6 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where there are property tax arrears owed on the subject property or on other properties owned by the Applicant within the City of Hamilton.

19. A successful applicant will enter into an agreement with the City containing the terms and conditions (but not limited to) set out in the program description.

ELIGIBILITY REQUIREMENTS

- Property owners and authorized tenants are eligible.
- Property taxes must be paid current.
- The improvements made to buildings shall be in accordance with Property Standards and in compliance with all applicable City by-laws, official plans, zoning regulations, design guidelines and site plan approvals.
- Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application but prior to application approval do so at the applicant's risk.
- Properties must front on King Street between James Street and Catharine Street.
- Existing use must be in conformity with the applicable Zoning By-law regulations (including the Heritage Character Zone), and other relevant planning controls.
- This program shall not apply to an existing or proposed Adult Entertainment Parlour, Body Rub Establishment as defined in the Zoning By-law.
ELIGIBLE IMPROVEMENTS

- Signage in conformity with the Sign By-law 06-243 as amended. (Note: the eligible grant amount will be increased to 75% of the cost of installing a sign that is in conformity with the Sign By-law and is replacing a legally non-conforming sign)
- Façade improvements
- Reinforcement of floors, walls, ceilings and foundations
- Required improvements to ventilation systems
- Construction or alteration of stairs, guards, handrails
- Roofing
- Installation or repair of central air-conditioning
- Installation or repair of furnace
- Installation or alteration of required window openings
- Installation or alteration of fire protection systems; fire separations; fire doors, fire shutters and other fire protection devices
- Improvements for barrier-free accessibility including elevators
- Other improvements related to health and safety issues deemed eligible at the sole discretion of the General Manager of Planning and Economic Development.
Thank you Mr. Chairperson and members of the GIC for this opportunity to speak to Councillor McHattie’s motion regarding a fine particulate pollution by-law for Hamilton.

Fine particulate pollution has human health impacts – both respiratory and cardiovascular. The US EPA recently (December 2012) tightened up their PM2.5 air standard. PM 2.5 – as most of you will know, is particulate that is 2.5 microns in diameter or smaller. It’s small enough that, when we inhale it, our lungs have a very tough time getting it back out again.

There is no Ontario standard for fine particulate matter. There is a ‘suspended particulate matter’ (SPM) standard in Ontario – but the level is set, not to protect human health, but to ensure that there are no impacts on visibility!

I am here today to express support for a City of Hamilton particulate matter by-law. At a minimum, we need a by-law that addresses fugitive particulate matter from a human health point of view.

If you recall, last summer Environment Hamilton launched our DustBusters campaign to focus attention on drag out and fugitive particulate matter. You’ll also be aware of the work that Dr. Denis Corr has done over the years, through Clean Air Hamilton, using mobile monitoring to highlight the challenges with particulate pollution.

The resuspension of particulate matter, including fine particulate matter, occurs through drag out. Last summer, it became clear to Environment Hamilton that the city needs a by-law with more teeth! The current streets by-law addresses drag out from a road safety point of view, not from a human health point of view.

The Town of Oakville has gone even further. Recognizing that Ontario has no fine particulate matter standards, the town has developed and is now implementing a by-law to fill this gap. It’s important to point out that this by-law also includes community-right-to-know elements so that residents are made aware of the local sources of fine particulate pollution. The by-law centers on the impacts of fine particulate matter on human health, and aims to reduce fine particulate matter levels over time, including by regulating local industries.

The City of Hamilton needs to seriously explore a move in this direction. Our city By-Law, Legal, and Public Health Departments need to be enlisted to take on this task. This initiative is particularly important in Hamilton – where we are struggling with a compromised airshed.

I am going to finish today by showing some visuals – illustrating some of the fine particulate problems we have in the city. I hope these pictures will convince you of the need for action!

Thank you!