Mayor R. Bratina called the meeting to order and took a moment to acknowledge the 12th anniversary of the tragic 9/11 events of September 11, 2001.

The Mayor called upon Mr. Jamie Wood of Living Hope Church to lead Council in prayer.

### APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

1. **ADDED COMMUNICATION**

   5.9 Correspondence from Jessica Aird, respecting her Resignation from the ESAIEG Committee

   Recommendation: Be received and referred to the Selection Committee.

   (Pearson/Partridge)

   That the agenda for the September 11, 2013 meeting of Council be approved, as amended.

   CARRIED
DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest with respect to Item 6 of the General Issues Committee Report 13-017 as his nephew may be a proponent for the Request for Proposal for the potential private use and/or sale of Auchmar Estates.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 August 16, 2013

(Pearson/Johnson)
That the Minutes of the August 16, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Farr/Morelli)
That Council Communications 5.1 through 5.9 be approved, as amended, as follows:

5.1 Correspondence from the Honourable Teresa Piruzza, Minister of Children and Youth Services, respecting Funding to the Children’s Aid Society of Hamilton and the Catholic Children’s Aid Society of Hamilton

Recommendation: Be received. (Farr/McHattie)

5.2 Correspondence from the Honourable Glen Murray, Minister of Infrastructure and Transportation, respecting the Eastgate to McMaster Rapid Transit Corridor

Recommendation: Be received. (Farr/Jackson)

5.3 Correspondence from the Honourable Jeff Leal, Minister of Rural Affairs, respecting the Launch of the Renewed Rural Economic Development (RED) Program

Recommendation: Be received and referred to the General Manager of the Planning & Economic Development Department for a report to the General Issues Committee. (Ferguson/Partridge)
5.4 Correspondence from Fred Hahn, President of the Canadian Union of Public Employees – Ontario; and, Sheila Olan-MacLean, President of Ontario Coalition for Better Child Care, respecting a Request to Proclaim October 30, 2013 as Child Care Worker & Early Childhood Educator Appreciation Day

Recommendation: Be received. (Collins/Merulla)

5.5 Correspondence from Beverly Fernandez, Spokesperson for Stop the Great Lakes Nuclear Dump, respecting Ontario Power Generation’s Plans to Build a Nuclear Waste Repository beside the Great Lakes

Recommendation: That the Resolution Opposing the Construction of the Nuclear Waste Repository in the Great Lakes Basin be supported and copies be forwarded to the Hamilton Conservation Authority, Conservation Halton, the Grand River Conservation Authority, and the Niagara Peninsula Conservation Authority. (McHattie/Pearson)

5.6 Correspondence from Elise Croll, Director of Environmental Programs and Assessment, respecting a Notice of Project – GO Transit Bus Servicing and Storage Facility, City of Hamilton

Recommendation: Be referred to the General Manager of the Planning and Economic Development Department for comments. (Partridge/Collins)

5.7 Correspondence from Peter Hasek respecting CityHousing Hamilton

Recommendation: Be received. (Jackson/Pearson)

5.8 Correspondence from Barry Conway, Hamilton Labour United, Local 21, respecting a Request for Review of Employee Terminations

Recommendation: Be referred to the City Manager and the Executive Director of Human Resources and Organizational Development for a report to the General Issues Committee. (Duvall/Jackson)

5.9 Correspondence from Jessica Aird, respecting her Resignation from the ESAIEG Committee

Recommendation: Be received and referred to the Selection Committee. (Johnson/Pearson)

CARRIED AS AMENDED

(Duvall/Jackson)

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

CARRIED
PUBLIC WORKS COMMITTEE REPORT 13-010

(Ferguson/Johnson)
That the TENTH Report of the Public Works Committee be adopted, and the information section received. (attached hereto)

CARRIED

PLANNING COMMITTEE REPORT 13-013

Item 14 Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 8.4)

(Jackson/Johnson)
That sub-section (b) of Item 14 of Planning Committee Report 13-015, respecting Red Hill Business Park South Transportation Master Plan Addendum (PED13146) be amended by adding a sub-section (i) to read as follows:

(b) That the General Manager, Planning and Economic Development Department, be authorized and directed to file the Red Hill Business Park South Transportation Master Plan Addendum for public review (appeal period) for a minimum period of thirty (30) days:

“(i) That the General Manager, Planning and Economic Development Department, be directed to provide written notification to the residents of Glover Road between Dickenson Road and Rymal Road (Wards 6 and 11) respecting the thirty (30) day public review (appeal period) of the Red Hill Business Park South Transportation Master Plan Addendum.”

The Main motion as amended CARRIED, with the exception of Subsection (c) (iii) on the following standing recorded votes:

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

Subsection (c) (iii) of the Main motion CARRIED on the following standing recorded votes:

Yeas: Bratina, Duvall, Jackson, Collins, Merulla, Morelli, McHattie, Clark, Johnson, Ferguson, Powers, Partridge
Total: 12
Item 22  Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)

(Merulla/Collins)
That Item 22 of the Planning and Economic Development Committee Report 13-013, regarding the Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton be amended by deleting sub-section (b) in its entirety and replacing with the following in lieu thereof:

(b) That staff be directed to hold public meeting(s), as required under the Planning Act, to amend any of the City’s zoning by-laws, which include regulations respecting radial separation between certain types of residential facilities.

The amended Item to read as follows:

(a) That Report LS13031, except for Appendix “A” attached thereto, respecting the Ontario Municipal Board Decision in respect of the appeal by Lynwood Charlton Centre from Council’s refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, remain confidential; and,

(b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, and the Human Rights Code.

(b) That staff be directed to hold public meeting(s), as required under the Planning Act, to amend any of the City’s zoning by-laws, which include regulations respecting radial separation between certain types of residential facilities.

(Powers/Bratina)
That the question be called.

CARRIED

(Clarke/Powers)
That the amending motion be withdrawn.

CARRIED
(Johnson/Ferguson)
That the question be called.

CARRIED

Item 22  Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)

(Merulla/Clark)
That subsection (b) be amended by adding the words “radial separation distances” after the words “special needs” to read as follows:

(a) That Report LS13031, except for Appendix “A” attached thereto, respecting the Ontario Municipal Board Decision in respect of the appeal by Lynwood Charlton Centre from Council’s refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, remain confidential; and,

(b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, radial separation distances, and the Human Rights Code.

Amendment CARRIED
Main Motion as Amended CARRIED

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-017

Item 10  Memorandum of Agreement - City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct - Update (CM13006(b)) (Ward 3) (Item 7.1(b))

(Morelli/Merulla)
That Item 10 of General Issues Committee Report 13-017 respecting Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct, be deleted in its entirety and replaced with the following in lieu thereof:
Item 10  Construction of a Seniors’ Recreation/Community Centre in the Pan Am Stadium Precinct

(a) That an amount up to $17 million for the construction of a seniors’ recreation/community centre (the “facility”) in the Pan Am Stadium Precinct be approved;

(b) That $9.45 million of the $17 million referred to in subsection (a) above be funded as follows:

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

(ii) Future Development Charges $ 3.4 million

(iii) Ward 3 Capital Reserve $ .5 million

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

(v) Council’s Strategic Reserve $ 1.5 million

$ 9.45 million

(c) That the remaining $7.55 million be funded through existing funding sources that include:

(i) Council’s Strategic Capital Reserve $ 2.7 million

(ii) Hamilton Utilities Corp. (Horizon) 2013 Special Dividend $ 2 million

(iii) Balance of the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million

$7.55 million

(d) That any additional costs resulting from not partnering with the Hamilton-Wentworth District School Board, up to a maximum of $2.3 million, be funded from the Unallocated Capital Reserve, and that this Reserve be replenished from any surpluses to a maximum of $2.3 million associated with the Westmount Recreation Centre project;

(e) That should any infrastructure funding program become available through the Federal and/or Provincial governments prior to the construction completion of the facility, that staff be authorized and directed to file the necessary funding request documents;
(f) That the Hamilton Future Fund only be considered as a last resort, should there be a shortfall in funding from existing Reserves;

(g) That the Hamilton-Wentworth District School Board be requested to determine their interest in entering into a facility usage agreement.

The Amendment CARRIED and the Main Motion as Amended CARRIED, on the following standing recorded votes:

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

13. Occupational Health and Safety Act Charges - April 9, 2013 (LS13029) (City Wide) (Item 12.3)

Item 13 CARRIED, on the following votes:

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

(Partridge/Bratina)
That the SEVENTEENTH Report of the General Issues Committee be adopted, as amended, and the information section received. (attached hereto)
CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE 13-009

(Pearson/Clark)
That the NINTH Report of the Audit, Finance & Administration Committee be adopted and the information section received. (attached hereto)
CARRIED
(Whitehead/Partridge)
That the SEVENTH Report of the Emergency & Community Services Committee be adopted, and the information section received. (attached hereto)

CARRIED

(Duvall/Jackson)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Emergency Communications and Information Dissemination

(Merulla/Johnson)
Whereas the recent storm event of July 19th identified the need for coordinated inter-agency information sharing; and

Whereas the residents of the City of Hamilton depend on the municipality to play a significant role in the sharing and dissemination of information during an emergency; and

Whereas, in an emergency information should be coordinated in one central location; and

And whereas, the City of Hamilton currently functions in a decentralized communications model;

Therefore be it resolved that:

The City Manager be directed to report back on the feasibility of:

(a) The City of Hamilton becoming the central repository for all utility and city emergency communications and information dissemination during emergency situations; and

(b) A centralized communications structure in an effort to streamline and enhance the City of Hamilton’s communications efforts.

CARRIED
7.2 Mobile Urban Park Initiative

(Merulla/Morelli)
Whereas the City of Hamilton has a long and rich history of industry, railroads and shipping;

And whereas, urban revitalization historically rises from re-purposing, improving, and renovating buildings, warehouses, or industrial sites;

And whereas, the City of Hamilton wants to be considered a leader in innovative and creative projects;

And whereas, international cities like Montreal, Chicago and Las Vegas have created mobile urban parks using old shipping/rail cars;

And whereas, the creation of open green spaces is desirable;

Therefore be it resolved:

(a) That staff report back on the feasibility of creating a mobile urban park utilizing rail/shipping containers; and

(b) That if the City of Hamilton proceeds with a mobile urban park initiative, that the Ottawa Street BIA be considered a pilot location.

CARRIED

7.3 Objection to Liquor License Application – Rokbar, 15 Hess Street South, Hamilton, Ontario

(Farr/McHattie)
WHEREAS, the City of Hamilton has received notification that Rokbar at 15 Hess Street South, Hamilton, Ontario has applied for a liquor license;

AND WHEREAS, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

THEREFORE, BE IT RESOLVED:

(a) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application (attached hereto) for Rokbar at 15 Hess Street South, Hamilton, Ontario to allow for community and Hess Village Liaison Committee consultation given the property history; and,
(b) That should the AGCO determine that a Hearing is to be scheduled, that Legal Services be authorized and directed to attend the Hearing to represent the City’s interest.

CARRIED

7.4 Request from Global Spectrum Facility Management for a Temporary Road Closure – Friday October 11, 2013 for the Hamilton Bulldogs Opening Game Street Party

(Farr/Morelli)
(a) That the application from Global Spectrum Facility Management, for a Temporary Road Closure of Bay Street from King Street to York Boulevard on Friday October 11, 2013 from 1:00 p.m. to 8:00 p.m. for a Hamilton Bulldogs Opening Game Street Party, be approved;

(b) That the event organizers be required to submit a Certificate of Insurance and pay the required full road closure permit fee of $597.61, prior to the closure;

(c) That all other costs related to the road closure be the responsibility of Global Spectrum Facility Management.

CARRIED

NOTICES OF MOTION

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

BY-LAWS AND CONFIRMING BY-LAW

(Farr/McHattie)
(a) That Bills No. 13-189 and 13-214 to 13-228 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.
189 To Amend By-law No. 01-215, Being a By-law To Regulate Traffic Schedule 2- Speed Limits
Schedule 13 – Designated Traffic Lanes
Schedule 18 – Bike Lanes
Tabled from the August 16, 2013 Council Meeting

214  To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
      Schedule 2 – Speed limits

215  To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
      Schedule 6 – One Way Street

216  To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
      Schedule 5 – Stop Control

217  To Amend By-law No. 12-031, a By-law For Responsible Animal Ownership
      Subsection 7.4 – Leash Free Parks

218  To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
      Schedule 10 – No Left Turns
      Schedule 13 – Designated Traffic Lanes

219  To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
      Schedule 5 – Stop Control

220  To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
      Schedule 5 – Stop Control

221  To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
      Schedule 10 – No Left Turns
      Schedule 13 – Designated Traffic Lanes

222  To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street
      Parking
      Schedule 5 – Parking Meters
      Schedule 6 – Time Limit Parking
      Schedule 8 – No Parking Zones
      Schedule 9 – Alternate Side Parking
      Schedule 10 – Alternate Side Parking
      Schedule 12 – Permit Parking Zones
      Schedule 13 – No Stopping Zone
      Schedule 14 – Wheelchair Loading Zones
      Schedule 15 – Commercial Vehicle Loading Zones

223  To Adopt: Official Plan Amendment No. 152 to the former City of Stoney Creek
      Official Plan
      Respecting:
      Lands Located at 512 Highland Road West, Stoney Creek

224  To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located
      at 512 Highland Road West (Stoney Creek)

225  To Amend Zoning By-law No. 464 (Glanbrook)
      Respecting Lands Located at 3250 Homestead Drive

226  To Amend Zoning By-law No. 464 (Glanbrook), as Amended by By-law No. 02-331,
      Respecting Lands Located on the South Side of Rymal Road, East of Fletcher Road

227  To Amend By-law No. 12-179
      Respecting
      The Appointments of A Chief Building Official, Deputies and Inspectors

228  To Confirm Proceedings of Council at its meeting
(b) That Bill No. 229, A By-law to Amend Zoning By-law No. 05-200 respecting lands located at 121 August Street, Hamilton, by order of Ontario Municipal Board PL120529 on August 23, 2013, be received

CARRIED

Bill No. 229  
The Ontario Municipal Board has ordered “To Amend Zoning By-law No. 05-200 Respecting Lands Located at 121 Augusta Street, Hamilton” PL120529

(Pearson/Partridge)  
That, there being no further business, the City Council meeting be adjourned at 9:10 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT  
City Clerk  
Office of the City Clerk
THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 13-010 AND RESPECTFULLY RECOMMENDS:

1. **Intersection Control List (PW13001(b)) (Wards 1, 2 & 15) (Item 5.1)**

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

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section &quot;C&quot; Flamborough</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Mill St. N.</td>
<td>Church St.</td>
<td>EB/WB</td>
<td>NB/SB</td>
<td>B</td>
</tr>
<tr>
<td>Section &quot;E&quot; Hamilton</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Kenmore Rd.</td>
<td>Franklin Ave.</td>
<td>N/C</td>
<td>NB</td>
<td>A</td>
</tr>
<tr>
<td>(c) Kenmore Rd.</td>
<td>Norwood Rd.</td>
<td>N/C</td>
<td>SB</td>
<td>A</td>
</tr>
<tr>
<td>(d) MacNab St.</td>
<td>Mulberry St.</td>
<td>EB/WB</td>
<td>NB/SB</td>
<td>A</td>
</tr>
<tr>
<td>(e) Strachan St.</td>
<td>MacNab St.</td>
<td>NB/SB</td>
<td>EB/WB</td>
<td>A</td>
</tr>
</tbody>
</table>

2. **Standard and Approved Products Committee (PW13062) (City Wide) (Item 5.2)**

   That Report PW13062 respecting Standard and Approved Products Committee, be received.
3. Accessible Transportation Services Review Committee Report 13-001 (Item 8.1)

(a) Correspondence from Peter Hasek respecting ATS Committee Report 13-001 (Added Item 8.1(i))

That the Correspondence from Peter Hasek respecting ATS Committee Report 13-001 attached to Report 13-010 as Appendix “A” be referred to the Accessible Transportation Services Review Committee for consideration.

(b) Appointment of Chair/Vice-Chair (Item A)

(i) That Councillor S. Merulla be appointed Chair of the Accessible Transportation Services Review Sub-committee for the 2010-2014 term of Council.

(ii) That Councillor L. Ferguson be appointed Vice-Chair of the Accessible Transportation Services Review Sub-committee for the 2010-2014 term of Council.

(c) Terms of Reference (Item 5.1)

That the Terms of Reference for the Accessible Transportation Services (A.T.S.) Review Sub-committee attached as Appendix “B” to Report 13-010, be approved.

(d) ATS Review – Value for Money Performance Audit

(i) That the Audit Services Division with the assistance and resources of the Transportation Division, be directed to adjust their 2013 Performance Audit Work Plan to include a Value for Money Performance Audit of the D.A.R.T.S. program to answer the following questions and report to the Audit, Finance and Administration Committee:

1. Are programs, activities or processes achieving desired objectives?
2. Are there appropriate measures in place to assess performance?
3. Are resources being utilized to their greatest productive capacity?
4. Are there opportunities to achieve objectives at a lower cost or increased revenue?
5. Is the fleet makeup (mix of vehicles) correct?
6. Why have complaints increased?
7. Why has the number of staff increased and the services declined?
(ii) That the Value for Money Performance Audit, as outlined in subsection (d)(i), include consultation with the following stakeholders:

1. ATS-DARTS Clients (Registered Passengers)
2. Programs
3. Long-Term Care (LTC) Facilities
4. Health Agencies
5. Seniors Advisory Committee (SAC)
6. Advisory Committee for Persons with Disabilities (ACPD)
7. Mayor and Members of Council
8. City staff
9. DARTS staff (executive, unionized, board members)
10. VETS Transportation (owner)
11. Executives of CUPE and ATU

(e) Delegation by Tim Nolan, Chair – Transportation Sub-committee of the Advisory Committee for Persons with Disabilities, respecting the Terms of Reference of the ATS Review Sub-committee

That the delegation by Tim Nolan, Chair of the Transportation Sub-committee of the Advisory Committee for Persons with Disabilities, proposing an on-demand service delivery model, attached as Appendix “C” to Report 13-010, be referred to staff of the Audit Division for inclusion in the Value for Money Performance Audit of the D.A.R.T.S. program.

4. Mountain Transit Centre Park-N-Ride - Tree Removal (PW13063) (Ward 11) (Item 8.2)

That the existing trees identified in Appendix “D” to Report 13-010 be approved for removal as required for the construction of the new Park-N-Ride lot and Transit Terminal at the Mountain Transit Centre with an approximate net cost of $54,495.00 funded from Project ID #5300987904 (MTC Park-N-Ride Lot).

5. 2013 Public Works Capital Status Report (PW13064) (City Wide) (Item 8.3)

(a) That Appendix “A” to Report PW13064, respecting “Tax Supported Capital Status of each Project by Program”, be approved;

(b) That Appendix “B” to Report PW13064, respecting “Rate Supported Capital Status of each Project by Program”, be approved.
6. Proposed New Sewer Use By-law (PW13061) (City Wide) (Item 8.4)

(a) That Report PW13061, including the draft sewer use by-law attached as Appendix “A” to Report PW13061 (“Draft Sewer Use By-law”), and the proposed new fees and charges to be introduced as part of the Draft Sewer Use By-law, attached as Appendix “B” to Report PW13061 (“Proposed Fees and Charges”), be received;

(b) That the Director of Hamilton Water be directed to seek public input on the Draft Sewer Use By-law and the Proposed Fees and Charges through the public consultation process outlined in Report PW13061 including:

(i) Four Public Information Centres;
(ii) Presentations to stakeholders; and
(iii) Posting on the City’s website;

(c) That Hamilton Water staff report back to the Public Works Committee to provide the results of the public consultation process together with recommendations respecting the Draft Sewer Use By-law and the Proposed Fees and Charges.

7. Street Sweeping Service Level Adjustment – Burlington Street Industrial Zone Neighbourhoods (PW13055) (Wards 2, 3, 4 & 5) (Item 8.5)

That a Street Sweeping Program enhancement be referred to the 2014 budget deliberation to address corresponding budget requirements for the service level increase to the Industrial Zone Neighbourhoods as recommended in Report PW13055.

8. Installation of Stop Controls Behan Street and Palmer Road (Added Item 10.2)

(a) That East/West Stop Controls be placed on Behan Street at the intersection of Palmer Road.;

(b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed.

9. Tree Removal between the properties of 11-15 Vincent Court (Added Item 10.3)

Whereas residents have indicated that the City planted a tree on private property by accident approximately thirty years ago; and

Whereas residents have indicated that the City has historically provided maintenance and care for said tree which is situated on the property line between 11 and 15 Vincent Court; and
Whereas the tree is in poor health and showing signs of Emerald Ash Borer Infestation; and

Whereas the property owners of 11 and 15 Vincent Court have expressed their desire to their Ward Councillor that the City remove the tree.

Therefore be it resolved that:

That forestry staff be directed to remove the tree located at 11-15 Vincent Court.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

(i) Added as Item 4.1 - Delegation Request from Nicholas Schwetz respecting residential parking on Locke Street

(ii) Added as Item 8.1(i) – Correspondence from Peter Hasek respecting ATS Review Sub-Committee Report 13-001

(iii) Added as Item 10.1 – a Notice of Motion respecting Future Requests for Lot Severances in the Developed Communities of Old Ancaster

(iv) Added as Item 10.2 – Notice of Motion respecting Installation of Stop Controls Behan Street and Palmer Road

The September 3, 2013 Public Works Committee Agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) MINUTES (Item 3)

(i) August 15, 2013 (Item 3.1)

The Minutes of the August 15, 2013 Public Works Committee meeting were approved, as presented.
(d) DELEGATION REQUESTS

(i) Delegation Request from Nicholas Schwetz respecting residential parking on Locke Street (Added Item 4.1)

The Delegation Request from Nicholas Schwetz respecting residential parking on Locke Street was approved for a future meeting of the Public Works Committee.

(e) DELEGATIONS (Item 6)

(i) Delegation by James Burnett to provide information the benefits of garbage and waste incineration (Item 6.1)

Mr. Burnett addressed Committee respecting the benefits of garbage and waste incineration. Mr. Burnett provided a handout to Committee members a copy of which has been included in the official record.

The delegation by James Burnett to provide information the benefits of garbage and waste incineration was received.

(ii) Delegation by Jonathan Valencia, Ontario Public Interest Research Group at McMaster (OPIRG) respecting enhancements to the Hamilton Street Tree Program (Item 6.2)

Mr. Valencia of the Ontario Public Interest Research Group at McMaster (OPIRG) addressed Committee respecting enhancements to the Hamilton Street Tree Program with the aid of a PowerPoint Presentation a copy has been included in the official Record.

He discussed introducing a volunteer street tree program to encourage citizens to increase the number of trees in the City of Hamilton. Valencia indicated that the OPIRG program when it proceeds will focus on the areas with the poorest air quality.

The delegation by Mr. Valencia of the Ontario Public Interest Research Group at McMaster (OPIRG) addressed Committee respecting enhancements to the Hamilton Street Tree Program, was received.

(f) PRESENTATIONS (Item 7)

(i) Corridor Management (No Copy) (Item 7.1)

Gord McGuire, Manager, Geomatics/Corridor Management, addressed the Committee respecting Corridor Management with the aid of a PowerPoint
presentation. A copy of the presentation has been included in the official record.

Mr. McGuire discussed the work being done on Corridor Management discussing in specific the areas of:

- Streetlighting
- Permit volumes
- Financial Impacts
- Right of Way (ROW) permit pressures
- Initiatives underway
- Longer term plans

Mr. McGuire also discussed the URISA GIS Gold Award received by the City of Hamilton this spring and the challenges facing Geomatics/Corridor Management.

Committee members requested further information respecting full cost recovery, ongoing discussions with local utilities, and their ongoing works to reduce road cut timelines.

The presentation, respecting Corridor Management, was received.

(ii) Asset Management (No Copy) (Item 7.1)

John Murray, Manager, Asset Management addressed the Committee respecting Corridor Management with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

Mr. Murray discussed the work being done on Asset Management discussing in specific the areas of:

- Development of strategic infrastructure programs (road, sewer, water, storm, bridges, parks, and facilities assets)
- Development and administration of various infrastructure management systems
- Determination of needs and prioritize rehab and reconstruction projects
- Development of the capital budget for roads, bridges, water/wastewater, storm linear assets
- Assisting with parks & facilities budgets through recommendations
- Developing Strategic reporting, “State of the Infrastructure” (SotI) for all City Assets

The presentation, respecting Asset Management, was received.
NOTICES OF MOTION (Item 10)

Councillor L. Ferguson introduced the following Notice of Motion:

(i) **Future Requests for Lot Severances in the Developed Communities of Old Ancaster (Item 10.1)**

WHEREAS most of old Ancaster has rural cross sections with open ditches for drainage rather than storm sewers;

AND WHEREAS most lots in old Ancaster were large to accommodate septic systems before sanitary sewers were installed in the 1970’s;

AND WHEREAS there has been a significant change in heavy rain events in recent years;

AND WHEREAS there have been a number of applications to split lots by severance; resulting in an increase in water run off, as pervious surfaces are being covered with additional driveways and roofs, resulting in the faster run off of rain;

AND WHEREAS downstream properties have been at significant risk as overland ditches from storm drainage increases, resulting from this additional run off;

THEREFORE BE IT RESOLVED:

That staff be directed to determine if future requests for lot severances, in the developed communities of old Ancaster, that do not have storm sewers should not be permitted, due to potential downstream flooding, and report to the Public Works Committee.

Councillor T. Jackson introduced the following Notice of Motion:

(ii) **Installation of Stop Controls Behan Street and Palmer Road (Added Item 10.2)**

(a) That East/West Stop Controls be placed on Behan Street at the intersection of Palmer Road;

(b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed.

The rules of order were waived to allow for the introduction of a Motion respecting Stop Controls at Behan Street and Palmer Road.
For disposition on this matter refer to Item 8.

Councillor C. Collins introduced the following Notice of Motion:

(ii) **Tree Removal between the properties of 11-15 Vincent Court (Added Item 10.3)**

Whereas residents have indicated that the City planted a tree on private property by accident approximately thirty years ago; and

Whereas residents have indicated that the City has historically provided maintenance and care for said tree which is situated on the property line between 11 and 15 Vincent Court; and

Whereas the tree is in poor health and showing signs of Emerald Ash Borer Infestation; and

Whereas the property owners of 11 and 15 Vincent Court have expressed their desire to their Ward Councillor that the City remove the tree.

Therefore be it resolved that:

That forestry staff be directed to remove the tree located at 11-15 Vincent Court.

The rules of order were waived to allow for the introduction of a Motion respecting the removal of a tree at 11-15 Vincent Court.

For disposition on this matter refer to Item 9.

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

(i) **Outstanding Business List (Item 11.1)**

(a) The following new due dates were approved:

(i) Item A - Wentworth Street and Sanford Avenue 2-way Traffic Study
    Current Date – September 16, 2013
    Revised Date – October 21, 2013

(ii) Item C - Petition from Residents of Sanford Avenue South regarding Traffic Calming Measures
    Current Date – September 16, 2013
    Revised Date – October 21, 2013
(iii) Item H - Coordination of street furniture with transit shelter works
Current Date – September 3, 2013
Revised Date – September 16, 2013

(b) The following item was approved for removal from the Outstanding Business List:

(i) Item L - Increased Street sweeping in industrial and surrounding residential areas

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – June 17, 2013

The Closed Session Minutes of June 17, 2013 were approved as presented.

(j) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee adjourned at 12:00 p.m.

Respectfully submitted,

Councillor L. Ferguson, Chair
Public Works Committee

Andy Grozelle
Legislative Coordinator
Office of the City Clerk
Mary,

I spotted a gap in the ATS Review Sub Committee Terms of Reference that I feel needs to be addressed at the September 3, 2013 Public Works Committee meeting.

The ATS Review Sub Committee Terms of Reference, as currently written, excludes dozens of unionized VETS drivers and inside workers and, therefore discriminates against the hundreds of DARTS clients who ONLY ride with these unionized VETS drivers.

My June 12th communications to City Council made it clear that the newly-formed ATS Review Sub Committee needs to recognized inside and outside workers at both DARTS (CUPE) and VETS (CAW) in order to gain a balanced view of the problems with the City of Hamilton's Accessible Transportation Service. Apparently, the 5-member ATS Review Sub Committee did not get that message: in fact, the Sub Committee specifically excluded VETS unionized workers from the ATS REVIEW process.

So, at the very least, the following amendment should be made to Public Works REPORT 13-001:

3. ATS Review - Value for Money Performance Audit

(b). That the Performance Audit, outlined in subsection (a), include consultation with the following stakeholders;

(X) VETS Transportation (owner and unionized inside & outside workers)
CORRECTION: CAW-CANADA and its Local 504.

Andy, I am hoping that somehow you can consolidate my two e-mails that (1) make a delegate request to Public Works back in August (ask Mary), (2) provide my presentation in written form because I am unable to attend to make the presentation in person, and (3) make the correction and addition of CAW (504) to the list of stakeholders officially recognized by the ATS Review Sub Committee.

-peter
Purpose
To review the efficiency & effectiveness of the Accessible Transit Services (ATS) program and make recommendations to the Public Works Committee.

Membership:
Sub-Committee comprised of 5 Councillors.

Scope:
Analysis of Service Delivery model.
Analysis of Customer Contacts (stakeholder expectations).
Stakeholder consultation as deemed appropriate by the Sub-committee.
Review of current Governance models in Canada.
Technological performance.
Benchmarking analysis.
Assessment of conformance with Council’s Strategic Plan.

Meetings:
At the Call of the Chair

Staff:
City Clerks will provide support for the Sub-committee. Appropriate Public Works staff will act as resources to the Sub-committee.

Timing
The Sub-committee will provide input and direction to staff for a Report to the Standing Committee no later than...
Presentation to the Accessible Transportation Services Sub-Committee
August 14, 2013

Tim Nolan
Chair
Accessible Transportation Advisory Committee (ATAC)
Subcommittee of the City of Hamilton's Advisory Committee for Persons with Disabilities (ACPD)
RECOMMENDATION AND RATIONALE

Recommendation

1. ATAC recommends that ATSS consider the inclusion of a full transportation service review such that:

   a) the current shared-ride service model be reviewed for replacement; and,
   b) that the City move toward an "on-demand" service delivery model

Rationale

1. Customer Complaints

   a) upon review of customer complaints for the calendar year 2012 complaints primarily centre on trip denial, errors in address, scheduling, on board trip time, booking of trips, time delay on hold for contact; and,
   b) complaints are primarily associated with the current shared ride service provider; and,
   c) upon review of customer complaints for the 2012 calendar year very few, if any, complaints arise for sub-contracted or taxi services
RECOMMENDATION AND RATIONALE – cont’d

2. Legislative

a) AODA and Human Rights expectations and regulations dictate that the City provide for a parallel accessible transportation service to the HSR; and,
b) the AODA provides no detail as to what service delivery model must be in place; and,
c) the City must consult persons with disabilities regarding the provision of accessible transportation services; and,
d) the City must consult persons with disabilities regarding the provision of accessible taxi services; and,
e) there seems to be little incentive for the taxi industry to provide fully accessible taxi service where an accessible shared-ride service model exists; and,
f) there seems to be a natural transition to service delivery via accessible taxi services; and,
g) an accessible taxi service is available on demand, and may be the most cost-effective and efficient method of delivering on-demand service; and,
g) the AODA requires that the current shared-ride service model become "near" on demand with passengers able to book trips as close as the day prior to when a dip is in need.
RECOMMENDATION AND RATIONALE – cont’d

3. Current Service

   a) upon review of service numbers for the calendar years 2011 and 2012 shows that 110,004 and 113,731 trips respectively have been either cancelled, no show, or denied; and,

   b) most strikingly the number of trips denied from 2011 to 2012 increased by 86% in 2012 over 2011; and,

   c) the cost to administer trips not taken is significant to the tax base; and,

   d) with shared ride service incidents of denials, no show, and cancellations will continue; and,

   e) under an on-demand service approach no show and cancellation, with trip denial is "0" or near "0"; and,
RECOMMENDATION AND RATIONALE – cont’d

4. Shared Ride Service Model Considerations

- a) addresses the foundation for many, if not most or all, factors associated with customer and system complaints: and,
- b) enriches the value of the tax dollars spent on accessible transportation service delivery; and,
- c) addresses many of the financial issues currently faced by the taxi industry; and,
- d) provides for a much better service delivery to meet the needs of persons with disabilities; and,
- e) provides a much better approach to meeting the needs of the community at large; education, employment, health care; and,
- f) addresses or eliminates entirely the need for, and issues related to service policies such as service cancellation due to inclement weather, on board trip time, service pick-up window, limit to passenger companions, limit to baggage capacity, reservations, trip denials, etc. some of which continue to be enforceable measurements under a previous Human Rights settlement; and,
- g) simply better meets the personal and professional needs of persons with disabilities, and,
- h) 31% of all current service provider trips are already being delivered via sub-contracted taxi services; and,
- i) in 2011 it would appear that the average cost per trip was $31.40 with the average trip roughly 10.25 kilometers; the same trip via taxi would cost roughly $22.75 per trip.
Questions and Discussion

** note: information sources 2012 ATS Year End report (includes the 2011 and 2012 year end summaries) and the DARTS 2011 Annual Report
THE PLANNING COMMITTEE PRESENTS REPORT 13-013 AND RESPECTFULLY RECOMMENDS:

1. Changes to the Liquor License Application Review Process (PED09127(g)) (City Wide) (Item 5.1)

   That the comprehensive Liquor License Application Review Process, approved by City Council on April 25, 2012, be revised in accordance with recent process changes by the Alcohol and Gaming Commission of Ontario (AGCO), as shown in Appendix “A” to Report 13-013.

2. Heritage Permit Application HP2013-032, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 962 Beach Boulevard (Hamilton) (PED13142) (Ward 5) (Item 5.2)

   That Heritage Permit Application HP2013-032 be approved for the erection of a new single detached dwelling, with an attached garage, on the designated property at 962 Beach Boulevard (Hamilton Beach Heritage Conservation
District) (Hamilton), as shown on Appendix “B” to Report 13-013, subject to the submission of a completed site plan and the following conditions:

(a) That the final design of the attached garage be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(b) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;

(c) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(d) That as many existing trees as possible shall be retained, and a minimum of one new tree, of a minimum caliper of 55mm 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;

(e) 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;

(f) 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; and,

(g) That construction and site alterations, in accordance with this approval, shall be completed no later than October 31, 2015. If the construction and site alterations are not completed by October 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3. Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Hamilton-Wentworth Official Plan and Hamilton Zoning By-law No. 05-200 for Lands located at 899 Nebo Road (Glanbrook) (PED13147) (Ward 11) (Item 5.3)

That Report PED13147, respecting Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Hamilton-Wentworth Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 899 Nebo Road (Glanbrook), be received.
4. **Appointment By-law under the Building Code Act (PED13148) (City Wide) (Item 5.4)**

That the By-law, attached as Appendix “A” to Report PED13148, to amend City of Hamilton By-law 12-179, being a By-law to appoint a Chief Building Official, Deputies and Inspectors under Section 3 of the Building Code Act, be approved.

5. **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application HM/B-13:27, Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street (Hamilton) (PED13123) (Ward 8) (Item 5.7)**

That the following actions, as detailed in Report PED13123, respecting the appeal of City of Hamilton Committee of Adjustment Severance Application HM/B-13:27 (Louis Serafini, Fengate Capital Management Ltd. (Owner), 1400 Upper James Street (Hamilton), be approved:

(a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application HM/B-13:27, without appropriate conditions;

(b) That Council direct appropriate Legal Services, Planning, and Growth Management staff to attend the future Ontario Municipal Board (OMB) Hearing in opposition to the decision of the Committee of Adjustment to approve Application HM/B-13:27.

6. **Michael Sabelli (Agent) and Jim Bruzzese (Owner) respecting the reduction in radius and standard for an existing temporary turning circle located on Waterberry Trail (Item 6.2)**

That the request for an exemption to the Temporary Turning Circle Policy, to allow for the reduction in the radius standard for an existing temporary turning circle located on Waterberry Trail, be approved.

7. **Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (PED13115) (Ward 11) (Item 6.3)**

That approval be given to **Zoning By-law Application ZAC-12-069, by Multi-Area Developments Inc., c/o Aldo DeSantis, (Owner)**, for changes in zoning.
from the Residential Multiple - Holding “H-RM3-173(B)” Zone to the Residential Multiple “RM3-173(B)” Zone (Block 1), the Residential - Holding “H-R4-173(A)” Zone to the Residential Multiple “RM2-173” Zone (Block 2), the Residential “R4-173(B)” Zone to the Residential “R4-173(D)” Zone (Block 3), and the Residential - Holding “H-R4-173(B)” Zone to the Residential “R4-173(D)” Zone (Block 4), in order to permit the development of 250 single detached lots, 96 street townhouse units, and 76 block townhouse/maisonette units, in the Draft Approved Plan of Subdivision, “Redhill Summit Estates East” (25T-2002008), now “Summit Park - Phase 8”, for lands located south of Rymal Road and east of Fletcher Road (Glanbrook), as shown on Appendix “D” to Report 13-013, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED13115, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law, attached as Appendix “B” to Report PED13115, be added to Schedule “J” of former Township of Glanbrook Zoning By-law No. 464;

(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

8. Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (PED12128) (Item 8.1)

(a) That staff be directed to amend the Zoning By-law 464 (Glanbrook), respecting lands located at 3250 Homestead Drive (Glanbrook) to reflect that there are to be no balconies facing west;

(b) That approval be given to Amended Zoning Application ZAC-11-020, by Farzad Karambakhsh, (Owner), for a change in zoning to Township of Glanbrook Zoning By-law No. 464 from the Existing Residential “ER” Zone to the Neighbourhood Commercial “C1-272” Zone, with a Special Exception, for the lands located at 3250 Homestead Drive (Glanbrook), as shown on Appendix “E” to Report 13-013, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED12128, as amended, 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 “F” of the Township of Glanbrook Zoning By-law No. 464.
(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan;

(c) That staff be directed to maximize the landscaping strip on the west side of the property to separate this structure from the residential properties to the west;

(d) That the Ward 11 Councillor be included in the Site Plan stage of this project.

9. **Correspondence from Ivan E. Killins, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 8.1(i))**

That the correspondence from Ivan E. Killins, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be received.

10. **Correspondence from Marianne and Hugh Brown respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 8.1(ii))**

That the correspondence from Marianne and Hugh Brown, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be received.

11. **Correspondence from Gary Birch respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 8.1(iii))**

That the correspondence from Gary Birch, respecting the Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, be received.
12. **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough) (PED13139) (Ward 14) (Item 8.2)**

(a) That staff be directed to withdraw the Ontario Municipal Board appeal, respecting the City of Hamilton’s Committee of Adjustment decision to approve severance application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough); and,

(b) That staff be directed to request the Committee of Adjustment amend the conditions of the provisional consent for the severance application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough), by deleting the words “The lands to be retained shall be registered in the same name and title as the lands to which they are to be added (known municipally as 2461-2463 Highway 5 West)”, and replacing them with the following in lieu thereof:

“The owner/applicant either receive rezoning approval for the retained farm parcel to prohibit a dwelling or establish a restrictive covenant on the retained farm parcel prohibiting a dwelling to the satisfaction of the Manager of Development Planning, Heritage and Design.”

13. **Correspondence from Haliburton, Kawartha, Pine Ridge District Health Unit respecting Municipal and Community Involvement and Control in Renewable Energy Development (Referred from the Board of Health) (Item 8.3)**

That the Correspondence from Haliburton, Kawartha, Pine Ridge District Health Unit, respecting Municipal and Community Involvement and Control in Renewable Energy Development, be received and referred to the Mayor and the City Manager for review.


(a) That the Red Hill Business Park South Transportation Master Plan Addendum recommendations and projects listed in Report PED13146 be endorsed;

(b) That the General Manager, Planning and Economic Development Department, be authorized and directed to file the Red Hill Business Park South Transportation Master Plan Addendum for public review (appeal period) for a minimum period of thirty (30) days:
“(i) That the General Manager, Planning and Economic Development Department, be directed to provide written notification to the residents of Glover Road between Dickenson Road and Rymal Road (Wards 6 and 11) respecting the thirty (30) day public review (appeal period) of the Red Hill Business Park South Transportation Master Plan Addendum.”

(c) That subject to finalization of the thirty (30) day review period, the General Manager, Planning and Economic Development Department, be authorized and directed to proceed with the remaining Class Environmental Assessment (EA) process, design and implementation for the following projects:

(i) Twenty Road from Dartnall Road to Glover Road (Schedule B);

(ii) Twenty Road extension from Glover Road to Trinity Church Arterial Road and the associated southerly extension of the Trinity Church Arterial Road to meet Twenty Road (Schedule C); and,

(iii) That a cul de sac be installed between the southern most property of Maple Leaf Foods by 580 Glover Road.

15. **Correspondence from Karen Medeiros, respecting the Red Hill Business Park South Transportation Master Plan Addendum (Item 8.4(i))**

That the correspondence from Karen Medeiros, respecting the Red Hill Business Park South Transportation Master Plan Addendum, be received.

16. **Correspondence from Irene and Gerry DiCarlo, respecting the Red Hill Business Park South Transportation Master Plan Addendum (Item 8.4(ii))**

That the correspondence from Irene and Gerry DiCarlo, respecting the Red Hill Business Park South Transportation Master Plan Addendum, be received.

17. **Correspondence from John Ednie respecting the Red Hill Business Park South Transportation Master Plan Addendum (Item 8.4(iii))**

That the correspondence from John Ednie, respecting the Red Hill Business Park South Transportation Master Plan Addendum, be received.

18. **Process for Advertising and Provision of Notice (City Wide) (CL13002) (Item 8.5)**

Council – September 11, 2013
That Report CL13002, respecting the process for Advertising and Provision of Notice, be received.

19. Hamilton Municipal Heritage Committee Report 13-004 (Item 8.6)

Tim Simmons, Chair of the Hamilton Wentworth District School Board respecting Heritage Schools within Hamilton and Collaboration between the Hamilton Wentworth District School Board and the Hamilton Municipal Heritage Committee

That correspondence be sent to the Hamilton Wentworth District School Board thanking Chair Tim Simmons for speaking to the Hamilton Municipal Heritage Committee.

20. Agriculture and Rural Affairs Advisory Committee Report 13-002 (Item 8.7)

Bill C-322, an Act to amend the Health of Animals Act and the Meat Inspection Act (slaughter of horses for human consumption) (Item 5.9)

That Bill C-322 an Act to amend the Health of Animals Act and the Meat Inspection Act (slaughter of horses for human consumption), not be supported.


(a) That Report LS13030 and its Appendix “A” (attached thereto), respecting the Motion for Leave to Appeal to Divisional Court of the Ontario Municipal Board (OMB) Decision in Respect of the OMB Appeals of Rural Official Plan Amendment (ROPA) 43, Ancaster Official Plan Amendment (OPA) 137, Zoning By-law Amendment (ZBA) (By-law 11-191), Draft Plan of Subdivision 25T–201005 (1125-1143 Wilson Street West, Ancaster), remain confidential; and,

(b) That the City withdraw its motion for leave to appeal in respect of the Ontario Municipal Board (OMB) decision in respect of appeals of the Rural Official Plan Amendment (ROPA) 43, Ancaster Official Plan Amendment (OPA) 137, Zoning By-law Amendment (ZBL) (By-law 11-191), Draft Plan of Subdivision 25T-201005 (1125-1143 Wilson Street West, Ancaster).
22. Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)

(a) That Report LS13031, except for Appendix “A” attached thereto, respecting the Ontario Municipal Board Decision in respect of the appeal by Lynwood Charlton Centre from Council’s refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, remain confidential; and,

(b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, radial separation distances, and the Human Rights Code.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

(i) Added as Item 4.4 – Delegation Request from Ed Fothergill and John Clinton respecting a request to bring forward and approve 22-24 Emerald Street South (tabled August 13, 2013) for today’s agenda

(ii) Added as Item 4.5 – Delegation Request from Sheryl Fink, International Fund for Animal Welfare, respecting the Responsible Animal Ownership By-law and Item 6.1 on today’s agenda

(iii) Added as Item 4.6 – Delegation Request from Florine Morrison, Zoocheck Canada, respecting the Responsible Animal Ownership By-law and Item 6.1 on today’s agenda

(iv) Added as Item 4.7 – Delegation Request from Karl Mullen respecting Item 8.1 on today’s agenda – Report PED12128, Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook)

(v) Added as Item 4.8 – Delegation Request from David Hayes respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)
(vi) Added as Item 4.9 – Delegation Request from Dawn Ludwig respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)

(vii) Added as Item 4.10 – Delegation Request from Phyllis Bezeau respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)

(viii) Added as Item 4.11 – Delegation from Hugh Brown respecting Item 8.1 on today’s agenda – Report PED12128, Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook)

(ix) Added as Item 4.11 – Delegation Request from Ann Tennier, of Maple Leaf Foods, respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)

(x) Added as Item 12.2 – Motion for Leave to Appeal to Divisional Court of the OMB Decision in Respect of OMB Appeals of ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T–201005 (1125-1143 Wilson Street West, Ancaster) (LS13030) (Ward 12)

(xi) Added as Item 12.3 – OMB Decision in Respect of Appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street (Hamilton) (LS13031) (Ward 2)

The agenda for the September 4, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

August 13 2013

The minutes of the August 13, 2013 meeting of the Planning Committee were approved, as presented.
(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Harry Harrington respecting Taxi Issues (Item 4.1)

The delegation request from Harry Harrington respecting taxi issues was approved for a future Planning Committee meeting.

(ii) Delegation Request from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting Animal Control (Item 4.2)

The delegation request from Gail McGinnis, Kit Cat Club of Hamilton Rescue, respecting Animal Control was approved for a future Planning Committee.

(iii) Delegation Request from Marianne and Hugh Brown respecting Item 8.1, the Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook) (Item 4.3)

The delegation request from Marianne and Hugh Brown, respecting the Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Item 8.1 on agenda), was approved to appear before Committee on September 4, 2013.

(iv) Delegation Request from Ed Fothergill respecting a Request to Bring Forward and Approve Report PED13119 – Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands located at 22-24 Emerald Street South (Hamilton) (tabled August 13, 2013) for today’s agenda (Item 4.4)

(a) The delegation request from Ed Fothergill respecting a request to bring forward and approve Report PED13119 – Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands located at 22-24 Emerald Street South (Hamilton), was approved to appear before Committee on September 4, 2013.

(b) The Rules of Order were waived to allow for the presentation by Ed Fothergill, respecting a request to bring forward and approve Report PED13119 – Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands located at 22-24
Emerald Street South (Hamilton), at the September 4, 2013 meeting.

(v) **Delegation Request from Sheryl Fink respecting the Responsible Animal Ownership By-law and item 6.1 on today’s agenda (Item 4.5)**

The delegation request from Sheryl Fink respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray’s Reptile Zoo Inc., was approved to appear before Committee at the September 4, 2013 meeting.

The above motion CARRIED on the following vote:

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<th>Clark, Collins, Farr, Partridge, Pearson, Pasuta, Whitehead</th>
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(vi) **Delegation Request from Florine Morrison respecting the Responsible Animal Ownership By-law and item 6.1 on today’s agenda (Item 4.6)**

The delegation request from Florine Morrison respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray’s Reptile Zoo Inc., was approved to appear before Committee at the September 4, 2013 meeting.

(vii) **Delegation Request from Karl Mullen, respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.7)**

The delegation request from Karl Mullen respecting Item 8.4 on today’s agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11), as approved to appear before Committee at the September 4, 2013 meeting.
(viii) Delegation Request from David Hayes respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.8)

The delegation request from David Hayes, respecting Item 8.4 on today’s agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, was approved to appear before Committee at the September 4, 2013 meeting.

(ix) Delegation Request from Dawn Ludwig respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.9)

The delegation request from Dawn Ludwig, respecting Item 8.4 on today’s agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, was approved to appear before Committee at the September 4, 2013 meeting.

(x) Delegation Request from Phyllis Bezeau respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 4.10)

The delegation request from Phyllis Bezeau, respecting Item 8.4 on today’s agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, was approved to appear before Committee at the September 4, 2013 meeting.

(xi) Delegation from Hugh Brown respecting Item 6.3 on today’s agenda – Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (Ward 11) (Item 4.11)

The delegation request from Hugh Brown, respecting Item 6.3 on today’s agenda – Report PED13115, Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit, was approved to appear before Committee at the September 4, 2013 meeting.

Subsequent to the approval of the above delegation request, Committee was advised by the Ward Councillor that Mr. Brown wished to speak to Item 8.1 rather than 6.3. Mr. & Mrs. Brown were already listed to speak under Item 8.1; therefore, no further approval was required.
(xii) Delegation Request from Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods, respecting Item 8.4 on today’s agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum (Item 4.12)

The delegation from Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods, respecting Item 8.4 on today’s agenda – Report PED13146, Red Hill Business Park South Transportation Master Plan Addendum, was approved to appear before Committee at the September 4, 2013 meeting.

(e) Minutes of Various Advisory and Sub-Committee Meetings (Items 5.5 & 5.6)

The following Advisory and Sub-Committee meeting minutes were received:

(i) Hamilton Historical Board Minutes (Items 5.5(i) and (ii))

1. April 16, 2013
2. May 21, 2013

(ii) Tow Truck Licensing Sub-Committee Minutes – June 13, 2013 (Item 5.6)

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Paul Goulet and Steve Featherstone, Little Ray’s Reptile Zoo (Hamilton) Inc. respecting a Request for Exemption to the Responsible Animal Ownership By-law (Item 6.1)

Mr. Goulet, Founder and Director of Little Ray’s Reptile Zoo Inc., addressed Committee respecting a request for exemption to the Responsible Animal Ownership By-law. His comments included, but were not limited to, the following:

- The company was founded in 1995 and opened to public in 2000, and has been providing educational programs across Canada since its inception.

- The zoo itself holds permits to work in every province and has never had an issue in any city or province they’ve been in. The Zoo has also been able to meet the requirements set out by each province.
The zoo was founded on the premise of active educational programming, and quickly became a resource for authorities dealing with unwanted pets and confiscated animals.

- Works closely with the SPCA, Humane Societies across Canada and Environment Canada.

- Currently has nine world class exhibits.

- Provides training for accredited zoos and museums.

- The zoo has exhibits that rotate between Hamilton and Ottawa that rotate every 4 months to a year.

- It is our belief that we are exempted from the Animal Control By-law under Section 3.2(k) as a temporary display of animals and had the same confirmed by Animal Control staff in Hamilton on two separate instances.

- We are here to ask for an exemption to the By-law, as they may receive animals that are not temporary.

- The owners applied and received zoning approval where they did state that they would have reptiles and crocodilians.

- The mandate is to promote responsible animal ownership; conservation and rescue.

- All of the programs are created by educators, teachers and biologists.

- Advocates for federal legislation to control exotic animals; including giant pythons, like the one that caused the incident that occurred in New Brunswick.

- Canadian Accredited Zoos and Aquariums (CAZA) – our facility has applied for accreditation for the facility in Hamilton.

- They must remain open to apply for accreditation, which is a one and a half year process. They are currently undergoing the accreditation process and the zoo does meet the standards.

The presentation from Paul Goulet and Steve Featherstone, of Little Ray’s Reptile Zoo (Hamilton) Inc., respecting a request for exemption to the Responsible Animal Ownership By-law, was received.
Florine Morrison, Zoocheck Canada, respecting the Responsible Animal Ownership By-law and Item 6.1 on today’s agenda (Item 6.1(ii))

Ms. Morrison, Zoocheck Canada, addressed Committee respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray’s Reptile Zoo Inc. Ms. Morrison’s comments included, but were not limited to, the following:

- Opposed to granting the exemption to the Responsible Animal Ownership By-law.
- Granting the exemption would be setting a dangerous precedent for a wide range of other businesses that would like to set up shop in Ontario’s major cities.
- There is currently a company that wants to bring cheetahs into schools. Don’t create an opportunity for them to seek exemptions as well.
- The current by-law is in harmony with what other jurisdictions have done or are doing. It’s reasonable and an exemption would be difficult to enforce. What’s to stop the zoo from bringing prohibited animals in and out of the city?
- The current by-law is good for animals; it recognizes that it is no longer acceptable to keep dangerous or difficult, wild animals for amusement or profit.
- Enforcement of the by-law also keeps the City of Hamilton from supporting the exotic animal trade.
- Many of the animals that are prohibited are very dangerous animals, such as alligators or crocodiles. None of which should be kept in close proximity to the public.
- I urge you to do what’s best for the animals and the City by enforcing your current Responsible Animal Ownership By-law.

The presentation by Florine Morrison, Zoocheck Canada, respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray’s Reptile Zoo Inc., was received.
(iii) Delegation Request from Sheryl Fink, International Fund for Animal Welfare, respecting the Responsible Animal Ownership By-law and Item 6.1 on today’s agenda (Item 6.1(iii))

Ms. Fink addressed Committee respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray’s Reptile Zoo Inc. Ms. Fink’s comments included, but were not limited to, the following:

- Ms. Fink spoke in support of the City of Hamilton's Responsible Animal Ownership By-law; it’s reasonable, fair and should possibly be strengthened.
- International Fund for Animal Welfare (IFAW) works with individual animals, animal populations and habitats all over the world. With projects in more than 40 countries.
- IFAW is in support of the City of Hamilton’s Responsible Animal Ownership By-law.
- Concerned that an exemption could set a precedent for others who would want exemptions, or would continue to operate until they get caught.
- Strict legislation is required for public health and safety, the proper and humane care for the health and welfare of the animals as well as protection of the natural environment.
- The By-law is reasonable, fair and should be enforced, if anything should be strengthened, especially in light of what happened in New Brunswick this summer.

The presentation by Sheryl Fink, International Fund for Animal Welfare, respecting the Responsible Animal Ownership By-law and Item 6.1, the Delegation Request from Paul Goulet and Steve Featherstone, of Little Ray’s Reptile Zoo Inc., was received.

(iv) Michael Sabelli (Agent) and Jim Bruzzese (Owner) respecting the Reduction in Radius and Standard for an Existing Temporary Turning Circle Located on Waterberry Trail (Item 6.2)

Mr. Sabelli and Mr. Bruzzese addressed Committee respecting the reduction in radius and standard for an existing temporary turning circle.
located on Waterberry Trail. Their comments included, but were not limited to, the following:

- Here to ask that staff be permitted to deviate from the existing policy to adjust the temporary turning circle to allow for the construction of a single lot by Waterberry Trail.

- There is ample land behind the temporary turning circle for future snow storage.

- Mr. Sabelli and Mr. Bruzzese have been working with staff and the Ward Councillor (Councillor Whitehead) with respect to this matter.

- Mr. Bruzzese will be contributing approximately $30,000 in development charges and approximately $5,000 a year in property taxes.

- Mr. Bruzzese has serviced the land with municipal water and sewers.

The presentation from Michael Sabelli (Agent) and Jim Bruzzese (Owner) respecting the reduction in radius and standard for an existing temporary turning circle located on Waterberry Trail, was received.

A copy of the handouts, respecting Item 6.2, are available on-line or through the office of the City Clerk.

(v) Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (PED13115) (Ward 11) (Item 6.3)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Draft Approved 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.

Chair Farr inquired three times if anyone in attendance wished to address the Committee respecting this item.
No speakers came forward with respect to Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision.

The public meeting, respecting Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision, was closed.

The staff presentation, respecting Report PED13115 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision, was waived.

For disposition on this Item, refer to Item 7 above.

(vi) Frank Attardo, on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive (Item 8.1 - PED12128) (Item 6.4)

Mr. Attardo addressed Committee, on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive. Mr. Attardo’s comments included, but were not limited to, the following:

- Consultation with the Ward Councillor (B. Johnson) and members of the community has occurred.

- A further public meeting was held to advise the neighbourhood that the applicant was coming back to Committee to present the enhanced renderings of the development, and to answer any questions about the project. This meeting happened on August 22, 2013 and there were over 30 people in attendance. Councillor Johnson and Alvin Chan, Planner, also attended.

- Over half of the attendees were supportive and those who might still be opposed to the project were very cordial and had all of their concerns and questions answered.

- The application is fully in agreement with the City’s Official Plan and the former Glanbrook Official Plan.

- The applicant has complied with every demand made by the City and consulted with the City prior to formulating his plan.
This development is in the same corridor that the City identifies in the proposed Mount Hope Airport Gateway Community Improvement Initiatives Project Area.

We would ask Committee to approve the development and send it to Council for ratification.

The request by Larry Dilanni to speak with Frank Attardo on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive, was approved to appear before Committee at the September 4, 2013 meeting.

The presentation by Frank Attardo and Larry Dilanni, on behalf of Farzad Karambakhsh, respecting 3250 Homestead Drive, was received.

(vii) Ed Fothergill and John Clinton respecting a request to Bring Forward and Approve Report PED13119, Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton (Item 6.5)

Mr. Fothergill and Mr. Clinton addressed Committee, respecting their request to bring forward and approve Report PED13119, Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton, which was tabled at the August 13, 2013 Planning Committee meeting to allow the Ward 3 Councillor to conduct public meetings. Mr. Fothergill’s and Mr. Clinton’s comments included, but were not limited to, the following:

- We are here today asking that the report be brought forward and addressed today. If not today, at least at the next Planning Committee meeting.

- Mr. Clinton introduced himself as the Executive Director of St. Leonard’s.

- St. Leonard’s has been at the same location for many years and is a facility that helps to transition people from prison into the community.

- There have been no issues raised that suggest there are problems with the site.

- Renovations are being made to make the building accessible – the building is aging.
o No attempt is being made to increase the size of the building or to change the use. We currently have 36 beds and are only planning on operating the same as we have for the last 38 years.

o The delay is costing both time and money that could be invested into the property.

o The applicant has invested over $2,000,000 in Hamilton upgrading and making the building accessible. This has created 10 living wage jobs.

o The applicant held an open house and there was no public outcry. We also have a 7 foot sign in front of the building and there has been no public outcry to the sign. They are not aware of any outstanding concerns.

o The renovations have been to increase the washroom space in order to fit the accessible design; we are building new bedrooms (larger to accommodate accessibility), but we are losing space elsewhere to accommodate the new elevator.

The presentation, respecting the request to bring forward and approve Report PED13119, Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton, which was tabled at the August 13, 2013 Planning Committee meeting to allow the Ward 3 Councillor to conduct public meetings, was received.

Report PED13119, respecting the Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22-24 Emerald Street South, Hamilton is to be lifted from the table and addressed at either the September 17, 2013 Planning Committee meeting, or at the very latest, the October 1, 2013 Planning Committee meeting.

(viii) Karl Mullen respecting item 8.4 on today’s agenda (Item 6.6)

Mr. Mullen was not in attendance when he was called upon.
(ix) David Hayes respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11)

Mr. Hayes addressed Committee and provided his comments that included, but were not limited to, the following:

- Concerns are primarily related to traffic flow.
- The neighbourhood has approximately 30 residents.
- The plant is not even up and running yet and we have approximately 1 ½ hours of steady traffic through the neighbourhood. The cul de sac is one way of maintaining some peace and quiet.

The presentation from David Hayes, respecting Report PED13146 – Red Hill Business Park South Transportation Master Plan Addendum, was received.

(x) Dawn Ludwig respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 6.7)

Ms. Ludwig addressed Committee and provided her comments that included, but were not limited to, the following:

- On November 8, 2011, I attended a Planning meeting at the City of Hamilton. At the meeting I spoke concerning the request to have a cul-de-sac installed to separate our residential area from the manufacturing facilities of the same street. The development of an Industrial Park had just started.

- I submitted a signed petition from the residents residing between 580 Glover Road and 703 Glover Road. Residents were and still are very concerned about traffic and safety.

- The request was a unanimous decision from all homeowners at the time. Unfortunately a couple homeowners have changed their view. I believe only two homeowners of many.

- I have recently spoken to the majority of homeowners from 580 to 703 Glover Road. We still have well over 90% in favor of a cul-de-sac.

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I stand in front of you all again today, almost 2 years later with the same request. We have lost our rural community and it will only get worse as more industry moves in.

Many trees were cut down on our properties so that huge hydro poles could be erected to supply the hydro needed for the industrial park. This was really upsetting.

Last time I spoke here Maple Leaf had just started their development. We now have Navistar across from the Maple Leaf plant. Maple Leaf expects to hire 670 employees and will operate 24 hrs a day, 7 days a week. Navistar has built a massive building and I am sure they will be hiring many employees.

I expect that other large businesses will open up on Glover Road in the vacant spaces still available in the near future.

Traffic going by our residential homes has been extremely busy over the last number of months with many construction workers flying by to work on the Maple Leaf plant or the Navistar plant.

I don’t even want to think about the amount of traffic once these plants officially open and then other industries open down the road in the future.

It is very difficult and dangerous to back out of our driveways with the volume and speed of traffic going by our homes. We have a legally blind young man living in our residential area. I would often see him and his Mom going for walks down the road. A while back his Mom said she doesn’t dare anymore, it is just not safe.

The City has posted signs which state no trucks allowed in our residential area. Unfortunately the signs are ignored over and over again.

Many neighbours, myself included, have called the City numerous times with issues related to traffic and safely.

I have been in contact with the City on many occasions since November 2011. I would ask if they were close to giving us an answer on the cul-de-sac. They would report that reviews and studies were taking place and they could not give us an answer yet. Almost 2 years has now gone by. It has been really difficult waiting as I and other neighbours watch the development happening next to us.
o We have recently heard that staff is not recommending a cul-de-sac for Glover Road. They have another alternative, we are told.

o The former Glanbrook Council created this Industrial Park with the promise that our enclave of houses would be protected with a cul-de-sac separating our residential area from the manufacturing facilities of the same street once development of the Industrial Park was underway. By creating the Industrial Park they changed the zoning from agricultural to industrial.

o The residents of Glover Road have been here for many years, The City of Hamilton should honor this promise. Keep us separated, please.

The presentation from Dawn Ludwig, respecting Report PED13146 – Red Hill Business Park South Transportation Master Plan Addendum, was received.

(xi) Phyllis Bezeau respecting Item 8.4 on today's agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 6.8)

Ms. Bezeau addressed Committee and provided her comments that included, but were not limited to, the following:

o I had a stroke and cannot walk down the road because of the traffic.

o I have to watch when putting the garbage out (between 6:30 a.m. and 7:30 a.m.) to be sure I don't get hit because of all the traffic.

o Between 4:00 and 5:00 p.m., in less than 15 minutes, I counted at least 100 cars that went past our house.

o The stop light is not helping.

o We need to be separated from the industrial park.

o Maple Leaf has been fantastic. However, Navistar has unloaded trucks at 4:00 a.m. – this is unacceptable.

o We are aware that EMS will be slightly slower if a cul de sac is put in.
The presentation from Phyllis Bezeau respecting Report PED13146 – Red Hill Business Park South Transportation Master Plan Addendum, was received.

(xii) Marianne Brown respecting Item 8.1, respecting Report PED12128 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands Located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision (Ward 11) (Item 6.9)

- Family has lived in Mt. Hope for almost four generations.
- Our understanding with the former Council of Glanbrook was that future development of Homestead was to stay existing residential.
- We are concerned with the way (the project) is designed. There are 12 units, which is too much for this property. The property should only hold maybe 3 houses. The apartment is way too big and distorts the property.
- I don’t mind townhouses.

The presentation from Marianne Brown, respecting Report PED12128 - Application to Amend Glanbrook Zoning By-law No. 464 for Lands located on the South Side of Rymal Road Within the “Red Hill Summit Estates East” Draft Approved Plan of Subdivision, was received.

(xiii) Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods, respecting Item 8.4 on today’s agenda – Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 6.10)

- Here to comment on the matter under consideration regarding the potential cul de sac.
- Council approved the Maple Leaf meat processing plant in October 2011, since then the plant has been built.
- Thanked residents for their understanding and patience as they work through the construction of the project,
- Maple Leaf held its first open house on November 2, 2011, which was very well attended (between 125-150 people in attendance).
There was a petition presented, which Maple Leaf signed; they were at the time and still are in support of the proposed cul de sac, should the City decide to go in that direction.

Since then we’ve had four more open houses that were all well attended. Each had 50 to 75 people depending on what was being discussed at the time. Each time the matter of cul de sac and Glover Road was discussed.

We’ve done our best to restrict trucks and traffic, from our operations, on Glover Road, but we recognize the increase of traffic from newer businesses in the area and our construction employees travelling to the site.

Once we open, some of our employees might use Glover Road to come to work. We have already put into our employee orientation package that there are alternate routes to get to work so employees don’t have to go down Glover Road.

We have also checked with HSR to see if a bus route can be accommodated should a cul de sac be approved.

In short, operational needs can be met if that route is selected.

If you would like to consider the cul de sac option, Maple Leaf is certainly willing to work with staff to accommodate what needs to be done.

The delegation by Ann Tennier, Vice President of Environmental Affairs and Lead Community Liaison for Maple Leaf Foods, respecting Report PED13146 – Red Hill Business Park South Transportation Master Plan Addendum, was received.

(g) Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (PED12128) (Item 8.1)

Report PED12128, respecting the Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, was lifted from the table for consideration.

Report PED12128, respecting Application for an Amendment to the Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive, was amended by adding sub-sections (b) through (d) to read as follows:
(b) That staff be directed to maximize the landscaping strip on the west side of the property to separate this structure from the residential properties to the west;

(c) That staff be directed to amend the by-law to reflect that there are to be no balconies facing west;

(d) That the Ward 11 Councillor be included in the Site Plan stage of this project.

(h) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough) (PED13139) (Ward 14) (Item 8.2)

Report PED13139, was amended by deleting the recommendation in its entirety and replacing it with the following in lieu thereof:

(a) That staff be directed to withdraw the Ontario Municipal Board appeal, respecting the City of Hamilton’s Committee of Adjustment decision to approve severance application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough); and,

(b) That staff be directed to request the Committee of Adjustment amend the conditions of the provisional consent for the severance application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough), by deleting the words “The lands to be retained shall be registered in the same name and title as the lands to which they are to be added (known municipally as 2461-2463 Highway 5 West)”, and replacing them with the following in lieu thereof:

“The owner/applicant either receive rezoning approval for the retained farm parcel to prohibit a dwelling or establish a restrictive covenant on the retained farm parcel prohibiting a dwelling to the satisfaction of the Manager of Development Planning, Heritage and Design.”

(i) Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 8.4)

Sub-section (c)(iii) of Report PED13146, respecting the Red Hill Business Park South Transportation Master Plan Addendum, was amended by deleting it in its entirety:

(iii) ——Glover Road Traffic Island (Schedule A)
and replacing it with the following in lieu thereof:

(iii) That a cul de sac be installed between the southern most property of Maple Leaf Foods by 580 Glover Road.

The above motion CARRIED on the following vote:

Yeas: Johnson, Partridge, Clark, Collins, Pasuta
Total: 5
Nays: Farr, Pearson, Whitehead
Total: 3
Absent: Ferguson
Total: 1

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

(i) Outstanding Business List Amendments (Item 11.1)

The following items were considered complete and removed from the Planning Committee’s Outstanding Business List:

(a) Item H: Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for the Lands Located at 3250 Homestead Drive (Glanbrook)

(b) Item Z: By-law Advertising: Provisions of Public Notice Report

(c) Item HH: Delegation from Farzad Karambakhsh respecting 3250 Homestead Drive (PED12128)

(k) News from the General Manager (Item 11.2)

The General Manager provided updates of current events and initiatives within the Planning and Economic Development Department.

(l) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – August 13, 2013

As Committee determined that no discussion, respecting the Closed Session Minutes of August 13, 2013 meeting of the Planning Committee

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was required, the Minutes were approved in Open Session, as shown below:

(a) The Closed Session Minutes of the August 13, 2013 meeting of the Planning Committee were approved, as presented.

(b) The Closed Session Minutes of the August 13, 2013 meeting of the Planning Committee will remain confidential and restricted from public disclosure.

(m) Motion for Leave to Appeal to Divisional Court of the Ontario Municipal Board (OMB) Decision in Respect of the OMB Appeals of Rural Official Plan Amendment (ROPA) 43, Ancaster Official Plan Amendment (OPA) 137, Zoning By-law Amendment (ZBA) (By-law 11-191), Draft Plan of Subdivision 25T–201005 (1125-1143 Wilson Street West, Ancaster) (LS13030) (Ward 12) (Item 12.2)

The Planning Committee moved into Closed Session, at 3:30 p.m. for the discussion of Item 12.2, respecting a Motion for Leave to Appeal to Divisional Court of OMB Decision in Respect of OMB Appeals of ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T–201005 (1125-1143 Wilson Street West, Ancaster), pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, 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 City; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

For disposition of this matter, refer to Item 21 above.

(n) Ontario Municipal Board (OMB) Decision in respect of the Appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)

The Planning Committee moved into Closed Session, at 3:30 p.m. for the discussion of Item 12.3, respecting Report LS13031, Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 10-053, 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 City; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The above motion CARRIED on the following vote:

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For disposition of this matter, refer to Item 22 above.

(o) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 4:33 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
15. LAT will notify the Deputy Clerk of the date, time and location of the LAT Hearing.

16. Any conditions that the objector wants affixed to the liquor licence can be prepared in an agreement for the Pre-Hearing. This will allow the applicant and the City of come to an agreement prior to the formal Hearing.

17. All conditions agreed upon at the LAT Hearing maybe be affix to the establishments liquor licence and enforceable if violated.

Temporary Extension Permits:

1. Take the completed in-house application form and event map.

   Map must include:
   - Dimensions of licensed area;
   - Location of entry and exit points;
   - Location of all Fire connections within the licensed area and adjacent to that area; and,
   - Area and make up of any structure being used.

2. Take the fee of $179.00 for processing.

3. Circulate the package with a 15 business day expiry for commenting to the following:
   a. Hamilton Police Service
   b. Building Services
   c. Public Health Services
   d. Public Works
   e. SEAT
   f. Urban Renewal
   g. Provide the Ward Councillor only the in-house application and map

Objection from Ward Councillor:

4. Ward Councillor can give suggestions to amend the event details to alleviate his/her objection. The applicant would then amend the event to reflect the changes and the Ward Councillor would supply a non-objection email, or comment.

5. If the Ward Councillor is not in support of the event as a whole then the applicant and the AGCO is issued an objection letter.
Objection/Non-compliance from Other then Ward Councillor:

6. Suggestions to amend the event details to alleviate the objection will be requested of the objecting department. The applicant would then amend the event details to reflect the changes and the objecting department would supply a non-objection letter, email, or comment.

7. If the department is not in support of the event as a whole the objection is forwarded to the Ward Councillor. If the Councillor supports the objection an objection letter is sent to the applicant and the AGCO. If the Councillor does not support the objection, it is noted but not enforced. Should there be a non-compliance related to codes, by-laws or regulations, an objection letter would be sent to the AGCO and applicant advising of the non-compliance and failure to meet the by-law, code or regulation.

Non Objections/Compliance Letters Received:

8. Should all comments come back with non-objections and compliance, the Deputy Clerk will sign a non-objection letter. A copy is forwarded to the AGCO and applicant with Building Services, Fire, and Health letters.

* There are no resolutions required related to these applications.*
Appendix “C” to Item 5 of Planning Committee Report 13-013

Committee of Adjustment

Subject Property
1400 Upper James Street

City of Hamilton
Appendix “D” to Item 7 of Planning Committee Report 13-013

Location Map

Site of the Application

Subject Property

1970 Rymal Road East, Glanbrook

Ward 11 Key Map

File Name/Number: ZAC-12-060/25T-200208(R)
Date: May 10, 2013

Appendix “A”
Scale: N.T.S.
Planner/Technician: PD/AL

Planning and Economic Development Department
GENERAL ISSUES COMMITTEE
REPORT 13-017
(as amended and approved by Council on September 11, 2013)

9:30 a.m.
Thursday, September 5, 2013
11:30 a.m.
Monday, September 9, 2013
Council Chambers
Hamilton City Hall
71 Main Street West

September 5, 2013
Present: Deputy Mayor J. Farr (Chair)
Mayor R. Bratina
Councillors B. Clark, C. Collins, L. Ferguson, T. Jackson,
B. Johnson, B. McHattie, S. Merulla, B. Morelli, J. Partridge,
R. Pasuta, M. Pearson, T. Whitehead
Absent with Regrets: Councillors R. Powers, S. Duvall – City Business (FCM)

September 9, 2013
Present: Deputy Mayor J. Farr (Chair)
Councillors B. Clark, S. Duvall, L. Ferguson, T. Jackson,
B. McHattie, S. Merulla, J. Partridge, M. Pearson, R. Powers,
T. Whitehead
Absent with Regrets: Mayor R. Bratina – City Business
Councillors C. Collins, B. Johnson – City Business
Councillor R. Pasuta – Vacation
Councillor B. Morelli – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-017 AND RESPECTFULLY RECOMMENDS:

1. Lease Agreement – Stabling the Police Mounted Unit at Ancaster Fairgrounds (PSB13-073) (Item 5.1)

(a) That a Lease Agreement be entered into between the City of Hamilton (Tenant) and Ancaster Agricultural Society (Landlord) for the purposes of providing a location for the Hamilton Police Service Mounted Unit at the Ancaster Fairgrounds, 630 Trinity Road South, Ancaster, subject to the following terms and conditions:

Council – September 11, 2013
Area: Approximately 4,800 square feet of ground level space, known as the Education Building, to be used as stables. Approximately 200 square feet of space in Merritt Hall to be used as administrative offices. The use of the riding arena when available for police horse training.

Term: A period commencing on September 1, 2013 and expiring August 30, 2021. The lease may be terminated by the Tenant at any time with no penalty after the first two (2) years of the term by providing six months notice.

Rental Rate: $6,000 per annum plus H.S.T. The payments will be made from the Mounted Unit Rent Account No. 55358-376451.

(b) That the Mayor and City Clerk be authorized and directed to execute the lease Agreement and any and all ancillary documents in a form satisfactory to the City Solicitor.

2. Locke Street Business Improvement Area (B.I.A.) Expansion of Boundaries (PED13134) (Ward 1) (Item 5.2)

(a) That the Locke Street Business Improvement Area (BIA) boundaries be expanded as identified in Appendix “A” to Report PED13134;

(b) That the City Clerk’s Division be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Sections 209, 210, 212 and 213 of the Municipal Act;

(c) That the City Solicitor be authorized and directed to prepare the necessary amending by-law;

(d) That the Urban Renewal Section be authorized and directed to prepare the housekeeping amendments to By-law 11-272 (the Downtown and Community Renewal Community Improvement Project Area By-law) to reflect the changes.
3. **Hamilton Tax Increment Grant Program (HTIGP) – 149 Young Street – HTIGP 13/08 (PED13138) (Ward 2) (Item 5.3)**

(a) That the Hamilton Tax Increment Grant Program (HTIGP) application submitted by G. S. Maher Property Holdings Ltd. (Garnet Shawn Maher), owner of the property at 149 Young Street, for a HTIGP grant estimated at $51,849.22 over a maximum of a five-year period and based upon the incremental tax increase attributable to the redevelopment of 149 Young Street, be authorized and approved in accordance with the terms and conditions of the Program;

(b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix “A” to Report PED13138, in a form satisfactory to the City Solicitor.

4. **Request for Extension of Building Covenants from The Green Method Inc. (Gaston Minetti and Maria Gordillo), Owners of 958, 962, 970 and 974 Beach Boulevard, Hamilton (PED13149) (Ward 5) (Item 5.4)**

(a) That a request to extend building covenants imposed by the City upon The Green Method Inc. (Gaston Minetti and Maria Gordillo), owner(s) of 958, 962, 970 and 974 Beach Boulevard, regarding four building lots described as Parts 3, 4, 5, 6, 9, 10, 11 and 12 on Plan 62R-17405, and shown on Appendix “A” attached to Report PED13149, be approved;

(b) That the date(s) for commencement of construction be extended from July 19, 2013 to July 19, 2014 and that the date for completion of construction be extended from July 19, 2014 to July 19, 2015;

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

5. **Bi-directional Bike Lane Pilot Project – South Side of Cannon Street, from Sherman Avenue to Bay Street (Item 9.2)**

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 Yes We Cannon 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 three-year pilot project preferably, but not excluded to, 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 are 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 Wards 1, 2 and 3 area rating capital reserves, along with appropriate sources to be identified by Public Works;

(d) That staff report back to the General Issues Committee following completion of the pilot project;

(e) That staff report back to the next appropriate meeting of the General Issues Committee with details of the costs and design.
6. **Request for Information (RFI) – Auchmar Estate (PED13151) (Ward 8)**

(Item 8.1)

That staff be directed to proceed with a non-binding Request for Proposal (RFP) for the potential private use and/or sale of the Auchmar Estate.

7. **Declaration of Surplus and Sale of 241 Stuart Street, Hamilton, to Canadian National Railway Company (PW13067/PED13158) (Wards 1 and 2)**

(Item 8.2)

(a) That the subject land known as 241 Stuart Street, an irregular shaped 6.6 acre vacant industrial site situated adjacent to the Stuart Street Rail Yard and described as Parts 1 to 17 on Plan 62R-8505 and forming PIN 17580-0105 (LT) and Roll No. 251802012558450, as shown on Appendix “A” attached to Report PW13067/PED13158, be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law for the Sale of Land, being By-law 04-299;

(b) That an Offer to Purchase to be executed by Canadian National Railway Company, for the lands described in Recommendation (a), be approved and completed for the sale price of $1,320,000 to be credited to Project Account No. 4030941910 (Street Snow Disposal);

(c) That the deposit cheque in the amount of $50,000, be held by the General Manager of Finance pending acceptance of this transaction;

(d) That the sale price of $1,320,000 does not include the Harmonized Sales Tax (HST). Should the HST be applicable and collected by the City, that the HST amount be credited to Account No. 22828-009000(HST Payable);

(e) That the sum of $20,000 from the sale proceeds be credited to Account No. 45408-3560150200 to recover expenses including Real Estate administration, appraisal fees and legal expenses;

(f) That the City acquire/retain an easement across the lands to be sold to Canadian National Railway Company designated as Part 2 on Plan 62R-14660 for maintenance, repair and replacement of an existing 1200 mm combined sanitary/storm sewer;

(g) That the City acquire/retain an easement across the lands to be sold to Canadian National Railway Company, yet to be designated on a reference plan, traversing the southerly portion of the property and being 6 to 8 metres in width, to form part of a multi-use trail connection between Bay Street North and Dundurn Park, as identified in the Setting Sail Secondary;
(h) That as a condition of the land sale, the City stipulate and the Purchaser (Canadian National Railway Company) agrees to undertake, to construct an earth berm along the north side of the trail easement within two years of closing, to create a buffer between rail yard operations and the proposed multi-use trail and other land uses to the south, as envisioned by policies in the Setting Sail Secondary Plan;

(i) That as a condition of the land sale, the Purchaser (Canadian National Railway Company), shall agree and acknowledge that the 150 metre setback from the Stuart Street Rail Yard, applicable to residential and other sensitive land uses, shall be measured from the existing limits of the rail yard, and in this respect, the Purchaser shall not interpret the area of the subject property as part of the rail yard (Class III Industrial Facilities);

(j) That the City grant Canadian National Railway Company an Authority to Enter to conduct inspections, surveys and tests, and after all conditions are satisfied or waived and the purchase agreement is firm, to place, construct or erect any railway structure or infrastructure necessary as part of Canadian National Railway Company expansion project;

(k) That the Mayor and City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following:

(i) That as required by Section 3 (a) of By-Law 04-299, the subject lands be declared surplus by inclusion in this Report to City Council;

(ii) An external appraisal of the fair market value of the real property intended to be sold was completed on July 3, 2013, and the sale price equates to the appraised value estimate; and,

(iii) That in accordance with the approved method of providing notice in the City of Hamilton By-Law No. 04-299 “Procedural By-Law for the Sale of Land”, Section 12 (a) (5), notice to the public of the proposed sale of land, is given by inclusion of the land sale in a report of a Committee recommending to City Council the sale of the land.
8. Report 13-002 of the Business Improvement Area Advisory Committee – August 20, 2013 (Item 8.3)

(i) Policing and Road Closures

That staff be requested to report back to the October meeting of the Business Improvement Area Advisory Committee respecting road closure requirements, taking into consideration the concerns expressed by Committee members.

(ii) Insurance Coverage for Business Improvement Areas

That staff be directed to investigate the possibility of insurance coverage for the Business Improvement Areas through the City’s insurance policy and report back to the Advisory Committee.

9. Memorandum of Agreement - City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct - Update (CM13006(b)) (Ward 3) (Item 7.1(a))

That Report CM13006(b) respecting “Memorandum of Agreement - City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct – Update” be received.

Item 10 was deleted in its entirety and replaced with the following in lieu thereof:

10. Construction of a Seniors’ Recreation/Community Centre in the Pan Am Stadium Precinct

(a) That an amount up to $17 million for the construction of a seniors’ recreation/community centre (the “facility) in the Pan Am Stadium Precinct be approved;

(b) That $9.45 million of the $17 million referred to in sub-section (a) above be funded as follows:

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

(ii) Future Development Charges $ 3.4 million

(iii) Ward 3 Capital Reserve $ .5 million
(iv) Proceeds received in 2013 from the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million

(v) Council’s Strategic Reserve $ 1.5 million

$9.45 million

(c) That the remaining $7.55 million be funded through existing funding sources that include:

(i) Council’s Strategic Capital Reserve $ 2.7 million

(ii) Hamilton Utilities Corp. (Horizon) 2013 Special Dividend $ 2 million

(iii) Balance of the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million

$7.55 million

(d) That any additional costs resulting from not partnering with the Hamilton-Wentworth District School Board, up to a maximum of $2.3 million, be funded from the Unallocated Capital Reserve, and that this Reserve be replenished from any surpluses to a maximum of $2.3 million associated with the Westmount Recreation Centre project;

(e) That should any infrastructure funding program become available through the Federal and/or Provincial governments prior to the construction completion of the facility, that staff be authorized and directed to file the necessary funding request documents;

(f) That the Hamilton Future Fund only be considered as a last resort, should there be a shortfall in funding from existing Reserves;

(g) That the Hamilton-Wentworth District School Board be requested to determine their interest in entering into a facility usage agreement.

10. Memorandum of Agreement -- City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct -- Update (CM13006(b)) (Ward 3) (Item 7.1(b))

(a) That the Mayor be directed to confirm in writing to the Hamilton Wentworth District School Board that the City will contribute up to $17 million towards 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;
(b) That $9.45 million of the City’s total contribution of $17 million referred to in sub-section (a) above be funded as follows:

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

(ii) Future Development Charges $3.4 million

(iii) Ward 3 Capital Reserve $0.5 million

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

(v) Council’s Strategic Reserve $1.5 million

$9.45 million

(c) That the remaining financing of the City’s contribution in the amount of $7.55 million be funded from the “Hamilton Future Fund A”;

(d) That in conjunction with the construction of the joint secondary school/community centre project the City identifies and redevelops outdoor recreation space in the Stadium Precinct Area suitable for the replacement of Brian Timmis field and the playing fields displaced by the construction of the secondary school/community centre.

11. Amending Agreement to Original Agreement between the Hamilton-Wentworth Catholic District School Board and the Corporation of the City of Stoney Creek dated July 18, 2000 for the Use of Premises at the Cardinal Newman High School for the Purpose of Operating the Saltfleet Library (Item 10.1)

That the Amending Agreement surrendering the second floor portion of the Saltfleet Library to the Hamilton-Wentworth Catholic District School Board in exchange for the payment of $530,000 be approved.

12. Chedoke Twin Pad Arena (LS13026) (City Wide) (Item 12.2)

(a) That the City Solicitor be directed to take reasonable steps against outside legal counsel to recover costs incurred on the motion and appeal of the dismissal for delay with respect to the Chedoke Twin Pad Arena;

(b) That the contents of Report LS13026 respecting “Chedoke Twin Pad Arena” remain confidential.

Council – September 11, 2013


**FOR THE INFORMATION OF COUNCIL:**

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

**September 5, 2013**

The Clerk advised of the following changes:

**ADDED DELEGATION REQUEST**

For Today’s Meeting

4.8 Request from John McGreal to speak to Items 7.1(a) and (b) on the Agenda respecting Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct

4.9 Request from Larry Pattison on behalf of Friends of Jimmy Thompson Memorial Pool to present signatures and comments from Change.org petition respecting the future of Jimmy Thompson Pool

**OUTSTANDING BUSINESS LIST**

11.1 Items to be transferred to another Standing Committee:

(b) Item U: Expansion of Community Improvement Initiatives – Piers 5, 20, 7 and 8

This item is to remain on the Outstanding Business List of the General Issues Committee with the due date to be revised from September 5, 2013 to December 4, 2013.

The agenda for the September 5, 2013 meeting of the General Issues Committee was approved as amended.

**September 9, 2013**

The Clerk advised of the following changes:
ADDED NOTICE OF MOTION

10.1 Amending Agreement to Original Agreement between the Hamilton-Wentworth Catholic District School Board and the Corporation of the City of Stoney Creek dated July 18, 2000 for the Use of Premises at the Cardinal Newman High School for the Purpose of Operating the Saltfleet Library

The agenda for the September 9, 2013 meeting of the General Issues Committee was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

The Minutes of the General Issues Committee Meeting held on August 12, 2013, were approved as presented.

(d) DELEGATION REQUESTS

(i) For Future Meeting

The following delegation requests were approved:

(i) Request from Jackie Stell-Buckingham, Director of Events, Project Director for the 2015 ISU World Synchronized Skating Championships, to attend the November 6, 2013 meeting of the General Issues Committee to provide an overview of plans for the 2015 ISU Championships to be hosted at Copps Coliseum, Hamilton

(ii) Request from Patrick Deane, McMaster University, to attend the October 16, 2013 meeting of the General Issues Committee to provide an update of McMaster’s activities, its work related to community engagement and development in the City

(ii) For Today’s Meeting

The delegation requests from the following were approved, and the rules of order were suspended in order to allow the delegations to appear before the Committee at this meeting:

Council – September 11, 2013
(i) Request from Tim Progosh, Canadian Comedy Experience/Canadian Comedy Foundation, respecting their 5-year strategy which includes bringing the Canadian Comedy Awards Festival and the permanent home of the Canadian Comedy Hall of Fame to Hamilton (Item 4.3)

(ii) Request from Joe Accardi, The Green Smoothie Bar, respecting making Cannon Street a complete street (Item 4.4)

(iii) Request from Matt Patricelli, on behalf of Young Entrepreneurs and Professionals – Hamilton Chamber of Commerce, to provide the Commerce’s young professional viewpoint of “Complete Streets” and their impact the City’s economic and social community (Item 4.5)

(iv) Request from Denise O’Connor to speak with respect to Motion for bike lanes on Cannon Street (Item 9.2) (Item 4.6)

(v) Request from Justin Jones, on behalf of “Yes We Cannon”, to present petition and to speak in support of bike lanes on Cannon Street (Item 4.7)

(vi) Request from John McGreal to speak to Items 7.1(a) and (b) on the Agenda respecting Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct (Item 4.8)

(vii) Request from Larry Pattison on behalf of Friends of Jimmy Thompson Memorial Pool to present signatures and comments from Change.org petition respecting the future of Jimmy Thompson Pool (Item 4.9)

(e) CONSENT AGENDA

(i) Request for Extension of Building Covenants from The Green Method Inc. (Gaston Minetti and Maria Gordillo), Owners of 958, 962, 970 and 974 Beach Boulevard, Hamilton (PED13149) (Ward 5) (Item 5.4)

Sub-section (b) was amended by deleting the second “July 19, 2013”, and replacing it with “July 19, 2014” in lieu thereof, to read as follows:

“That the date(s) for commencement of construction be extended from July 19, 2013 to July 19, 2014 and that the date for completion of construction be extended from July 19, 2014 to July 19, 2015.
The Amendment CARRIED and the Main Motion, as amended, CARRIED.

See Item 4 for the disposition of this item.

(f) PUBLIC HEARINGS/DELEGATIONS

(i) John D. Hall, Co-ordinator, Hamilton Harbour Remedial Action Plan, and Chris McLaughlin, Executive Director, Bay Area Restoration Council, to provide an update (Item 6.1)

John Hall, Co-ordinator, Hamilton Harbour Remedial Action Plan, and Chris McLaughlin, Executive Director, Bay Area Restoration Council, appeared before the Committee to provide an update with respect to the work of the Bay Area Implementation Team on the Remedial Action Plan.

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.

Staff was requested to bring a report back to the appropriate standing committee which establishes a plan of action relative to ways that the City can better promote and market the local waterways, in consultation with the Bay Area Restoration Council and other stakeholders.

The presentation from John D. Hall, Co-ordinator, Hamilton Harbour Remedial Action Plan, and Chris McLaughlin, Executive Director, Bay Area Restoration Council, respecting the work of the Bay Area Implementation Team was received.

(ii) Graham McNally and Philip Toms, Tactical Urbanism Hamilton, respecting what Tactical Urbanism is and how it can benefit the City (Item 6.2)

Graham McNally and Philip Toms appeared before the Committee to speak about what Tactical Urbanism is and the work being done, in concert with City staff, and what Tactical Urbanism tries to achieve and its key components.

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 from Graham McNally and Philip Toms, Tactical Urbanism Hamilton, respecting what Tactical Urbanism is and how it can benefit the City was received.
(iii) Tim Progosh, Canadian Comedy Experience/Canadian Comedy Foundation, respecting their 5-year strategy which includes bringing the Canadian Comedy Awards Festival and the permanent home of the Canadian Comedy Hall of Fame to Hamilton (Item 4.3/6.3)

Tim Progosh, CEO of Comedy Holdings, and Scott Greenwood, Chief Creative Officer of Comedy Holdings, The Canadian Comedy Experience/Canadian Comedy Hall of Fame, appeared before the Committee to speak to the establishment of a Canadian Comedy Hall of Fame in Hamilton.

A presentation outline and Executive Summary were submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The Committee was shown a video of Canadian-born comedians/entertainers expressing their support for the establishment of a Canadian Comedy Hall of Fame in Hamilton. Each member of the Committee was also provided with a USB key of the video.

The presentation from Tim Progosh and Scott Greenwood, Canadian Comedy Experience/Canadian Comedy Foundation, respecting their 5-year strategy which includes bringing the Canadian Comedy Awards Festival and the permanent home of the Canadian Comedy Hall of Fame to Hamilton was received.

The opportunities presented by the Canadian Comedy Experience/Canadian Comedy Foundation around Hamilton’s role in bringing the Canadian Comedy Awards Festival to Hamilton in 2014 and establishing Hamilton as the permanent home of the Canadian Comedy Hall of Fame was referred to the City Manager for a report back to the General Issues Committee.

The Motion to Refer CARRIED on the following recorded vote:

Yeas: Clark, Johnson, Ferguson, Pasuta, Partridge, Bratina, Farr, Jackson, McHattie, Whitehead

Total Yeas: 10

Nays: Collins, Merulla

Total Nays: 2

Absent: Pearson, Powers, Duvall, Morelli

Total Nays: 4
(ii) **Joe Accardi, The Green Smoothie Bar, respecting making Cannon Street a “Complete Street” (Item 4.4/6.4)**

Joe Accardi, The Green Smoothie Bar, appeared before the Committee to talk about “Complete Streets” and the impact on what this means for Cannon Street.

Mr. Accardi requested that the Committee consider the psychology behind “Complete Streets”, and that changing the street is more than it appears. “Complete Streets” will allow residents to feel their neighbourhood, allow people to walk to businesses on James Street North and increase pedestrian traffic.

The presentation from Joe Accardi respecting making Cannon Street a “Complete Street” was received.

(iii) **Matt Patricelli, on behalf of Young Entrepreneurs and Professionals – Hamilton Chamber of Commerce, to provide the Commerce’s young professional viewpoint of “Complete Streets” and their impact the City’s economic and social community (Item 4.5/6.5)**

Derrick Doyle, Chair of the Young Entrepreneurs and Professionals (YEP) – Hamilton Chamber of Commerce, appeared before the Committee to speak to the huge financial impact and the economic and social benefits of “Complete Streets”, and to express YEP’s support of the “Yes We Cannon” project.

A copy of Mr. Doyle’s comments was submitted to the Clerk for the public record.

The presentation from Derek Doyle, on behalf of Young Entrepreneurs and Professionals – Hamilton Chamber of Commerce, respecting “Complete Streets” was received.

(iv) **Denise O’Connor to speak with respect to Motion for bike lanes on Cannon Street (Item 9.2) (Item 4.6/6.6)**

Denise O’Connor appeared before the Committee to speak in favour of the bi-directional bike lanes on Cannon Street and to support “Complete Streets”, and commented that Councillor Farr’s motion will improve the age-friendliness of the neighbourhoods along Cannon Street, provide an active transportation corridor and will help the children in the neighbourhoods get to school safely, maybe even on bikes, and encouraging families to be more active.

A copy of Ms. O’Connor’s comments was submitted to the Clerk for the public record.

Council – September 11, 2013
The presentation from Denise O'Connor respecting bi-direction bike lanes and “Complete Streets” was received.

(v) Justin Jones, on behalf of “Yes We Cannon”, to present petition and to speak in support of bike lanes on Cannon Street (Item 4.7/6.7)

Justin Jones, Leshia Knopf, Kevin Makins and David Stephens, representing “Yes We Cannon”, appeared before the Committee to speak in support of bi-directional bike lanes on Cannon Street.

The Committee was provided with a presentation which can be accessed on the “Yes We Cannon” website at [http://prezi.com/v4o6_xfibgtt/yes-we-cannon-council-presentation/](http://prezi.com/v4o6_xfibgtt/yes-we-cannon-council-presentation/).

The Committee was also distributed with a “Cannon Street Fact Sheet – Why Bike Lanes?” demonstrating the benefit of bike lanes. A copy of this material was also submitted to the Clerk for the public record.

The presentation from the “Yes We Cannon” delegation in support of bi-directional bike lanes on Cannon Street was received.

9.2 Bi-directional Bike Lane Pilot Project – South Side of Cannon Street, from Sherman Avenue to Bay Street (Item 9.2)

The recommendations contained in Motion 9.2 were amended as follows:

(a) That sub-section (a) be amended as follows:

(a)(i) by including “three-year” prior to the word, “pilot”,

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

(d) That staff report back to the General Issues Committee following completion of the pilot project.

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

THE recommendations contained in Motion 9.2 were further amended as follows:

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

(e) That staff report back to the next appropriate meeting of the General Issues Committee with details of the costs and design.
The Amendment CARRIED and the Main Motion, as further amended, CARRIED.

The recommendations contained in Motion 9.2 were further amended as follows:

(a) That sub-section (a), as amended, be further amended by adding the words, “preferably, but not excluded to” following the word, “project”;

(b) That sub-section (c) be amended by including the words, “Wards 1, 2 and 3” preceding the words, “area rating”.

The Amendment CARRIED.

The Main Motion, as further amended, CARRIED on the following Standing Recorded Vote:

Yeas: Clark, Pearson, Johnson, Pasuta, Partridge, Farr, Whitehead, Jackson, Collins, Merulla, Morelli, McHattie
Total Yeas: 12
Nays: 0
Absent: Bratina, Ferguson, Powers, Duvall
Total Absent: 4

See Item 5 for the disposition of this item.

(v) John McGreal to speak to Items 7.1(a) and (b) on the Agenda respecting Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct (Item 4.8/6.8)

John McGreal appeared before the Committee as a concerned taxpayer for governments’ prudent use of public monies and spoke to why partnering with the Hamilton-Wentworth District School Board is not a good fit for green spaces, Scott park Arena, etc.

A copy of Mr. McGreal’s comments was submitted to the Clerk for the public record.

The presentation from John McGreal respecting Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct was received.
(vi) Larry Pattison on behalf of Friends of Jimmy Thompson Memorial Pool to present signatures and comments from Change.org petition respecting the future of Jimmy Thompson Pool (Item 4.9/6.9)

Larry Pattison appeared before the Committee on behalf of Friends of Jimmy Thompson Memorial Pool to speak specifically about the Jimmy Thompson Memorial Pool and its historical and heritage significance, and to encourage the decision makers to broaden discussions regarding the future of this nationally symbolic facility, and to preserve at least one facility on the Scott Park grounds.

The presentation from Larry Pattison on behalf of Friends of Jimmy Thompson Memorial Pool respecting Jimmy Thompson Pool was received.

(g) PRESENTATIONS

(i) Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct (Items 7.1(a) and (b))

Chris Murray, City Manager, Paul Johnson, Director of Neighbourhood Development Strategies, and Chris Herstek, Director of District Recreation Operations, appeared before the Committee and presented a PowerPoint presentation which spoke to the following:

- Chronology of events
- Today’s Updates
- City/School Board Liaison Committee Meeting held on August 29, 2013 at the School Board offices
- Joint Project at Scott Park
- New High School – Background
- Vision for the New North School
- Partnership Synergies
- New Recreation Centre and Seniors Centre
- New Recreation Facilities
- Recreation Program Opportunities
- Partnership History
- Working Together
- Examples of Other Joint Projects (Erin Mills-Mississauga; HABER Recreation Centre – Burlington)
- Key Learnings – Joint Projects
- Jimmy Thompson Pool
- Funding
• Memorandum of Agreement
• Next Steps

John Malloy, Director of Education, and representatives of the Hamilton-Wentworth District School Board were in attendance to respond to questions of the Committee.

The presentation respecting “Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct” was received.

Councillor B. Clark put the following motion forward:

(a) That the construction of a seniors’ recreation/community centre in the lower city, and specifically in the Pan Am Stadium Precinct, be approved;

(b) That staff be directed to bring a report back to the General Issues Committee with details of funding sources and options.

The motion was withdrawn by the mover as there was no seconder.

Report CM13006(a) respecting “Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct – Update” was lifted from the table.

Sub-section (b) of Report CM13006(a) respecting “Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct – Update” was deleted in its entirety and replaced with the following sub-sections (b) and (c) in lieu thereof, and the balance of the sections re-numbered accordingly:

(b) That $9.45 million of the City’s total contribution of $17 million referred to in sub-section (a) be funded as follows:

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

   (ii) Future Development Charges $ 3.4 million

   (iii) Ward 3 Capital Reserve $ .5 million
(iv) Proceeds received in 2013 from the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million

(v) Council’s Strategic Reserve $1.5 million

$9.45 million

(c) That the remaining financing of the City’s contribution in the amount of $7.55 million be funded from the “Hamilton Future Fund A”.

The Amendment CARRIED on the following Standing Recorded Vote:

Yeas: Farr, Morelli, Merulla, Collins, Jackson, Whitehead
Total Yeas: 6
Nays: Bratina, Johnson, Pearson, Clark
Total Nays: 4
Absent: McHattie, Duvall, Partridge, Pasuta, Powers, Ferguson
Total Absent: 6

The Main Motion, as amended, CARRIED on the following Standing Recorded Vote:

Yeas: Farr, Morelli, Merulla, Collins, Jackson, Whitehead
Total Yeas: 6
Nays: Bratina, Johnson, Pearson, Clark
Total Nays: 4
Absent: McHattie, Duvall, Partridge, Pasuta, Powers, Ferguson
Total Absent: 6

See Item 10 for the disposition of this item.

(h) DISCUSSION ITEMS

(i) Request for Information (RFI) – Auchmar Estate (PED13151) (Ward 8) (Item 8.1)

The recommendation contained in Report PED13151 was amended by adding the words, “non-binding” preceding the words, “Request for Proposal”.

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

See Item 6 for the disposition of this item.
(i) MOTIONS

(i) Bi-directional Bike Lane Pilot Project – South Side of Cannon Street, from Sherman Avenue to Bay Street (Item 9.2)

See Item 5 for the disposition of this item.

(ii) Financing of Pan Am Stadium Precinct (Ward 3) (Item 9.1)

See Item 10 for the disposition of this item.

(j) NOTICES OF MOTION (September 9, 2013)

Councillor M. Pearson introduced the following Notice of Motion:

(i) Amending Agreement to Original Agreement between the Hamilton-Wentworth Catholic District School Board and the Corporation of The City of Stoney Creek, dated July 18th, 2000, for the Use of Premises at the Cardinal Newman High School for the Purpose of Operating the Saltfleet Library

Whereas the Saltfleet Branch of the Hamilton Public Library has operated in leased space in Cardinal Newman Secondary School since 2000, comprising of 11,882 square feet on the First Floor and 3,600 feet on the Second Floor; and,

Whereas on June 19, 2013, the Hamilton Public Library Board approved that the Chief Librarian was authorized to enter into an agreement with the Hamilton-Wentworth Catholic District School to surrender the Second Floor space; and,

Whereas in consultation with City of Hamilton staff, the Chief Librarian reached an agreement with the Hamilton-Wentworth Catholic District School Board.

Therefore Be It Resolved:

That the Amending Agreement surrendering the second floor portion of the Saltfleet Library to the Hamilton-Wentworth Catholic District School Board in exchange for the payment of $530,000 be approved.

The Rules of Order WERE waived to allow the introduction of a motion respecting Amending Agreement to Original Agreement between the Hamilton Wentworth Catholic District School Board and the Corporation of The City of Stoney Creek, dated July 18th, 2000, for the use of premises at the Cardinal Newman High School for the purpose of operating the Saltfleet Library.
See Item 13 for the disposition of this item.

(k) 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 G: Removal of Fill from Toxic Contaminated Site at Hamilton Airport
Due Date: September 5, 2013
Revised Due Date: November 6, 2013

Item U: Expansion of Community Improvement Initiatives – Piers 5, 20, 7 and 8
Due Date: September 5, 2013
Revised Due Date: December 4, 2013

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

Item U: Expansion of Community Improvement Area for Mount Hope/Hamilton International Airport Gateway Area (GIC - August 12, 2013)

Item S: Proposed Use Concept Plan – Auchmar Estates (GIC – September 5, 2013)

(l) PRIVATE & CONFIDENTIAL (September 9, 2013)

(i) Closed Session Minutes – August 12, 2013 (Item 12.1))

The Minutes of the Closed Session Meetings of the General Issues Committee held on August 12, 2013, were approved and will remain confidential and restricted from public disclosure.

The Committee moved into closed Session at 12:07 p.m. pursuant to Subsections (e) and (f) of the City of Hamilton Procedural By-law and Section 239.2 of the Municipal Act as the subject matters pertain to:

(e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board; and

(f) the receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose respecting Chedoke Twin Pad Arena (LS13026)
and

(e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board respecting Occupational Health and Safety Act Charge – April 9, 2013 (LS13029).

The Committee reconvened in Open Session at 1:07 p.m.

(ii) Chedoke Twin Pad Arena (LS13026) (Item 12.2)

See Item 12 for the disposition of this item.

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

Yeas: Clark, Pearson, Ferguson, Partridge, Farr, Whitehead, Duvall, Jackson, Merulla

Total Yeas: 9

Nays: Powers

Total Nays: 1

Absent: Bratina, McHattie, Morelli, Collins, Pasuta, Johnson

Total Absent: 6

(iii) Occupational Health and Safety Act Charge – April 9, 2013 (LS13029) (Item 12.3)

See Item 13 for the disposition of this item.

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

Yeas: Clark, Pearson, Powers, Partridge, Farr, Whitehead, Duvall, Jackson, Merulla

Total Yeas: 9

Nays: Ferguson

Total Nays: 1

Absent: Bratina, McHattie, Morelli, Collins, Pasuta, Johnson

Total Absent: 6

(I) PROCEDURAL MATTERS

(i) Tim Progosh, Canadian Comedy Experience/Canadian Comedy Foundation, respecting their 5-year strategy which includes bringing the Canadian Comedy Awards Festival and the permanent home of the Canadian Comedy Hall of Fame to Hamilton (Item 4.3/6.3)

The five-minute time limit allowed for presentations as per the City’s Procedural By-law was waived for the above-noted delegation.

Council – September 11, 2013
(ii) **Bi-directional Bike Lane Pilot Project – South Side of Cannon Street, from Sherman Avenue to Bay Street (Item 9.2)**

Item 9.2 respecting the above-noted matter was moved up on the agenda to be dealt with following the delegations who presented on this issue.

(iii) The Committee reconvened at 2:50 p.m. following a break.

(iv) **Loss of Quorum**

Due to loss of quorum, the meeting recessed at 7:01 p.m.

The General Issues Committee reconvened at 11:30 a.m. on Monday, September 9, 2013 to consider the items listed under the Private and Confidential Section of the September 5, 2013 General Issues Committee agenda.

(m) **ADJOURNMENT**

There being no further business, the Committee adjourned at 1:11 p.m. on Monday, September 9, 2013.  

Respectfully submitted

Councillor J. Farr  
Deputy Mayor

Carolyn Biggs  
Legislative Co-ordinator  
Office of the City Clerk
THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 13-009 AND RESPECTFULLY RECOMMENDS:

1. 2013 Second Quarter Emergency and Non-competitive Procurements Report (FCS13014(a)) (City Wide) (Item 5.1)

That Report FCS13014(a), respecting the 2013 Second Quarter Emergency and Non-competitive Procurements Report, be received.

2. 2013 Second Quarter Non-compliance with the Procurement Policy Report (FCS13015(a)) (City Wide) (Item 5.2)

That Report FCS13015, respecting the 2013 Second Quarter Non-compliance with the Procurement Policy Report, be received.
3. **Monthly Status Report of Tenders and Requests for Proposals for July 6, 2013 to August 2, 2013 (FCS13016(f)) (City Wide) (Item 5.3)**

That Report FCS13016(f), respecting the Monthly Status Report of Tenders and Requests for Proposals for July 6, 2013 to August 2, 2013, be received.

4. **Provincial Offences Administration (POA) 2012 Annual Report (FCS13051) (City Wide) (Item 5.4)**

That Report FCS13051, respecting the Provincial Offences Administration 2012 Annual Report, be received.

5. **Fixed Water/Wastewater Charges respecting 409 and 411 King Street East, Hamilton (FCS13068) (Ward 3) (Item 5.5)**

That Report FCS13068, respecting the Fixed Water/Wastewater Charges respecting 409 and 411 King Street East, Hamilton, be received.

6. **Planning and Economic Development – Culture Facilities – Cash Handling (AUD13029) (City Wide) (Item 5.6)**

That Report AUD13029, respecting the Planning and Economic Development Department, Culture Facilities Cash Handling, be received.

7. **Community and Emergency Services – Domiciliary Hostel Program (AUD13028) (City Wide) (Item 5.7)**

That Report AUD13028, respecting the Community and Emergency Services Department, Domiciliary Hostel Program, be received.

8. **Hamilton Waterfront Trust Audited Financial Statements, December 31, 2012 (Item 5.9)**

That the Hamilton Waterfront Trust Audited Financial Statements, December 31, 2012, be received.
9. **Follow Up of Audit Report 2011-09 - Information Technology - Software Asset Management (AUD13025) (City Wide) (Item 5.10)**

That Report AUD13025, respecting the follow up of Audit Report 2011-09, Information Technology, Software Asset Management, be received.

10. **Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS13027(d)) (City Wide) (Item 5.11)**

    (a) That the Tax Appeals processed under Section 357 of the Municipal Act, 2001”, in the amount of $23,464 (attached as Appendix “A” to Report 13-009), be approved;

    (b) That the Tax Appeals due to a Gross or Manifest Clerical Error, pursuant to Section 358 of the Municipal Act, 2001”, in the amount of $5,943 (attached as Appendix “B” to Report 13-009), be approved.

11. **Treasurer’s Apportionment of Land Taxes (FCS13001(e)) (Ward 15) (Item 5.12)**

That the 2012 land taxes in the amount of $1,980 for 103 Sadielou Boulevard, Flamborough (Roll #2518 303 420 04794 0000) be apportioned and split amongst the four newly created parcels, as set out in Appendix “C” attached to Report 13-009.

12. **Employee Attendance Performance Measures Q2 2013 (HUR13011) (City Wide) (Item 5.13)**

That Report HUR13011, respecting the Employee Attendance Performance Measures Q2 2013, be received.

13. **Kim and Kevin Wong, respecting Horizon Utilities Fees for 409 and 411 King Street East, Hamilton, Ontario (Item 6.2)**

That staff be directed to review both the Horizon Utilities consumption and variable charges (water/wastewater), as it relates to 409 and 411 King Street East, Hamilton and determine how to maximize the discount for the property owners.
14. **Joey Coleman respecting Open Data (Item 6.3)**

That the presentation from Joey Coleman, respecting Open Data, be referred to the Web Development Committee for consideration during the 2014 budget process.

15. **Extension of Development Charges Demolition Credit for 175 Longwood Road South, Hamilton (FCS10051(a)) (Ward 1) (Item 8.1)**

(a) That the Development Charges demolition credit for 175 Longwood Road South, Hamilton, Ontario (former Camco Inc. plant) be extended until July 31, 2015; and,

(b) That McMaster Innovation Park (MIP) provide annual updates to the Audit, Finance & Administration Committee respecting the progress of the projects in the MIP.

16. **Proposed Write-offs of Outstanding Fines for Provincial Offences (FCS13052) (City Wide) (Item 8.2)**

That staff be authorized to write-off the following outstanding Provincial Offences deemed uncollectible, in the total amount of $744,348:

(i) $425,665 in uncollectible fines with a due date of December 31, 2005 and prior;

(ii) $188,579 for deceased person files from July 1, 2012 through June 30, 2013; and,

(iii) $130,104 for underpayments from July 1, 2012 through June 30, 2013.

17. **City-Wide Cash Handling Guidelines (AUD13031) (City Wide) (Item 8.3)**

(a) That City-Wide Cash Handling Guidelines, attached as Appendix “D” to Report 13-009, be approved;

(b) That the Acting General Manager of Finance and Corporate Services be directed to create a Corporate Cash Handling Policy, which incorporates the Cash Handling Guidelines (attached as Appendix “D” to Report 13-009) by calendar year end 2013; and,
(c) That the City Manager, General Manager of Community and Emergency Services, Acting General Manager of Finance and Corporate Services, General Manager of Planning and Economic Development, General Manager of Public Works and the Medical Officer of Health be directed to report to the Audit, Finance and Administration Committee with an updated status, respecting the implementation and incorporation of the Cash Handling Guidelines into departmental cash handling procedures within four months; by March, 2014.

18. **Performance Audit Report 2013-13 – Employer Paid Parking (Value for Money Audit) (AUD13024) (City Wide) (Item 8.4)**

(a) That recommendations #1 – 5, as attached as Appendix “E” to Report 13-009, respecting the Employer Paid Parking Performance Audit, be approved; and,

(b) That the Senior Management Team (SMT) be directed to provide to the Audit, Finance and Administration Committee, by the 2013 calendar year end, the management action plans for addressing the implementation of the Employer Paid Parking Value for Money Audit report recommendations (attached as Appendix “E” to Report 13-009).

19. **Audit Report 2013-04 - Hamilton Water - Inventory Controls (AUD13030) (City Wide) (Item 8.5)**

(a) That the Management Action Plans, as detailed in the attached Appendix “F” to Report 13-009, be approved; and,

(b) That the General Manager of Public Works be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix “F” to Report 13-009) implemented.

20. **Approval for Permanent Occupational Health Nurse Position (HUR13012) (City Wide) (Item 8.6)**

(a) That the 1 FTE Occupational Health Nurse, which was approved by Council on May 12, 2010 as a 3 year pilot, be made permanent in order to sustain the City's Occupational Health Program and provide disability management services; and,
(b) That the 1 FTE Occupational Health Nurse and Occupational Health Program be funded, on an on-going basis from both the Benefit and WSIB Reserves.

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 4.2 – Delegation Request from Joey Coleman respecting Open Data

The agenda for the September 9, 2013 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) August 14, 2013 (Item 3.1)

The Minutes of the August 14, 2013 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Jake Dheer, Station Manager of Rogers TV Dufferin-Peel, respecting the Wireless Spectrum and the Existing Rules that gives Foreign Companies Advantages over Canadian Companies (Item 4.1)

The delegation request, submitted by Jake Dheer, Station Manager of Rogers TV Dufferin-Peel, respecting the wireless spectrum and the existing rules that give foreign companies advantages over Canadian companies, be denied as the matter falls under Federal jurisdiction.
(ii) Joey Coleman respecting Open Data (Item 4.2)

The delegation request by Joey Coleman, respecting Open Data, was approved to appear before the Audit, Finance & Administration Committee at the September 9, 2013 meeting.

(e) Community and Emergency Services - Corporate Trunked Radio Upgrade Project (AUD13027) (City Wide) (Item 5.8)

Report AUD13027, respecting Community and Emergency Services – Corporate Trunked Radio Upgrade Project, was tabled to the October 8, 2013 Audit, Finance & Administration Committee meeting in order that Chief Simonds may be in attendance to speak to the matter.

(f) DELEGATIONS (Item 6)

(i) Zach Douglas, President and CEO, McMaster Innovation Park, respecting a Request for an Extension of Development Credits available to Trust for 175 Longwood Road South, Hamilton, Ontario (Item 6.1)

Mr. Douglas addressed Committee, respecting McMaster Innovation Park’s request for an extension of Development Credits available to Trust for 175 Longwood Road South, Hamilton, Ontario. Mr. Douglas' comments included, but were not limited to, the following:

- Mr. Douglas provided a brief update as to the status of the McMaster Innovation Park over the last 6 years.
- The new building will be located on the southeast corner of Frid Street or northwest corner of the Longwood Road site.
- The building will have approximately 80,000 square feet of space with a footprint of 12,000 to 20,000 square feet, and a height of 4 to 6 stories.
- The space provided will included a minimum finished wet lab space of 5,000 square feet up to 10,000 square feet, based on demand.
- Offices and dry labs will be approximately 69,800 square feet.
- Common area (halls, stairs and open spaces) will be 5,200 square feet.
A full copy of Mr. Douglas’ presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

The presentation by Zach Douglas, President and CEO, McMaster Innovation Park, respecting a Request for an Extension of Development Credits available to Trust for 175 Longwood Road South, Hamilton, Ontario, was received.

(ii) **Kim and Kevin Wong, respecting Horizon Utilities Fees for 409 and 411 King Street East, Hamilton, Ontario (Item 6.2)**

Mr. Kim Wong addressed Committee respecting the Horizon Utilities fees for 409 and 411 King Street East, Hamilton, Ontario. Mr. Wong’s comments included, but were not limited to, the following:

- On December 14, 2012 there was a fire in an adjacent building to both 409 and 411 King Street East, Hamilton (row houses) that spread to the roof and burned both 409 and 411 King Street East.

- Hamilton Fire was required to remove the entire roof in order to properly address the fire.

- Subsequently, the tenants in both properties were required to find alternate living arrangements.

- Mr. Wong contacted the City several times to advise that there were no tenants in the building.

- When staff arrived, they were unable to locate the water shut-off valves. Subsequently, the owner found the shut off valves in the back yard.

- There were no tenants in the building since last December so the estimated costs should be reduced to reflect a reduced consumption charge.

- The owners are asking to have both the consumption and the fixed rate fees reduced by 90 to 95%.

- As well, the owners were charged for the missing meters; however, one of the missing meters has since been located in the basement and the owner requested that the meter replacement fee be removed if he returns the meter.
o Both properties had been broken into after the fire and copper piping had been stolen. It is the owners’ belief that when the buildings were broken into, the meters were removed during the theft and left in the basement.

o The copper theft was reported to Horizon Utilities and the owners’ insurance company.

The presentation by Kevin Wong, respecting Horizon Utilities fees for 409 and 411 King Street East, Hamilton, Ontario, was received.

(iii) Joey Coleman respecting Open Data (Item 6.3)

Mr. Coleman addressed Committee respecting Open Data. Mr. Coleman’s comments included, but were not limited to, the following:

o Asking the City to take the next steps toward implementation of the transit real time open data.

o Requested that the 2014 budget process identify a funding source for Open Data.

o The next steps for the City:
  
  o Transit Data – Real Time HSR Data
  o Restaurant Data
  o Traffic Data
  o Planning, Permit and Zoning Data
  o Snow Clearing Data
  o Finance Data

A full copy of Mr. Coleman’s presentation is available online at www.hamilton.ca or through the Office of the City Clerk.

The presentation by Joey Coleman, respecting Open Data, was received.
(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.1)

The following Items were considered complete and removed from the Audit, Finance & Administration Committee’s Outstanding Business List:

(i) Item “O” – Follow-up of Audit Report 2011-01 – Culture Facilities – Cash Handling (Item 5.6 on today’s agenda)

(ii) Item “P” – Follow-up of Audit Report 2010-13 - Domiciliary Hostels (Item 5.7 on today’s agenda)

(iii) Item “Z” - Internal Audit of City-wide Cash Handling Policies (Item 8.3 on today’s agenda)

(h) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance & Administration Committee, adjourned at 11:13 a.m.

Respectfully submitted,

Councillor M. Pearson, Chair
Audit, Finance & Administration Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
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<th>Roll Number</th>
<th>Explanation</th>
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<tr>
<td>357-13-016</td>
<td>908 Barton St E</td>
<td>04028600070000</td>
<td>Tax Class Conversion property converted to residential</td>
<td>2013</td>
<td>-1,696.10</td>
</tr>
<tr>
<td>357-13-017</td>
<td>910 Barton St E</td>
<td>04028600100000</td>
<td>Tax Class Conversion property converted to residential</td>
<td>2013</td>
<td>-2,906.11</td>
</tr>
<tr>
<td>357-13-048</td>
<td>59 Lovers Lane</td>
<td>14024022600000</td>
<td>Demolition of house in 2012 not reported until May 2013</td>
<td>2013</td>
<td>-1,273.69</td>
</tr>
<tr>
<td>357-13-025</td>
<td>6 Celac Ct</td>
<td>06073103690000</td>
<td>Fire in November moved back into house the end of April</td>
<td>2013</td>
<td>-676.67</td>
</tr>
<tr>
<td>357-13-029</td>
<td>56 Academy Ave</td>
<td>14025027200000</td>
<td>Demolition of old house</td>
<td>2013</td>
<td>-595.11</td>
</tr>
</tbody>
</table>

**Total** | **-23,463.82**
Appendix "B" to Item 10 of AFA Report 13-009

City of Hamilton
Corporate Services Department
Taxation Division
Section "358" Appeals of the Municipal Act, 2001
Realty Tax Applications for overcharges

B- overcharge (Assessment Roll)
B1 -overcharged-application denied
E - Exempt

<table>
<thead>
<tr>
<th>Appeal No</th>
<th>Property Address</th>
<th>Roll Number</th>
<th>Reason</th>
<th>Explanation</th>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>358-12-06</td>
<td>51 Falcon Rd</td>
<td>0030100141200000</td>
<td>B</td>
<td>incorrect number of bathrooms and incorrect square footage</td>
<td>2011</td>
<td>-39.17</td>
</tr>
<tr>
<td>358-12-06</td>
<td>51 Falcon Rd</td>
<td>0030100141200000</td>
<td>B</td>
<td>footage on property included the attic area above the original structure</td>
<td>2010</td>
<td>-27.13</td>
</tr>
<tr>
<td>358-12-02</td>
<td>1365 Base Line Rd</td>
<td>0030103540000000</td>
<td>B1</td>
<td>owner reported demolition in 2010 MPAC states structure still standing</td>
<td>2012</td>
<td>0.00</td>
</tr>
<tr>
<td>358-12-02</td>
<td>1365 Base Line Rd</td>
<td>0030103540000000</td>
<td>B1</td>
<td></td>
<td>2011</td>
<td>0.00</td>
</tr>
<tr>
<td>358-11-07</td>
<td>0 Longwood Rd N</td>
<td>0100560023000000</td>
<td>E</td>
<td>landlocked City property near 403</td>
<td>2009</td>
<td>-544.91</td>
</tr>
<tr>
<td>358-10-11</td>
<td>120 Catharine St S</td>
<td>0201430022000000</td>
<td>B</td>
<td>house removed in 2005 still on the 08 tax roll</td>
<td>2008</td>
<td>-683.05</td>
</tr>
<tr>
<td>358-12-09</td>
<td>601 Barton St E</td>
<td>0302375594000000</td>
<td>B1</td>
<td>old Gibson school does not meet the criteria for the residential tax rate</td>
<td>2010</td>
<td>0.00</td>
</tr>
<tr>
<td>358-12-09</td>
<td>601 Barton St E</td>
<td>0302375594000000</td>
<td>B1</td>
<td></td>
<td>2011</td>
<td>0.00</td>
</tr>
<tr>
<td>358-13-03</td>
<td>467 DiCenzo Dr</td>
<td>0708610608400000</td>
<td>B</td>
<td>incorrect lot size verified through the land parcel unit</td>
<td>2011</td>
<td>-221.89</td>
</tr>
<tr>
<td>358-13-03</td>
<td>467 DiCenzo Dr</td>
<td>0708610608400000</td>
<td>B</td>
<td></td>
<td>2012</td>
<td>-285.06</td>
</tr>
<tr>
<td>358-13-04</td>
<td>229 Rosemary Lane</td>
<td>1403501240000000</td>
<td>B</td>
<td>the original structure was demolished in 2010, still reflected on the roll</td>
<td>2012</td>
<td>-2085.06</td>
</tr>
<tr>
<td>358-13-04</td>
<td>229 Rosemary Lane</td>
<td>1403501240000000</td>
<td>B</td>
<td></td>
<td>2011</td>
<td>-2057.25</td>
</tr>
</tbody>
</table>

Total -5,943.52
APPORPTIONMENT OF TAXES

That the original land taxes recorded against;

Roll #2518 303 420 04794 0000 – (103 Sadielou Boulevard, Flamborough) in the amount of $1,980 be split amongst the four newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>103 Sadielou Blvd.</td>
<td>2518 303 420 04794 0000</td>
<td>41,335</td>
<td>$ 499</td>
</tr>
<tr>
<td>2013</td>
<td>101 Sadielou Blvd.</td>
<td>2518 303 420 04796 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2013</td>
<td>99 Sadielou Blvd.</td>
<td>2518 303 420 04797 0000</td>
<td>40,666</td>
<td>491</td>
</tr>
<tr>
<td>2013</td>
<td>97 Sadielou Blvd.</td>
<td>2518 303 420 04798 0000</td>
<td>41,333</td>
<td>499</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>164,000</strong></td>
<td><strong>$ 1,980</strong></td>
</tr>
</tbody>
</table>
APPENDIX “A”
CITY OF HAMILTON
CITY-WIDE CASH HANDLING GUIDELINES

PURPOSE

The purpose of this document is to provide guidelines to:

- Promote proper and consistent cash handling practices across the organization;
- Establish a system of internal controls for cash handling to prevent mishandling of such funds; and
- Assist in strengthening the security over cash receipts within the City of Hamilton.

SCOPE

These guidelines should apply to all City of Hamilton operating departments with employees, staff, volunteers, students, elected officials, contractors, consultants, boards, agencies, commissions and business partners who accept cash funds on behalf of the City and whose financial transactions are captured within the City’s financial systems.

These guidelines do not include controls pertaining to cheque payments, debit or credit card payments or the use of petty cash funds.

DEFINITIONS

Bonding of Employees – Agreement under which a bonding or insurance company guarantees payment of a certain amount as damages in the event that one or more employees covered in the agreement cause financial loss to the City.

Cash – Canadian and US currency (bills and coins).

Cashier – Employee, staff, volunteer, student, elected official, contractor, consultant, board, agency, commission or business partner assigned cash handling responsibilities.

PeopleSoft Financial System – Accounting software utilized by the City of Hamilton to record financial transactions.

Point of Sale System – A computer used in place of a cash register to record transactions, handle credit and/or debit payments and print receipts and reports.

Refund – Reimbursement to a customer for returned, cancelled or unsatisfactory goods or services after the original purchase transaction is completed.
Segregation of Duties – Internal control concept in which the same employee does not have responsibility for incompatible activities such as handling cash and recording and reconciling transactions.

Transaction Log – Manual record used to record transactions.

Voided Transaction – Reversal of an item entered into a cash register or point of sale system before the purchase transaction is completed.

CASH HANDLING GUIDELINES

Segregation of Duties

One employee given responsibility to collect cash, record transactions and/or reconcile daily cash activity has the opportunity to misappropriate cash and conceal the shortage in the accounting records.

No individual should have responsibility for both collecting cash and:

- Opening the mail;
- Depositing cash receipts;
- Recording or approving journal entries within the PeopleSoft Financial System;
- Performing bank reconciliations;
- Issuing invoices or posting payments within the PeopleSoft accounts receivable module;
- Initiating, approving or recording accounts receivable write-offs or other adjustments;
- Reconciling the numerical continuity of manual customer receipts, where applicable; and
- Using discretion as to whether a related charge will be levied and/or the amount of the charge.

Where segregation of duties is not practical, additional compensating controls and mitigation practices such as managerial oversight are required to reduce the risk of loss.

Cashiers should not carry out cash handling duties for at least one consecutive week per year. This may be accomplished through mandatory vacation, job rotation or other means. Such a routine may help to identify unusual or questionable practices of the regular cashiers.
**Receiving and Recording Cash Payments**

An incomplete record of cash transactions and adjustments provides an opportunity to misappropriate cash and omit the shortage from the accounting records.

Counterfeit and mutilated currency is not legal tender and should not be accepted. A counterfeit detection device should be used to identify forged currency. Where it is not practical to purchase or use such equipment, cashiers should be adequately trained in using common security features to identify counterfeit money.

All cash payments should be entered into the cash register or point of sale system immediately upon receipt from the customer. Where it is not practical to use a cash register or point of sale system, the cash payment should be recorded using pen in a transaction log which documents at a minimum the date, amount, type and purpose of the payment received.

Adjustments made to standard prices (e.g. coupons, discounts or rebates) or fee waivers should be captured separately from the purchase price. Documentation supporting the adjusted price or fee waiver should be retained. Adjustments or fee waivers appearing on the cash register summary tape, point of sale system report or manual transaction log at the end of the cashier’s shift should be reconciled to supporting documentation retained. Management should review and approve price adjustments and fee waivers by the following business day or at least on a monthly basis. Management should investigate inappropriate price adjustments and fee waivers or those for which no supporting documentation exists. The investigation should include an assessment of unusual patterns.

A receipt should be printed from the cash register or point of sale system and provided to the customer for all payments received. A manual receipt should be prepared where it is not practical to use a cash register or point of sale system. The cash register, point of sale system or manual receipt should indicate at a minimum the transaction date, sequential transaction or receipt number, purpose of the payment, amount received and type of payment.

Manual receipts should be issued from a sequentially pre-numbered receipt book in numerical order. Spoiled receipts should be marked “VOID” and retained in the receipt book. Management should account for the numerical sequence of receipt numbers on a quarterly basis and when a new receipt book is requested. At a minimum, manual receipts should be produced in duplicate – one copy is provided to the customer and one copy is retained in the receipt book for accounting purposes. Where it is not practical to issue manual receipts for small dollar transactions, additional management review and oversight is required to ensure cash receipts are complete.
All cash payments should be collected by the cashier at a central location. Where this is not practical (e.g. donation box, vending machine), two employees should collect and count the funds, document the count, initial the form and observe the cashier enter the funds into the cash register, point of sale system or manual transaction log. The initialed form documenting the count should be retained. Such sales appearing on the cash register summary tape, point of sale system report or manual transaction log at the end of the cashier’s shift should be reconciled to the initialed form documenting the count. Management should investigate documented funds not recorded in the cash register, point of sale system or transaction log.

Refunds and Voided Transactions

Lack of documentation and management oversight provides an opportunity to process an unfounded refund or void transaction for cash and misappropriate the funds.

Each department should develop and implement a refund policy as appropriate to its operations. Each policy should adhere to the following minimum requirements.

All refunds and voided transactions should have the following supporting documentation:

- Transaction date;
- Customer name, address, phone number and signature;
- Original customer receipt (where available);
- Reason for the refund or voided transaction;
- Amount and form of payment;
- Signature of the cashier issuing the refund or void; and
- Signature of the supervisor approving the transaction.

Total refunds and voided transactions appearing on the cash register summary tape, point of sale system report or manual transaction log at the end of the cashier’s shift should be reconciled to the supporting documentation outlined above. Management should investigate refunds and voided transactions for which no supporting documentation exists.

Refunds should be returned using the same payment method as the original payment. For example, if the original payment was made using a VISA credit card, the refund must be returned to the same VISA credit card. If a cash refund will deplete all or part of the cash float, the refund should be requested by City of Hamilton cheque.
Cashiers should not have the ability to process a refund or voided transaction without management approval. Where it is not practical to obtain approval at the time of the transaction, management should review and approve refunds and voided transactions by the following business day or at least on a weekly basis. The review should include an assessment of unusual patterns.

**Receipts Reconciliation**

Lack of management oversight and a proper receipts reconciliation process creates an opportunity to misappropriate cash and conceal the shortage.

Cash, cheque, debit and credit card receipts on hand should be counted and reconciled to amounts recorded in the cash register, point of sale system or transaction log at the end of the cashier's shift.

Cash appearing on the cash register summary tape, point of sale system report or manual transaction log covering the shift period should be compared to the actual amount of cash on hand once the float balance when utilized, is removed. Cash shortages or overages should be identified and explained. The receipts reconciliation should be documented, re-performed and reviewed by management and signed by both the cashier and management as evidence that the reconciliation is complete and accurate. Where it is not practical for management to review the receipts reconciliation, a second employee who did not participate in the particular cash handling activities may act on management’s behalf.

Management should summarize cash shortages and overages by employee, date and amount. Management should review this summary at least on a monthly basis in order to identify trends or significant cumulative discrepancies.

Each operating department should define the dollar threshold for a significant single or cumulative cash shortage or overage. Significant shortages and overages should be brought to management’s attention, investigated, documented and resolved. At a minimum, documentation should contain a description of steps taken to investigate the shortage or overage and what action (if any) was taken by management.

The float and cash awaiting deposit should be stored in a secure location with limited access. The cashier should not have access to cash awaiting deposit after the receipts reconciliation is complete.
**Deposits**

Large amounts of cash stored on-site for an extended period of time provides an opportunity to misappropriate, skim or lap funds.

All funds should be deposited in tact. No cash receipts should be retained or expended to pay invoices or miscellaneous expenses, replenish petty cash or make loans or advances. Cash back for debit or credit card purchases should not be allowed.

Deposits should occur within 24 hours or the next business day of receipt of cash funds in order to limit the amount of cash stored on site. Where it is not practical to deposit cash on a daily basis, management should determine the dollar threshold for accumulated cash receipts that will trigger a bank deposit. At a minimum, deposits should occur on a bi-monthly basis. Cash awaiting deposit should be stored in a secure location with limited access.

Deposits that do not occur on a daily basis should be reconciled to the amount of cash receipts recorded for the days captured by the deposit. Cash appearing on the cash register summary tape, point of sale system report or manual transaction log covering the deposit period should be compared to the actual amount of cash on hand. Differences that were not previously identified as part of the receipts reconciliation process should be brought to management’s attention, investigated, documented and resolved. The deposit reconciliation should be reviewed by management and signed by both the employee and management as evidence that it is complete and accurate.

A bank deposit slip should be prepared for the actual amount of cash on hand. The deposit amount should match the amount of cash appearing on the receipts reconciliation or deposit reconciliation. The deposit should be re-counted and bank deposit slip reviewed by management. The bank deposit slip should be signed by both the employee and management as evidence that the reconciliation is complete and accurate. At a minimum the bank deposit slip should be produced in triplicate – two copies are remitted to the bank with the deposit and one copy is retained by the department. The deposit and two copies of the bank deposit slip should be sealed in a bank deposit bag. The deposit should occur the same day on which it is prepared.

Bank deposits should be picked up by an armoured car service. Where armoured car service is not available, the deposit should be escorted to the bank by a City employee. Cash should not be sent through mail or inter-office mail for deposit.

Deposits picked up by an armoured car service should be recorded using pen in a pickup log which documents, at a minimum, the date, deposit bag number, deposit amount, initials of the City employee releasing the deposit and initials of the armoured car driver taking custody of the funds. The identification of the armoured car driver should be compared against a list of authorized personnel before releasing the deposit.
**Bank Reconciliation**

Lack of a bank reconciliation process creates an opportunity to misappropriate cash from the bank deposit and not detect the discrepancy.

Funds deposited should be recorded in the PeopleSoft Financial System and reconciled to City bank statements at least on a monthly basis.

Point of sale system transactions should be automatically downloaded into the PeopleSoft Financial System. Manual journal entries are required to record cash register and transaction log activity into the PeopleSoft Financial System. Each department should forward pertinent documentation to Finance and Administration in order to prepare manual journal entries.

Finance Services/Finance and Administration should perform, document, review and sign off on bank reconciliations by the end of the month following the month being reconciled. Any discrepancies between funds deposited and bank activity should be investigated and resolved with assistance from the operating department.

**Safeguarding Cash**

Inadequate physical security provides an opportunity to misappropriate cash from the float, daily cash receipts and/or bank deposit. It may be difficult to identify when and why cash shortages occur or the person responsible if access to cash is not limited.

Background checks should be performed on prospective cash handlers. Employees handling cash receipts should be bonded.

Cash should be kept secure at all times. This includes but is not limited to:

- Keeping all cash in a locked cash register, cash drawer or cash box;
- Locking the cash register, cash drawer or cash box when cash is left unattended; and
- Affixing cash registers and boxes to a fixed surface to prevent removal.

Physical access to the safe or storage areas where cash is kept should be restricted to a limited number of people. Access may be restricted by limiting those with access to keys or knowledge of the combinations. Access should be granted based on the employee’s job duties.

Safe combinations should be kept in secure locations and records should be maintained listing those who have knowledge of the combinations. Safe combinations should be changed periodically or when there is a change in staff (e.g. termination, change in position, retirement, etc.).
For safes, lock boxes, filing cabinets or cash drawers with keys, all keys and copies must be kept secure and there should be a log to track the issuance of keys. When an employee leaves the employment of the City or changes responsibilities, all keys should be turned in. Operating departments should have a plan in place for re-keying safes / lockboxes periodically.

If security proximity cards are used to restrict access, the access listing should be obtained from Facilities yearly and reviewed by management to ensure only required personnel have access.

Security devices (e.g. cameras, alarm buttons, bullet proof glass) should be installed at locations where a considerable amount of cash is collected.

Cash should be counted in a non-public, secure area, out of sight.

**Cash Float**

Continuous access to the cash float for an extended period of time without management oversight provides an opportunity to misappropriate, skim or lap funds.

A cash float is issued for the purpose of making change for a cash transaction. Money from the float should not be retained or expended to pay invoices or miscellaneous expenses, replenish petty cash or make loans or advances.

The cash float should be stored in a secure location with limited access at all times. Access to the cash float should be limited to the cashier and their direct supervisor during a given shift.

The cashier should count the cash float at the start and end of their shift. At a minimum, the float should be re-counted by management or their designate at the end of the cashier’s shift as part of the receipts reconciliation process. Shortfalls in the float balance should be brought to management’s attention, investigated, documented and resolved.

Management should conduct a surprise count on a periodic basis to reconcile the float balance. The count should be witnessed by another employee and the reconciliation documented and initialed by both employees. At a minimum, surprise counts should occur on a quarterly basis.
RESPONSIBILITIES

The General Managers, in conjunction with departmental management, shall be responsible for:

- Ensuring that the above guidelines and internal controls are incorporated into cash handling procedures developed for and implemented in their respective service areas;
- Ensuring that cash handling procedures and related internal controls are in place and operating;
- Establishing additional procedures and controls required to meet specific departmental needs; and
- Ensuring that personnel who handle cash are informed of, understand and adhere to the provisions of departmental cash handling procedures.

Employees handling cash receipts are responsible for complying with cash receipt handling procedures developed for and implemented in their respective service areas.

The Director of Audit Services or designate is responsible for completing cash handling reviews of select departmental or service areas on a periodic basis to identify opportunities for improving and strengthening cash handling controls.
APPENDIX “A”  
CITY OF HAMILTON  
PERFORMANCE AUDIT REPORT 2013-13  
EMPLOYER PAID PARKING

INTRODUCTION

Employees located in the downtown core who choose to drive to work are required to obtain and pay for their own parking. A policy and procedure exist which outline the circumstances under which the City will pay or provide for an employee’s parking.

The Employee Parking Policy (Downtown) HR-12-09 approved by the Senior Management Team (SMT) on February 10, 2011 provides “clear criteria of when an employee qualifies and needs to apply for employer paid parking”. The City provides paid monthly parking to:

- Employees in the downtown core who had employer paid parking effective March 9, 2005 (grandfathered);
- Employees who qualify for paid parking as outlined in their collective agreement;
- Elected officials;
- Employees who negotiated paid parking as part of their employment offer or contract; and
- Employees who are required to use their personal vehicles for City business three times per week or more of their scheduled work week.

The following chart was compiled from the PeopleSoft Human Resources Management System (HRMS) and provides an approximation of the number of employees and the expense borne by each department for employer paid parking (excluding HECFI and Hamilton Police Service).

<table>
<thead>
<tr>
<th>Department</th>
<th>Quantity (Employees)</th>
<th>Annual Expense ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor’s and Councillors’ Offices</td>
<td>30</td>
<td>$ 28,070</td>
</tr>
<tr>
<td>City Manager’s Office</td>
<td>29</td>
<td>25,406</td>
</tr>
<tr>
<td>Community Services</td>
<td>207</td>
<td>150,818</td>
</tr>
<tr>
<td>Planning &amp; Economic Development</td>
<td>142</td>
<td>135,551</td>
</tr>
<tr>
<td>Public Works</td>
<td>129</td>
<td>104,180</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>93</td>
<td>89,608</td>
</tr>
<tr>
<td>Public Health</td>
<td>74</td>
<td>70,740</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>704</strong></td>
<td><strong>$604,373</strong></td>
</tr>
</tbody>
</table>

An employee who uses his/her personal vehicle for City business and does not qualify for employer paid parking is reimbursed for parking costs on a per trip basis in accordance with travel and mileage policies.
The Employer Paid Parking Procedure for Confirming Continued Eligibility approved by SMT on September 29, 2011 pertains to employees who qualified for paid parking by virtue of using their personal vehicles for City business at least three times per week. This procedure outlines the processes for:

- Employees to report business trips; and
- Management to evaluate continued eligibility for employer paid parking.

Employees are expected to report business trips on a monthly basis using mileage claim forms. The Accounts Payable department receives approved forms and records the number of trips in PeopleSoft HRMS. Managers are expected to review the PeopleSoft Trip Accumulator Report on an annual basis to assess employees’ continued eligibility for paid parking. Employees must use their vehicles for City business a minimum of 126 times per year (or 10 times per month where pro-rating is required) to retain employer paid parking.

Cost savings may be realized if parking is no longer provided to or paid for employees who do not meet the eligibility requirements outlined in the parking policy and procedure.

**AUDIT OBJECTIVES AND SCOPE**

The purpose of this audit was to perform the trip analysis outlined in the parking procedure, identify employees who are no longer eligible to receive employer paid parking as they do not meet the requirements as set out and/or the reason for paying parking cannot be verified and calculate the related cost savings on a go-forward basis.

The cost of parking provided to or paid for employees on a monthly basis is considered a benefit for tax purposes. The audit included all employees who received a parking benefit in the period of January 1 to December 31, 2012. All City departments, except HECFI and the Hamilton Police Service, were incorporated in the analysis.

**METHODOLOGY**

The work performed by Audit Services involved:

A. **Compiling the following data from PeopleSoft HRMS:**
   - Employee name, identification number and department;
   - Total parking benefit received in the 2012 calendar year (exclusive of year end taxable benefit adjustments);
   - Number of months during which a parking benefit was received;
   - Number of trips reported for the 2012 calendar year as of April 12, 2013; and
   - Employees who received a parking benefit through April 2013 (to identify potential gross cost savings on a go-forward basis).
B. Identifying and eliminating in the data collected in step A. above the following employees (in the order presented) who are eligible to receive paid parking and are exempt from the trip requirements as outlined in the parking policy and procedure:

- **Grandfathered employees** – per listings obtained from Parking Services which includes those who parked in both municipal and independent lots;

  (Note – Other sources exist which claim to identify grandfathered employees. As no two sources were identical to each other, Audit Services chose to use Parking Services’ lists as it can be reasoned that Parking Services would be the prime source of information directly related to their operations.)

- **Elected officials** – per the City of Hamilton website;

- Ontario Nurses’ Association Local 50 Health Unit members with paid parking in March 2013 when their collective agreement was ratified – per the seniority listing and parking benefit records in PeopleSoft HRMS;

- Employees with employment offers specifying paid parking – per departmental management and Mayor’s/Councillors’ Offices comments which Audit Services corroborated with personnel files maintained by Human Resources; and

- Employees with grievance settlements specifying paid parking – per departmental management comments which Audit Services corroborated with documentation maintained by Labour Relations.

C. Determining the number of trips required for employees to remain eligible for paid parking and assessing whether this standard was met for the 2012 calendar year.

D. Sending a list of ineligible employees to departmental management and Mayor’s/Councillors’ Offices requesting comments as to those employees who should continue to receive parking due to a situation that Audit Services may not have been aware. Their reasons to extend parking privileges are included in the report that follows.

E. Creating flow chart diagrams to pictorially depict audit findings.

Audit Services conducted this audit in conformity with the *International Standards for the Professional Practice of Internal Auditing*. Those standards require that Audit Services plan and perform the audit to obtain sufficient, appropriate evidence to support the findings and conclusions based on the audit objectives. Audit Services believes that the work performed provides a reasonable basis for the audit findings and conclusions.
FINDINGS

The following flow chart summarizes the results of the employer paid parking eligibility analysis performed by Audit Services.

During the 2012 calendar year 704 employees (excludes Hamilton Police Service and HECFI) received employer paid or provided parking amounting to $604,373.15. After careful analysis, Audit Services determined 220 of these employees did not meet the trip requirements outlined in the parking procedure and continued to receive employer paid parking through to April 2013. Gross annual savings of $183,239.51 in parking fees borne by the City may be achieved on a go-forward basis if these employees were no longer provided paid parking.
Management agreed with Audit Services that 39 employees are no longer eligible for paid parking. However, management and the Mayor’s/Councillors’ Offices believe that the remaining 181 employees should receive employer paid parking even though the eligibility criteria outlined in the parking policy and procedure were not met. The following chart summarizes the reasons provided by management and Mayor’s/Councillors’ Offices as to why these employees should continue to receive paid parking even though the comments could not be verified in many cases.

<table>
<thead>
<tr>
<th>Reason Provided by Management and Council</th>
<th>Quantity (Employees)</th>
<th>Parking Cost ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Trips not claimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees were unaware of the requirement to report trips or did not have time to complete the paper work.</td>
<td>45</td>
<td>$ 43,239.36</td>
</tr>
<tr>
<td>2 Grandfathered – not verifiable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees do not appear on the grandfathered listings provided by Parking Services.</td>
<td>39</td>
<td>30,201.80</td>
</tr>
<tr>
<td>3 Limited on-site parking available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A limited number of parking spots are available at buildings leased by the City. Parking is allocated to employees who travel frequently from the office to carry out their job duties. Although parking costs are sunk (cannot change as the cost is part of the building lease amount), it is Audit Services’ position that these employees should still abide by the criteria outlined in the parking policy and procedure and report their business trips.</td>
<td>38</td>
<td>30,080.60</td>
</tr>
<tr>
<td>4 Relocation – free parking at former locale</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees were relocated downtown from sites where free parking was provided due to capacity constraints OR Incentives of employer paid parking were offered as a result of site consolidation efforts (to realize significant rent savings).</td>
<td>18</td>
<td>11,000.80</td>
</tr>
<tr>
<td>5 Negotiated outside offer – not verifiable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid parking was verbally negotiated and approved but not specified in the employee’s employment offer or contract. Audit Services cannot verify as no documentation exists.</td>
<td>8</td>
<td>7,535.00</td>
</tr>
<tr>
<td>6 Trips will increase</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees will incur more trips in the 2013 calendar year.</td>
<td>6</td>
<td>4,798.75</td>
</tr>
<tr>
<td>7 Trips not claimed – trips will increase</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employees were unaware of the requirement to report trips. Employees will incur more trips in the 2013 calendar year.</td>
<td>5</td>
<td>4,235.00</td>
</tr>
<tr>
<td>Reason Provided by Management and Council</td>
<td>Quantity (Employees)</td>
<td>Parking Cost ($)</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>8 Part of employment contract – not verifiable</td>
<td>4</td>
<td>3,010.00</td>
</tr>
<tr>
<td>The employee’s personnel file does not contain an employment offer or contract that provides paid parking. Audit Services cannot verify as no documentation exists.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Provided as compensation outside offer</td>
<td>2</td>
<td>2,810.20</td>
</tr>
<tr>
<td>Parking parallels market conditions and compensation of other staff. Audit Services cannot verify as terms are not specified in the employee’s employment offer or contract.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 No explanation provided</td>
<td>4</td>
<td>2,648.00</td>
</tr>
<tr>
<td>Management did not provide a clear explanation as to why the employee should continue to receive paid parking.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 Maternity leave – trips will increase</td>
<td>3</td>
<td>2,460.00</td>
</tr>
<tr>
<td>Employees were on maternity leave for all or part of the 2012 calendar year. Employees will incur more trips upon their return in the 2013 calendar year.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Entitled – employment contract misinterpreted</td>
<td>2</td>
<td>1,715.00</td>
</tr>
<tr>
<td>The intent was to provide employees with paid parking although this was not precisely stated in the employees’ employment contracts.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13 Access to vehicle required at all times</td>
<td>2</td>
<td>1,710.00</td>
</tr>
<tr>
<td>Per management the variable nature of the employees’ positions require immediate access to a vehicle at all times.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14 Actual trips close enough to actual</td>
<td>2</td>
<td>1,690.00</td>
</tr>
<tr>
<td>Employees claimed 113 and 122 trips, respectively, for the 2012 calendar year. 126 trips were required to remain eligible for employer paid parking.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 Grievance settlement – not verifiable</td>
<td>1</td>
<td>935.00</td>
</tr>
<tr>
<td>Labour Relations does not have record of the employee receiving parking as a result of a grievance settlement. Audit Services cannot verify as no documentation exists.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16 Used by site staff on rotational basis</td>
<td>1</td>
<td>855.00</td>
</tr>
<tr>
<td>The employee allocated parking does not drive. The parking spot is used by other staff on a rotational basis to run errands for the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17 Secondment – free parking at former locale</td>
<td>1</td>
<td>575.00</td>
</tr>
<tr>
<td>Employee seconded to position in the downtown core. Free parking was provided at former work site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>181</td>
<td>$149,499.51</td>
</tr>
</tbody>
</table>
The overall intent of the Employee Parking Policy (Downtown) is to provide paid parking to eligible employees who work in the downtown core. The policy defines the downtown core as the area within the perimeter of Queen Street, York Boulevard / Wilson Street, Wellington Street and Hunter Street. From a randomly selected sample of 43 employees Audit Services identified three employees who received paid parking and whose work locations were outside the confines of the downtown core. Additional gross cost savings of $744.58 may have been realized in the 2012 calendar year if management cancelled paid parking upon employees’ relocation outside of the downtown core.

RECOMMENDATIONS

Audit Services manually compiled data from PeopleSoft HRMS, Parking Services, Human Resources and Labour Relations to perform the parking eligibility analysis. Departmental staff may have difficulty performing the same analysis due to restricted access to PeopleSoft HRMS data, employee personnel files, grievance settlements and grandfathered employee listings. However, the implementation of the following four recommendations would result in records which would be more comprehensive and provide for more efficient analysis.

1. That Payroll label employees in PeopleSoft HRMS who are eligible to receive paid parking and are exempt from the trip requirements outlined in the parking procedure.

2. That, once exempt employees are coded in PeopleSoft HRMS, that Payroll develop a process for departments to communicate changes to Payroll that affect employer paid parking to ensure the population remains accurate and complete.

3. That Payroll develop a PeopleSoft HRMS query capturing all pertinent information required to carry out the parking eligibility analysis. This query should be made available to departmental staff in order to perform the analysis on a go-forward basis.

4. That Payroll include the employee’s work location into the PeopleSoft HRMS query outlined in Recommendation #3. The employee’s work location should be factored into the parking eligibility analysis on a go-forward basis.

Audit Services’ findings were based on the existing parking policy and procedure approved by SMT. Management and Mayor’s/Councillors’ Offices exercised their discretion to provide paid parking for the above employees irrespective of the eligibility requirements outlined in the policy and procedure. Many of such decisions were based on achieving considerable net operational savings, using available parking that would otherwise be idle, exercising judgment around vague policy and procedure terms and maximizing productive time to provide service as opposed to completing paperwork for job duties with a high volume of trips.

5. That SMT be directed to address those employees who do not meet the eligibility criteria outlined in the parking policy and procedure (or do not fall under verifiable exclusions). SMT should prepare management action plans by the 2013 calendar year end outlining how and when these issues will be resolved.
CONCLUSION

Audit Services identified 220 employees who received employer paid parking in the 2012 calendar year, did not meet the trip requirements outlined in the parking policy and procedure, and continued to receive parking benefits through April 2013. Annual gross savings of $183,239.51 may be achieved on a go-forward basis if the City no longer bears these parking costs. An additional $744.58 of paid parking was provided to employees whose work locations did not meet the definition of “downtown” core, bringing the potential gross savings to $183,984.09.

The following chart provides a summary of the number of employees and total potential gross savings by department (excluding HECFI and Hamilton Police Service).

<table>
<thead>
<tr>
<th>Department</th>
<th>Quantity (Employees)</th>
<th>Potential Savings ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Services</td>
<td>96</td>
<td>$ 73,577.00</td>
</tr>
<tr>
<td>Planning &amp; Economic Development</td>
<td>41</td>
<td>34,195.00</td>
</tr>
<tr>
<td>Public Works</td>
<td>45</td>
<td>37,744.55</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>15</td>
<td>14,705.36</td>
</tr>
<tr>
<td>Public Health</td>
<td>11</td>
<td>11,992.60</td>
</tr>
<tr>
<td>Mayor’s and Councillors’ Offices</td>
<td>6</td>
<td>5,135.00</td>
</tr>
<tr>
<td>City Manager’s Office</td>
<td>6</td>
<td>5,890.00</td>
</tr>
<tr>
<td>Did Not Meet Trip Requirements and Continued to Receive Parking Through to April 2013</td>
<td>220</td>
<td>$183,239.51</td>
</tr>
<tr>
<td>Work Location Outside of the “Downtown” Core and Continued to Receive Parking Through to December 2012</td>
<td>3</td>
<td>744.58</td>
</tr>
<tr>
<td>Total</td>
<td>223</td>
<td>$183,984.09</td>
</tr>
</tbody>
</table>

However, caution should be taken with the above total potential cost savings due to reductions which the following items may influence:

- Costs associated with implementing the recommendations and management’s plans which cannot be determined at this time;
- Fluctuations to the number of employees who receive employer paid or provided parking;
- Reimbursement of per trip parking costs for employees who are no longer eligible to receive paid monthly parking; and
- Circumstances where management has used their discretion to provide paid parking outside of the policy and procedure that are deemed appropriate and reasonable.
### CITY OF HAMILTON

**INTERNAL AUDIT REPORT 2013-04**

**HAMILTON WATER – INVENTORY CONTROLS**

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Policies and Procedures</td>
<td>That management develop, approve and implement inventory management procedures. Procedures should be standardized among all sections within Hamilton Water, where possible. They should be reviewed annually by management and should bear evidence of review (sign-off).</td>
<td>Agreed. Hamilton Water is in the midst of conducting process improvement initiatives with respect to inventory management at all of its facilities. The process improvement will include utilization of the inventory management functions in the upgraded Hansen software resulting from the Hansen 8 upgrade project and also the Enterprise Asset Management database. As part of the ongoing work plan, a permanent full-time Supervisor is being hired within the Water Distribution and Wastewater Collection Section and this individual will be directly involved in the development of procedures and processes to address findings of this audit.</td>
</tr>
</tbody>
</table>

The Customer Service and Community Outreach (CSCO), Plant Operations (Plant) and Water Distribution and Wastewater Collection (WD&WWC) Sections do not have written policies and procedures related to inventory management in place.

When written procedures are incomplete, employees use personal understanding and experience to carry out processes which could result in incorrect, incomplete or inconsistent application. It would also be problematic and inefficient for the successor to commence his/her duties within a short period of time.
## HAMILTON WATER – INVENTORY CONTROLS

### MARCH 2013

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Procurement Policies</td>
<td>That Hamilton Water inventory purchases comply with the City of Hamilton’s procurement policies.</td>
<td>Agreed. Hamilton Water (HW) will review sectional processes for proactive tracking of Purchase Order expenses (as inventory is ordered). Implementation Date – Q4, 2014.</td>
</tr>
</tbody>
</table>

The following violations of the City of Hamilton’s Procurement Policy By-Law No. 12-155 as they relate to inventory purchases were identified:

- Plant and WD&WWC - Vendor invoices were paid but exceeded the authorized purchase order (PO) amount;
- Plant - POs were issued that exceeded the total sole source purchases authorized for the vendor;
- CSCO - Purchases exceeded the low dollar procurement limit for one of five vendors tested; and
- CSCO - An invoice for operating supplies inventory exceeded the approved amount. The excess amount was paid using a PO approved for capital purchases.

Additionally, procedures that apply to the entire Division or procedures that apply to individual Sections only are being drafted to address the findings of the audit including:
- inventory ordering and order tracking;
- receiving inventory;
- vendor invoice processing;
- inventory distribution and transfers;
- inventory counts and adjustments;
- inventory valuation and costing; and
- disposal of obsolete and surplus inventory.

All of these initiatives referenced throughout this report will be completed by Q4, 2014.
### Observations of Existing System

**3. Inventory Order Tracking**

Orders of inventory are not consistently recorded and approved to ensure all inventory ordered is received and is within authorized amounts. For instance:

- **CSCO** - A review of five invoices identified that inventory ordered is not consistently or accurately recorded on the Excel inventory tracking sheet;
- **Plant** - A review of five invoices identified that inventory orders are not consistently entered into Infor, the Plant’s inventory management system;
- **WD&WWC Stoney Creek Yard and 330 Wentworth** - There is no evidence of orders being tracked;
- **CSCO, Plant, and WD&WWC** - Financial Assistants track the authorized amounts remaining on POs. However, inventory ordered but not yet received or inventory received but not yet invoiced is not included in this tracking; and
- **CSCO and WD&WWC** – All staff who make inventory purchases do not have signed “Notifications of Signing Authority” on file, authorizing spending limits. Inventory orders made above a staff member’s signing authority do not require any approval before being placed with the vendor.

Without proper tracking of inventory purchases, the risk of inventory ordered in excess of authorized PO limits is increased. In addition, excess inventory may be received, resulting in financial loss from payments for items not required for current operations or increased storage costs. Conversely, inventory that is required for upcoming work may not be received, resulting in process delays.

### Recommendation for Strengthening System

That management develop a method of tracking all inventory orders to ensure they are accurately recorded and matched to inventory received. Documentation resulting from this method should be made available to the Financial Assistants when monitoring that inventory purchases are within the remaining authorized amounts.

### Management Action Plan

**Agreed.** Refer to response for Item #1.

**Agreed.** HW will review staff signing approval authorities and ensure that all staff that make inventory purchases have an appropriate and signed “Notification of Signing Authority” form on file. Implementation Date - Q4, 2014.
## Observations of Existing System

<table>
<thead>
<tr>
<th>#</th>
<th>Observations of Existing System</th>
<th>Recommendation for Strengthening System</th>
<th>Management Action Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Receiving Inventory</td>
<td>That all inventory is accurately recorded, when received, into the inventory management system from the packing slips.</td>
<td>Agreed. Refer to response for Item #1.</td>
</tr>
</tbody>
</table>

- Inventory received does not appear to be consistently recorded using the inventory management system, causing inaccurate system records. The following discrepancies were found in reviewing four invoices for each noted section:
  - CSCO - Hydrant adapter parts and small meter parts are not entered into the Hansen Maintenance Management System (Hansen) when received;
  - Plant - Inventory received is not consistently entered in Infor. Year end inventory counts identified 550 parts found in the stockroom that were not recorded in Infor;
  - WD&WWC Dundas Yard - Inventory received is not consistently entered in Hansen. Year end inventory counts identified 518 parts and 43.6 metres of other inventory items (i.e. pipes) that were not recorded in Hansen;
  - WD&WWC Dundas Yard - Inventory is not recorded into Hansen until the stockkeeper receives the vendor’s invoice. This may be up to one month after inventory has arrived;
  - WD&WWC Stoney Creek Yard - Errors were noted in the Hansen inventory system. Year end inventory counts identified 563 parts, 118.94 metres and 97.83 tonnes (i.e. stones) of other inventory items found that were not recorded in Hansen; and
HAMILTON WATER – INVENTORY CONTROLS
MARCH 2013

<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
<th>RECOMMENDATION FOR STRENGTHENING SYSTEM</th>
<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>WD&amp;WWC Dundas Yard - The stockkeeper has not been trained to add new parts into Hansen. The corresponding invoices are kept aside until they can be added by Hansen administrators. When inventory is not consistently entered into the tracking systems, inventory records cannot be relied upon during the year.</td>
<td>That the stockkeeper at the Dundas Yard be trained to add new parts into the Hansen system.</td>
<td>Agreed. During implementation of the Hansen 8 upgrade and Divisional/Sectional inventory procedures, all appropriate staff will receive any required training. Implementation Date – Q4, 2014.</td>
</tr>
</tbody>
</table>
| 5 | **Vendor Invoicing**
Invoiced quantities should be matched to their packing slips and related costs should be checked to a quote or price list to ensure payments are being made for items actually received and at the agreed upon price. The following discrepancies were found in reviewing five invoices for each section:
- CSCO - One invoice was paid for an inventory item at a cost that exceeded the vendor price list. An invoice exceeded the quantity of items that were received and one invoice was paid with the incorrect packing slip attached;
- Plant - Packing slips are not attached to invoices. Costs could not be consistently matched to quotes as this information is not uploaded into Infor; | That packing slips be matched and attached to the corresponding invoices before payments are approved. That quotes be received for all inventory purchases (excluding those for which a price list exists) and tracked with purchase orders. Before being approved for payment, invoices should be matched to quotes or vendor price lists. | Agreed. Refer to response for Item #1. |

Appendix “F” to Item 9 of AF&A Report 13-009
Page 5 of 20
<table>
<thead>
<tr>
<th>#</th>
<th>OBSERVATIONS OF EXISTING SYSTEM</th>
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<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>WD&amp;WWC Dundas and Stoney Creek Yards - Vendors with City contracts provide price lists detailing the costs of inventory items. Quotes are not obtained for items that are not included on the price list or purchased from vendors that do not have a contract; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>WD&amp;WWC Stoney Creek Yard - There is no evidence of costs being checked to the vendor price list before invoices are approved for payment. Packing slips are not attached to invoices or kept in an accessible manner. There is no validation that payments are being made for goods received when packing slips are not kept and matched to invoices. There is an increased risk of failing to identify double or extra billing. When billed costs are not checked to quotes or vendor price lists, there is a risk that the City is overpaying for inventory items.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Inventory Tracking System

Adequate inventory management systems are not in place in all sections. For instance:

- **Compliance & Regulations (Lab) - An Excel spreadsheet is used to track inventory.** Upon receipt of inventory, the Lab Assistant overrides the inventory figures in Excel to input the new amount. All lab staff can access inventory and take items as needed. When inventory is taken by staff, they are responsible for overriding the Excel spreadsheet to input the new inventory amount. The Excel spreadsheet lacks controls as it does not track changes made and is accessible by all staff; and

- **WD&WWC’s 330 Wentworth - Inventory is not tracked during the year.** A count is performed annually, a listing is prepared at year end and inventory is adjusted to the counted quantities. Inventory is taken and used as needed by staff and replenished by physically observing a need for amounts on hand or when staff inform the Supervisor that quantities are low. Materials used are not specifically assigned to work orders.

Without proper inventory tracking, there is a lack of accountability for the movement of inventory.

<table>
<thead>
<tr>
<th>#</th>
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<th>MANAGEMENT ACTION PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td><strong>Inventory Tracking System</strong></td>
<td>That the Lab review alternate inventory management systems and implement a system that will better track the flow of inventory.</td>
<td>Agreed. The Lab is looking at available Inventory Management Software Packages. A meeting to review Hansen functionality is scheduled for the end of August. If Hansen is not a suitable option, the Lab will look for alternative inventory management systems. Implementation Date – Q4, 2014.</td>
</tr>
<tr>
<td></td>
<td>Adequate inventory management systems are not in place in all sections. For instance:</td>
<td>That inventory is tracked throughout the year in Hansen, allocated to specific work orders as used and adjusted as replenished.</td>
<td>Agreed. The Wentworth inventory will be added to Hansen Inventory Module. Implementation Date – Q4, 2014.</td>
</tr>
</tbody>
</table>
### HAMILTON WATER – INVENTORY CONTROLS  
MARCH 2013

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td><strong>Inventory Distribution</strong>&lt;br&gt;Inventory distributed from stock is not consistently removed from the inventory management system, causing inaccurate system records. The following discrepancies were noted for each section:</td>
<td>That management follow up with employees who fail to accurately record inventory (removed from stock) and provide additional training as necessary.</td>
<td>Agreed. Refer to response for Item #1.</td>
</tr>
<tr>
<td></td>
<td>- CSCCO - Year end inventory counts identified 55 water meters with a location of stockroom in Hansen that were not found during the count;</td>
<td>That inventory stock be distributed only with the provision of a work order. A form should be developed for completion when parts are distributed when the stockkeeper is absent.</td>
<td>Agreed. Refer to response for Item #1.</td>
</tr>
<tr>
<td></td>
<td>- Plant - Parts are distributed to staff without the accompanying work orders and the stockkeeper is not consistently informed of parts distributed in his absence. Year end inventory counts identified 1,206 parts recorded in Infor stock that were not found during the physical count. Differences are not analyzed by management with appropriate follow up;</td>
<td>That Water Distribution Operators remove the parts used from stock in Hansen at the time of distribution.</td>
<td>Agreed. Refer to response for Item #1.</td>
</tr>
<tr>
<td></td>
<td>- WD&amp;WWC Dundas and Stoney Creek Yards - Inventory used at the Dundas Yard dating back to February 2011 has not been removed from stock. At the Stoney Creek Yard, inventory adjustments lag approximately one week from the time of stock distributions to the time of its removal from inventory. The stockkeeper (Stoney Creek) and supervisors remove inventory from stock in Hansen after Water Distribution Operators inform them of the items used to complete work.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#</td>
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<td>RECOMMENDATION FOR STRENGTHENING SYSTEM</td>
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</tr>
<tr>
<td>----</td>
<td>---------------------------------</td>
<td>----------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td></td>
<td>Inventory distributed to work trucks is not removed from the Hansen stock records. There is no reconciliation between inventory taken from stock and inventory used by staff. A risk exists in that it cannot be determined if inventory taken and not used has been returned, kept on trucks or potentially misappropriated. Inventory retained on trucks could result in needless ordering of additional items for upcoming jobs as it is not known that the required items are located on trucks. Inventory transferred between yards is not recorded in Hansen. Many parts (1,362), and 683.03 metres and 2,790.18 tonnes of various inventory at the Dundas Yard and 1,975 parts, 167.74 metres and 3 tonnes of inventory at the Stoney Creek Yard were recorded in Hansen but not found during the year end count. Differences were not analyzed or followed up by management. When inventory records are inaccurate and require significant adjustments or when inventory changes are not consistently tracked during the year, large adjustments made due to physical count results are difficult for management to follow up. Potential misappropriation of City assets can go undetected.</td>
<td>That inventory removed from stock be assigned to a specific truck in Hansen. Truck inventory used for work orders should be removed from the truck inventory listing. This truck inventory should be counted and reconciled at least annually. That all inventory transferred between yards be recorded as a transfer in Hansen. That all inventory count totals and required adjustments show evidence of review by management (signoff). Unusual or material discrepancies should be followed up.</td>
<td>Agreed. Refer to response for Item #1. Agreed. Refer to response for Item #1. Agreed. Refer to response for Item #1.</td>
</tr>
</tbody>
</table>
## Observations of Existing System

**8. Inventory Counts**

Inventory count practices vary among the sections in Hamilton Water. The following issues were noted regarding the 2012 year end inventory counts:

- CSCO and WD&WWC - Inventory is counted using a printout of what should be on hand as per the Hansen system. When system records are matched to what is physically on hand, there is a risk of items not on the printout going undetected, resulting in incomplete counts;

- WD&WWC Stoney Creek Yard - The stockkeeper or any Operators with extra time perform counts individually;

- WD&WWC Dundas Yard - The stockkeeper found 162 items during the year end counts that were not in the Hansen printout. These items were not added to the final totals or updated in Hansen; and

- WD&WWC Dundas Yard and 330 Wentworth – Both yards had inventory on trucks that was not included in the final count totals. However, the CSCO and WD&WWC Stoney Creek Yard had inventory on trucks that was added to the final count totals.

Without documented and adequate count procedures in place, the final inventory totals may be incomplete, inaccurate or not comparable among the sections of Hamilton Water.

### Recommendation for Strengthening System

That standard inventory count practices be written for all sections of Hamilton Water and consistently followed by staff.

### Management Action Plan

Agreed. Refer to response for Item #1.
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>9.</td>
<td><strong>Physical Security</strong>&lt;br&gt; Controls over physical access to inventory are limited, increasing the risk of misappropriation of assets. The following security deficiencies were noted in the section indicated:</td>
<td>That the security over inventory at all locations be improved (i.e. restricted access, locked areas, security cameras).</td>
<td>Agreed. The Hamilton Water Division is currently developing a Divisional Security Program that includes both physical and procedural security. This project will be complete by July 2014, after which upgrades to existing facilities will be made in concert with the physical security guidelines. HW Staff will include a review of inventory/stock room security as part of this project. Recommendations will be addressed either in the Security Procedures/Guidelines themselves or in the Divisional inventory management procedure and any associated Sectional inventory management procedures.</td>
</tr>
</tbody>
</table>

- **Lab** - Proximity cards (167) are issued to provide access to the area of the building containing Lab inventory. Only 42 of these cards belong to individuals requiring access to this inventory. Inventory is not monitored with security cameras.

- **Plant** - Inventory is stored in the Upper Stores building to which 29 staff members have proximity card access. Twenty of these employees are in non-supervisory positions and should not need access (i.e. Millwrights, Instrument Technicians, Electricians and Maintenance Operators). The stockkeeper or supervisors distribute inventory during regular business hours but doors to the inventory area are left propped open after hours and staff have easy access to stock. Inventory items are also stored in the Lower Stores building that does not have any restricted access.

- **CSCO** - Proximity cards (183) are issued for access to the inventory cage. Only 18 of these cards belong to staff who require access to inventory due to their duties. Inventory is not monitored with security cameras.
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<td></td>
<td>• WD&amp;WWC Dundas and Stoney Creek Yards - Proximity card access is run by a third party and</td>
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<td>management could not provide a listing of swipe cards with access. Supervisors will prop open</td>
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<td>doors or give swipe cards to staff to obtain inventory if the stockkeeper is unavailable or</td>
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<td>if it is outside regular business hours. The brass inventory cage has been left unlocked at</td>
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<td>the Dundas Yard. Inventory stored in the main building at the Stoney Creek Yard is not secure</td>
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<td>as all staff have access to this building and doors are frequently left propped open. Storage</td>
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<td>containers containing inventory in either of the yards are not always locked. Aggregates and</td>
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<td>scrap metal inventory is not adequately secure. Security cameras are in poor working</td>
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<td>condition.</td>
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<td>• WD&amp;WWC 330 Wentworth - Inventory in the outdoor yard is not secure. The public has access</td>
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<td>during regular business hours and the area is shared with Roads staff. Inventory is not</td>
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<td>monitored with security cameras.</td>
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<td>10</td>
<td><strong>System Access</strong>&lt;br&gt;Stockkeeper access rights in Hansen allow the user to record inventory receipts and distributions and adjust inventory records. In addition to the actual stockkeepers, two staff with the CSCO section, three staff at the Dundas Yard and two staff at the Stoney Creek Yard were identified as having stockkeeper rights in Hansen because they occasionally fill in for the actual stockkeepers to cover vacations or longer absences. Stockkeeper access rights are not required to fulfill these employees’ regular job requirements. When multiple staff have physical access to inventory and the ability to make adjustments to the inventory in the tracking system, the potential for misappropriation increases.</td>
<td>That stockkeeper user rights in Hansen be assigned only to staff recording inventory. Any temporary access required should be removed once the staff person has returned to his regular duties.</td>
<td>Agreed. Refer to response for Item #1.</td>
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<td>11</td>
<td><strong>Combined Facilities</strong>&lt;br&gt;The Lab, CSCO, Plant and WD&amp;WWC each store inventory at separate individual locations. The WD&amp;WWC has inventory at three locations. Each location is staffed and operates separately and has different inventory management processes and systems in place which do not provide for shared efficiencies among Hamilton Water sections.</td>
<td>That management review the feasibility of combining inventory storage facilities.</td>
<td>Agreed. The HW Division is currently exploring the possibility of consolidating all staff and equipment/inventory from the Wentworth, Dundas, and Stoney Creek locations into one centralized facility.&lt;br&gt;This consolidation will not include any of the equipment/inventory from the Woodward facility (Lab and Plant), due to the large differences in types and quantities of items that are in the different inventories. Lab and Plant staff require access to chemicals and consumables on a daily basis so their inventory needs to remain located in their current facilities.</td>
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<td>12</td>
<td><strong>Inventory Valuation</strong>&lt;br&gt;Inventory valuation methods are not consistent across Hamilton Water. WD&amp;WWC 330 Wentworth uses the last invoice cost, the Lab uses the last invoice cost or replacement cost, the CSCO uses the last invoice cost or the prior year’s contract price and the Plant and WD&amp;WWC Dundas and Stoney Creek Yards use average cost.</td>
<td>That management review inventory valuation methods and implement a standard method across all Hamilton Water sections.</td>
<td>Agreed. Refer to response for Item #1.</td>
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# OBSERVATIONS OF EXISTING SYSTEM

13. **Costing Errors**
   Several costing errors were noted as follows:
   - **Plant** - A review of four sampled invoices identified two parts that had incorrect average costs;
   - **Plant** - Incorrect costs of zero dollars and $1 were assigned to inventory items in Infor;
   - **WD&WWC Stoney Creek & Dundas** - Items in Hansen do not accurately reflect the actual average cost as inventory receipts are not consistently entered;
   - **WD&WWC Stoney Creek Yard** - Costs entered in Hansen varied from those on the invoice. Significant cost differences were observed between the same parts on the Dundas and Stoney Creek Yards final inventory listings.

   Situations as noted above yield inaccurate costing results and incorrect financial information.

   **RECOMMENDATION FOR STRENGTHENING SYSTEM**
   That costs entered in the inventory management systems be reviewed for accuracy and adjusted, as necessary. The quoted cost or amount on the vendor price list should be recorded in the inventory management system and matched to the actual vendor's invoice, when received.

   **MANAGEMENT ACTION PLAN**
   Agreed. Refer to response for Item #1.

14. **Classification - CSCO**
   Water meters purchased from Neptune are included in the year end inventory totals and are also charged to a capital project account in the general ledger. The Neptune meters valuation appears twice on the balance sheet – once as Financial Assets Other and again as part of the Tangible Capital Assets figure. This results in inaccurate financial statements.

   **RECOMMENDATION FOR STRENGTHENING SYSTEM**
   That management review the classification of water meters. Meters purchased under capital projects should not be included in year end inventory or asset figures.

   **MANAGEMENT ACTION PLAN**
   Agreed. CS&CO Section staff will review this item with the Finance and Administration (F&A) group to determine the proper way to classify the water meters. This will be documented in the Divisional inventory management procedure and/or CS&CO Sectional inventory management procedure as appropriate. (See response to Item #1).
### HAMILTON WATER – INVENTORY CONTROLS
**MARCH 2013**

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<td>15</td>
<td><strong>Obsolete Inventory</strong>&lt;br&gt;The following issues were noted in regard to obsolete inventory:</td>
<td>That obsolete inventory be identified and reviewed annually during the year end count process. The obsolete inventory should be sold or discarded and written off.</td>
<td>Agreed. Refer to response for Item #1.</td>
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<td>- There are no processes in place to identify and dispose of obsolete inventory items at the CSCO, Plant, WD&amp;WWC Dundas Yard and Stoney Creek Yard;</td>
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<td>- The four yards above do not track all obsolete inventory; and</td>
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<td>- WD&amp;WWC 330 Wentworth and WD&amp;WWC Dundas Yard and Stoney Creek Yard include obsolete inventory in the year end inventory figures while CSCO does not include these items in its year end inventory. Plant assigns a $1 cost to obsolete items and includes the value in the year end totals.</td>
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<td>When obsolete inventory is stored it can occupy valuable storage space required for usable inventory items. Potential profits from the sale or disposal of these items are not being recognized and increased storage costs may be incurred. Including obsolete inventory that provides no value to the City in the year end figures at cost artificially inflates the financial records.</td>
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HAMILTON WATER – INVENTORY CONTROLS  
MARCH 2013

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<td>16</td>
<td>Scrap Metal</td>
<td>That a bill of lading be obtained for every scrap metal pick up by staff in the yard. This documentation should be forwarded to the Procurement Specialist for matching to the statement/bills of Lading received from the contractor to ensure that all scrap pick ups have been accounted for and billed.</td>
<td>HW: Agreed. The PO section will review the scrap metal pick-up process and implement a system by which a bill of lading is issued for every pick-up. The bill of lading will be forwarded to the Procurement Specialist responsible for the scrap metal contract. The WD&amp;WWC and CS&amp;CO Sections share scrap metal bins with the other staff that work out of the Wentworth facility. PW Facilities staff will need to collect and forward bills of lading for scrap metal pick-ups from this location. Procurement: Agreed. Procedures will be updated to include the requirement that City staff report all scrap metal pick-ups to the Procurement Specialist. This information would include i. the date of the pick-up ii. location of the pick-up iii. general description of what was picked up. This information will be required for all City locations, i.e. those that have re-occurring pick-ups and those that are one-time or have infrequent pick-ups.</td>
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A company on contract with the City picks up scrap metal from various yards where it is stored.

Paperwork related to the pick up is not consistently collected at the yards and is not required to be forwarded to the Procurement Specialist indicating that a pick up has occurred.

Prior to October 2012, the Financial Assistant I handled the quarterly cheques (along with attached receiving advices for the accumulated pick ups) received from the contractor. Beginning October, 2012, bills of lading are sent to Procurement for every pick up. The Procurement Specialist compiles quarterly reports using these bills of lading. The reports are sent to Accounts Receivable for billing the contractor and receipt of payment.

If the contractor failed to submit any bills of lading for pick ups, they would not be included in the Quarterly Report and hence they would not be included in the invoice either. The City would not receive payment for the scrap picked up on these missing bills of lading.
## Observations of Existing System

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<th>Management Action Plan</th>
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<td>This procedure change will be communicated through the corporate contract listing on the Procurement Resource Centre (on eNet). A notice will be posted on the eNet landing page, an email will be sent to all Departments to be cascaded to all their staff and an article will be included in the next Procurement newsletter. Procurement will maintain a list of City locations using the services of this Contract to reconcile the paperwork associated with the pick-ups.</td>
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*HAMILTON WATER – INVENTORY CONTROLS*

*March 2013*
ADDENDUM

The following items were noted during the course of the audit. Although they do not present internal control deficiencies, they are indicated in this Addendum so management is aware of the issues, risks and inefficiencies and can address them appropriately.

Packing Slips

1. When inventory is received, the staff receiving inventory should sign and date stamp the packing slip, holding them accountable for checking that inventory is in good condition and the correct amounts have been received. In this regard, the following deficiencies were noted:

- CSCO packing slips are not being signed;
- Plant packing slips are not being date stamped. The stockkeeper does not sign all packing slips to indicate all ordered inventory was received. The stockkeeper will only sign the top packing slip as indication all items have been received;
- WD&WWC Dundas Yard packing slips are not date stamped;
- WD&WWC Stoney Creek Yard packing slips are not date stamped; and
- WD&WWC 330 Wentworth packing slips are not consistently signed or date stamped.

It is recommended:

That staff sign and date stamp all packing slips when checking the condition and quantity of inventory received.

Management Response:

Refer to response for Item #1 in main report.
Hydrant Parts

2. The WD&WWC Dundas and Stoney Creek Yards remove parts from old hydrants which are intended to be used for future hydrant repairs. These parts are not recorded in Hansen.

Without consistently tracking hydrant parts in inventory, the system cannot be relied upon to identify when new parts need to be ordered. It is also difficult to identify potential misappropriation.

*It is recommended:*

That all used hydrant parts be recorded in inventory and removed when they are used.

*Management Response:*

Refer to response for Item #1 in main report.

Incomplete Purchase Orders - Plant

3. There were 43 POs in Infor with a status of “PO sent to vendor” indicating the inventory had been ordered but not yet received. These outstanding POs are not reviewed or followed up. A review of a sample of five of these POs identified three were items where the inventory had been actually received.

When purchase orders are not reviewed to ensure all inventory is received, it cannot be determined if any inventory has not been delivered or misappropriated.

*It is recommended:*

That POs with a status of “PO sent to vendor” in Infor be reviewed regularly and changes made, as needed.

*Management Response:*

Refer to response for Item #1 in main report.
THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 13-007 AND RESPECTFULLY RECOMMENDS:

1. Capital Projects' Status Report as of June 30th, 2013 (CS13036) (City Wide) (Item 5.2)

   That Report CS13036 respecting Capital Projects' Status Report as of June 30th, 2013 be received.

2. Donating Used Ambulance to a Not-for-profit Organization (CS13038) (City Wide) (Item 5.3)

   That a donation from Hamilton Paramedic Services of a used ambulance with an appraised market value of $4,000 in “as is condition”, to St. John Ambulance, a not-for-profit agency, be approved.

3. Hamilton Ice User Rates & Allocation Principles (CS13040) (City Wide) (Item 8.1)

   That the recommended amendments to the “Ice Allocation Principles” policy attached as Appendix A to Report 13-007, be approved.
4. Request for Proposals C5-15-13, New Rental Housing Component of the Investment in Affordable Housing (IAH) Program (CS13042) (Ward 4) (Item 8.2)

(a) That the Minister of Municipal Affairs and Housing be advised that the City of Hamilton recommends that Homestead Christian Care, 1430 Main Street East, Hamilton be approved for funding of $5,400,000 under the Investment in Affordable Housing Ontario – New Rental Housing Component;

(b) That financial assistance for Homestead Christian Care, 1430 Main Street East, Hamilton in the form of a forgivable loan through the Hamilton Affordable Housing Partnership Initiative Fund (HAHPIF) in the amount of $346,632 be approved; and,

(c) That the Minister of Municipal Affairs and Housing be advised that the City of Hamilton recommends that Good Shepherd Non-Profit Homes Inc., 120 Cannon Street East, Hamilton be approved for funding up to $5,250,000 should additional funds become available from the Investment in Affordable Housing Ontario program.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

The agenda was approved as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

The Minutes of the July 10, 2013 meeting were approved as presented.

(d) MOTIONS (Item 9)

(i) Living Wage - Part-time/Contract Employees (Item 9.1)

Whereas, Hamilton City Council has moved to support the principle of a Hamilton Living Wage at a rate of $14.95 per hour and;
Whereas, all full-time City of Hamilton staff make a Hamilton Living Wage, and;

Whereas, there needs to be additional work by staff to determine the status of part-time City workers, and contractors to the City, in order to ascertain the gap between their pay and a Hamilton Living Wage; and;

Whereas, as an example, the City of Hamilton hire contractors to clean City Councillor’s offices who do not make a Hamilton Living Wage;

Therefore be it resolved:

(a) That staff prepare an information report outlining the wage status of part-time staff as compared to the Hamilton Living Wage and;

(b) That staff prepare an information report in partnership with the Corporate Services Department to identify through the City’s Purchasing Policy how the procurement of goods and services might support Council’s objective of promoting social and economic well-being of the community, including how the City’s Purchasing Policy can influence wages paid to contractors, as a first step to identifying strategies to encourage local businesses to pay a living wage to their employees.

(e) GENERAL INFORMATION (Item 11)

(i) Outstanding Business List

(1) The due dates of the following outstanding business list items were amended as indicated:

Item “B” – Follow-up report re: HHS ABC Program pre and post conditions after one year.
Due dated: October 8, 2013
Proposed New Due Date: November 25, 2013

Item "D" – Neighbourhood Down Payment Assistance Program.
Due dated: September 9, 2013
Proposed New Due Date: December 9, 2013

Item “H” – Update the Fee Waiver Policy.
Due dated: October 8, 2013
Proposed New Due Date: December 9, 2013
Item "I" – Financial Implications of Senior of the Year Awards Ceremony.
Due dated: October 8, 2013
Proposed New Due Date: November 25, 2013

Item "K" - Funding Status of the Housing Stability Benefits.
Due dated: September 9, 2013
Proposed New Due Date: October 8, 2013

Item "O" – Consultation and report back re: Beasley Community Centres Operating Agreement.
Due dated: September 9, 2013
Proposed New Due Date: October 8, 2013

(f) ADJOURNMENT

There being no further business, the Emergency & Community Services Committee meeting adjourned at 2:04 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
Emergency & Community Services Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Council – September 11, 2013
Affiliated Programs:

Affiliated programs are those programs offered by organizations that are formally affiliated with the City of Hamilton as per the City's "Affiliation Policy for Hamilton Minor Sports Organizations" and that offer residents programs for youth (18 years of age and under).

Affiliated programs are given top priority for ice allocation.

**Affiliated Programs include but not limited to:**

- Minor Hockey Programs within the City of Hamilton (affiliated with Hockey Canada)
- Girls Hockey Programs within the City of Hamilton (affiliated with Hockey Canada)
- Figure Skating Programs within the City of Hamilton (affiliated with Skate Canada)
- Ringette Programs within the City of Hamilton (affiliated with Ringette Canada)
- Various Community Ice Programs within the City of Hamilton (i.e. Ancaster Skating Club, Inch Park Skating Club, Optimist Club of Carlisle, etc.)
- Sledge Hockey Programs within the City of Hamilton (affiliated with Hockey Canada)
- Speed Skating Programs within the City of Hamilton (affiliated with Speed Skating Canada)
- Junior Hockey teams within the City of Hamilton that meet Council approved residency requirements for affiliated ice rates (affiliated with Ontario Hockey Association (OHA))

**Guiding Principles for Public Programming:**

The City of Hamilton is committed to providing ‘prime-time’ public programming in municipal arenas. Standard will be:

- Weekdays - one skate every day of the week - at different locations and at different times
- Weekends - every facility has one session
All facilities offer daytime public programming to include:
- Family skates, pre-school skates, senior skates, adult and youth shinny, and additional holiday programming during Christmas and March Break, Family Day and various P.A. days.

When 'prime-time' ice slots become available, the City of Hamilton will evaluate the need to use these hours for public programming versus need from affiliated ice user programs.

**Rates**

- Only Affiliated organizations are provided with subsidized rates. Exception provided for:
  - Non-affiliated groups or organizations that run programs deemed to be in the public\ community interest (e.g. promote barrier free access - Skate the Dream). Director of Recreation will make a determination on a case-by-case basis.

- Non-affiliated renters and adult organizations pay full rate.
  - Non-affiliated groups include but are not limited to adult renters, birthday party rentals, single ice rentals, family ice rentals, private school ice rentals, non-resident rentals.

- Affiliated organizations hosting a tournament or special event (e.g. hockey tournament, figure skating carnival, on-ice festival, etc.) will pay the "Tournament" rate.

- Only those individuals designated by an affiliated organization (no more than 2 per organization) can book ice time at the subsidized rate for that organization.

- The subsidized ice rate offered to affiliated ice users will be extended beyond the Plan G block allocation purchase to include incidental purchases of additional ice within the Plan G period, and during the months of April, May, from opening date of the first seasonal arena (approximately mid-August), and September.

- The Summer subsidized rate will be charged to affiliated ice users in the months of June, July, and from August 1 to opening date of the first seasonal arena (approximately mid-August).

- Any group, affiliated or non-affiliated, is eligible for "last minute ice" rate (rate charged for booking on 48 hours or less notice. Equals prime time subsidized rate).
Hours Reserved for Affiliated Users (standard)

- Weekdays 5 p.m. – 11 p.m.
- Weekends 7 a.m. – 10 p.m.
- Current Junior & Senior Hockey Programs are eligible for affiliated hours.
- When hours reserved for affiliated users are not being used, they may be booked by non-affiliated or adult groups.
- The hours of 4 p.m. to 6 p.m. hours are dedicated as Board of Education hours.

Ice Allocation and Distribution

On an annual basis, the City of Hamilton Recreation Division will review the initial Plan G ice matrix for the upcoming season, cross reference requests with the final Plan G after the ice returns are completed on September 20. Staff will also cross-reference membership numbers with Plan G ice requests as part of the approved affiliation process.

The Recreation Division will only allocate ice in blocks. It is up to ice user organizations to allocate specific hours to meet their program needs.

All ice users having received a block allocation in the previous season are given first right of refusal for that same block for the next season provided that the City can accommodate “Scheduling Priorities” as indicated below.

Ice purchases will be for a minimum of one-hour periods (50 minutes of ice time, 10 minutes for flood).

Returns of Plan G ice allocations (October 1 – March 31) are not permitted after the September 20 deadline (OHA Junior teams excepted, can cancel ice after February 15 as long as in compliance with cancelation policy).

Prior to the September 20 deadline Plan G ice (pending opening and closing dates) can only be returned in blocks for the full season or on the selected holiday and special dates listed below.

Holiday and Special Dates

- Thanksgiving Sunday
- Thanksgiving Monday
- Halloween
- Christmas Period – December 24 through January 1
- Family Day
- March Break (Saturday – Sunday)
- Good Friday (when falling in the month of March)
- Easter Sunday (when falling in the month of March)
- Easter Monday (when falling in the month of March)

**Scheduling Priorities**

Unscheduled ice time will be allocated utilizing the following priority groups:

1. City of Hamilton Recreation Ice Programs including but not limited to: Public Skating, Senior Skates, Senior Shinny, Family Skates, Parent & Tot, Adult Shinny, Adult Skates, Parent & Tot Mini Skills, etc.
2. Returning Tournaments & Special Events (primarily hosted by Affiliated Ice Users)
3. Affiliated Ice Users standard allocation
4. Hamilton Wentworth District School Board & Hamilton Wentworth Catholic District School Board
5. Returning adult user groups
6. New requests for affiliated ice users
7. New requests for Tournaments / Special events
8. New requests for Adult / commercial ice users
9. New requests from occasional users

**Scheduling Time Definitions**

Prime-Time Hours:
- Weekdays from 5:00p.m. – 11:00p.m.
- Weekends from 7:00a.m. – 10:00p.m.

Non Prime-Time Hours:
- Weekdays from facility opening time until 5:00p.m. and from 11p.m. until midnight
- Weekends from 6:00a.m. until 7:00a.m. and 10:00p.m. until midnight.

**Plan G Season Timeframes (Oct 1 to March 31)**

Season is based on a 26 week program (Recreation Division budget and work force availability is based on 26 weeks). This takes into account season interruptions/holidays. Traditionally the season has commenced after Thanksgiving but with season interruptions and holidays taken into account, the season may commence Oct 1.

The process for allocating shoulder season ice differs from the Plan G allocation process and handled on a case-by-case basis by the Recreation Division.
Tournaments are considered outside the season timeframes as they are not considered part of the program for many groups and act as fundraisers.

**Season Definitions**

The City of Hamilton defines the ice seasons as follows:

- **Plan G ice season** – October 1 to March 31
- **Shoulder season** – the months of April, May, from opening date of first seasonal arena (approximately mid-August) to August 31, and September
- **Summer season** - June, July, and from August 1 up to opening date of first seasonal arena (approximately mid-August)

**Residency and Out of Town Residents**

Under the terms of the Affiliation Agreement, all affiliated organizations must have 95% Hamilton residents (as per City of Hamilton’s “Affiliation Policy for Hamilton Minor Sports Organizations”).

Registration for out of town residents should only occur after the last resident registration has taken place. Registration is limited to available openings only.

**Monitoring of Ice**

Facility staff identifies vacant ice.

**Responsibility of Allocation**

Ice allocation remains the responsibility of the Recreation Division.

**Tournaments and Special Events**

The City of Hamilton supports special programs like tournaments and special events. These programs provide revenue generation to both the organizers and the City of Hamilton as well as the economic spin-off to the community at large. Generally, tournaments and special events are competitions and shows hosted by recognized City of Hamilton Affiliated Groups.

**Facility Closures**

The City of Hamilton facilities are closed on the following dates:

- Thanksgiving Monday
- Christmas Eve – December 24 – after 3:00p.m.
- Christmas Day – December 25
- Boxing Day – December 26th
• New Year’s Eve – December 31 – after 3:00 p.m.
• New Year’s Day – January 1
• Family Day
• Good Friday
• Easter Sunday
• Easter Monday

*Exceptions may be made for Public Programming, Tournaments/Special Events, OHA Junior Hockey Games, Councilor Skates, etc. All inquiries regarding programming will have to be approved by Arena Supervisors.