November 21, 2012

Present: Deputy Mayor S. Merulla (Chair)
          Mayor R. Bratina
          Councillors B. Clark, C. Collins, J. Farr, T. Jackson,
          B. McHattie, B. Morelli, M. Pearson, R. Pasuta,
          J. Partridge

Absent with Regrets: Councillors S. Duvall, R. Powers, T. Whitehead – FCM
                      Councillor B. Johnson – Personal
                      Councillor L. Ferguson – Vacation

November 27, 2012

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

Absent with Regrets: Councillor L. Ferguson – Vacation

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. International Village Business Improvement Area (B.I.A.) Revised Board of Management (PED10254(c)) (Wards 2 and 3) (Item 5.2)  
   (Clark/Partridge)
   That the following individuals be appointed to the International Village B.I.A.'s Board of Management:

   Jeff Valentine
   Maurice Grant  
   CARRIED
2. **Performance Measures for Innovation Factory (PED12023(a)) (City Wide)** (Item 5.3)

*(Clark/Partridge)*
That Report PED12023(a) respecting Performance Measures for Innovation Factory, be received. **CARRIED**

3. **Hamilton Downtown Property Improvement Grant Program – 235 Main Street West – HDPIGP 12/08 (PED12212) (Ward 1) (Item 5.4)**

*(Clark/Partridge)*
(a) That a grant in the estimated amount of $162,390.31 under the Hamilton Downtown Property Improvement Grant Program (HDPIGP) for Manhattan West Corporation (Ralph Frisina, Danny Frisina and Alfonso Jr. Frisina), owner of the property at 235 Main Street West, 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 PED12212, in a form satisfactory to the City Solicitor. **CARRIED**

4. **Request for Extension of Building Covenants from Minh Van Nguyen (Owner) of 912 Beach Boulevard, Hamilton (PED12213) (Ward 5) (Item 5.5)**

*(Clark/Partridge)*
(a) That a request to extend building covenants imposed by the City upon Minh Van Nguyen, owner of 912 Beach Boulevard, regarding a building lot described as Part 4 on Plan 62R-17407, being all of PIN 17568-0216 (LT) and shown on Appendix “A” attached to Report PED12213, be approved;

(b) That the date for commencement of construction be extended from December 6, 2012 to December 6, 2013 and that the date for completion of construction be extended from December 6, 2013 to December 6, 2014;

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor. **CARRIED**
5. Declaration of Surplus and Sale of Vacant Land at 537 Wellington Street North to Roona Noorzad and to Terry Ann and Murray Ray Wood (PED12219) (Ward 12) (Item 5.6)

(Clark/Partridge)

(a) That City owned land municipally known as 537 Wellington Street North, legally described as Part of Lots 40 and 41, Registered Plan 327 (save and except retention of the front 3.048 metres (10 feet) for road widening), comprising an area of 153 square metres (1,644 square feet) on the west limit of Wellington Street North, City of Hamilton, identified as PIN 17157-0461 (LT) and Roll No. 251802017109680, as shown on Appendix “A” attached to Report PED12219, be declared surplus to the requirements of the City of Hamilton, in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

(b) That the land described in Recommendation (a), above, be sold to the adjoining property owners, namely, Roona Noorzad of 541 Wellington Street North, owner to the north, and, to Terry Ann Wood and Murray Ray Wood of 535 Wellington Street North, the owners to the south;

(c) That two Offers to Purchase, each in the amount of $5,945, executed by Roona Noorzad as to the north half of the subject land, and, by Terry and Murray Wood as to the south half of the subject land, each transaction scheduled to close on January 18, 2013, be approved and completed subject to the conditions described in Recommendations (f) and (g), below, and that the total sale proceeds amounting to $11,890 be credited to Account No. 47702-3560150200 (Property Purchases and Sales);

(d) That the two deposit cheques, each in the amount of $595, being the required 10% of the purchase price, be held by the General Manager of Finance and Corporate Services, pending acceptance of these transactions;

(e) That the sale price of $5,945 in each transaction 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);

(f) That the following condition be included in the Offer to Purchase received from Roona Noorzad of 541 Wellington Street North:

(i) The Purchaser acknowledges and agrees that the lands being conveyed by the City pursuant to the Offer to Purchase shall be registered in the same name and title of the current land holdings municipally known as 541 Wellington Street North, Roll No. 251802017109710, Property Identification Number (PIN) 17157-0462 (LT);
(g) That the following condition be included in the Offer to Purchase received from Terry and Murray Wood of 535 Wellington Street North:

(i) The Purchaser acknowledges and agrees that the lands being conveyed by the City pursuant to the Offer to Purchase shall be registered in the same name and title of the current land holdings municipally known as 535 Wellington Street North, Roll No. 251802017109650, Property Identification Number (PIN) 17157-0422(LT);

(h) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance for this transaction in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That the subject lands be declared surplus by inclusion in Report PED12219 to Council;

(ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on March 27, 2012;

(iii) That, in accordance with the approved methods of giving Notice to the Public in the Real Property Sales Procedural By-law No. 04-299, Section 12(a) (6), sufficient notice to the public is given by way of Report PED12219 to City Council. CARRIED

6. Locke Street Business Improvement Area (B.I.A.) Expansion of Boundaries (PED12221) (Ward 1) (Item 5.7)

(Clark/Partridge)

(a) That the Locke Street B.I.A. boundaries be expanded as identified in Appendix "A" to Report PED12221;

(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 necessary amendments to By-law 11-272 (the Downtown and Community Renewal Community Improvement Project Area By-law). CARRIED
7. Ancaster Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2013 (PED12222) (Ward 12) (Item 5.8)

(Clarke/Partridge)
(a) That the 2013 Operating Budget for the Ancaster B.I.A. (attached as Appendix “A” to Report PED12222), in the amount of $115,120, be approved;

(b) That the levy portion of the Operating Budget for the Ancaster B.I.A., in the amount of $93,300, be approved;

(c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2013 Budget, as referenced in sub-section (b), above;

(d) That the following schedule of payments for 2013 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$23,325</td>
</tr>
<tr>
<td>April</td>
<td>$23,325</td>
</tr>
<tr>
<td>July</td>
<td>$23,325</td>
</tr>
<tr>
<td>October</td>
<td>$23,325</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

8. Arts Advisory Commission (AAC) 2013 Volunteer Committee Budget Submission (PED12217) (City Wide) (Item 5.9)

(Clarke/Partridge)
(a) That the Arts Advisory Commission’s 2013 base budget submission (attached as Appendix “A” to Report PED12217), in the amount of $9,000, be received and forwarded to the 2013 budget process.

(b) That in addition to base funding, that a one-time allocation for 2013 of $1,500, funded by the Arts Advisory Commission reserve, be received and forwarded to the 2013 budget process.

CARRIED

9. Ministry of Transportation (MTO) Decision re: Commercial Use of Two-Way Radios (PW12086) (City Wide) (Outstanding Business List Item) (Item 5.10)

(Clarke/Partridge)
That Report PW12086 respecting Ministry of Transportation (MTO) Decision re: Commercial Use of Two-Way Radios, be received.

CARRIED
10. Niagara to GTA Corridor – Presentation from Sue McMaster, Co-Chair, Citizens Opposed to Paving the Escarpment (Item 6.2)

(Clark/Partridge)
(a) That representatives from the Ministry of Transportation, Metrolinx and Mr. Bruce McCuaig be invited to attend a future meeting of the General Issues Committee to provide and respond to questions with respect to the Niagara to GTA Corridor and recent Provincial announcements.  
CARRIED

(McHattie/Farr)
(b) That the Greater Bay Area Sub-Committee be requested to place the issue of the Niagara to GTA Highway and recent Provincial announcements on a future agenda for discussion.  
CARRIED

11. Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue (Added Item 4.8)

(Collins/Clark)
That the City Manager be directed to contact the Confederacy to arrange an information meeting with representatives of Six Nations Houdenosaunee and the City of Hamilton to address issues of common concern.  
CARRIED

12. Strategic Plan 2012 Update and 2013 Corporate Business Plan (CM12017) (City Wide) (Deferred from November 7, 2012 General Issues Committee Meeting) (Item 7.1)

(Collins/Farr)
That the 2013 Departmental Business Plan, attached as Appendix “A” to Report CM12017, be referred to their respective Standing Committees for approval.  
CARRIED

(Clark/Johnson)
That staff be directed to develop a formal debt policy for the City of Hamilton and report to the Audit, Finance & Administration Committee.  
CARRIED

13. Waterfront and Shoreline – Initiatives and Priorities Update (PED09200(b)/PW12087) (City Wide) (Item 7.3)

(Collins/Jackson)
That Report PED09200(b)/PW12087 respecting the Waterfront and Shoreline – Initiatives and Priorities Update, be received.  
CARRIED
14. Expansion of Community Improvement Initiatives to Community Downtowns and, 6, 7 and 8, and Expansion of the Downtown Hamilton Community Improvement Project Area (PED11188(a)) (Wards 1, 2, 3, 9, 11, 12, 13 and 15) (Item 7.4)

(Duvall/Jackson)

(a) That staff be directed to prepare amendments to the Downtown and Community Renewal Community Improvement Plan in order to:

(i) Expand the Hamilton Downtown Property Improvement Grant Program as a three (3) year pilot program to the Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown Community Improvement Project Areas and the Barton, Concession, Locke Street, Ottawa Street and Westdale Village Business Improvement Areas and portions of the Barton Street Commercial Corridor including James Street to Wellington Street and Sherman Avenue to Strathearn Avenue, and Kenilworth Avenue North;

(ii) Expand the Hamilton Downtown Commercial Property Façade Improvement Grant Program as a three (3) year pilot program to the Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown Community Improvement Project Areas and the Barton, Concession, Locke Street, Ottawa Street and Westdale Village Business Improvement Areas and portions of the Barton Street Commercial Corridor including James Street to Wellington Street and Sherman Avenue to Strathearn Avenue, and Kenilworth Avenue North;

(iii) Expand the Hamilton Heritage Property Grant Program to the Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown Community Improvement Project Areas;

(iv) Expand the Downtown Office Tenancy Assistance Program as a three (3) year pilot program to the Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown Community Improvement Project Areas;

(v) Increase the maximum loan under the Commercial Housing Loan and Grant Program currently offered in Downtown Hamilton, Hamilton’s Community Downtowns, Business Improvement Areas and other Commercial Corridors, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law, from $10,000 per unit to a maximum of $200,000 per property, to $15,000 per unit to a maximum of $600,000 per property;

(vi) That the operating and capital budget impacts of these expansions be referred to the 2013 budget process;
(b) That subject to the approval of recommendation (a) (ii), above, the cost of expanding the Hamilton Downtown Commercial Property Façade Improvement Grant Program in 2013, in the amount of $250,000, be referred to the 2013 Capital Budget process for consideration;

(c) That subject to the approval of recommendation (a) (iii), above, the cost of expanding the Hamilton Heritage Property Grant Program in 2013, in the amount of $200,000, be referred to the 2013 Capital Budget process;

(d) That subject to the approval of recommendation (a) (v), above, the 2013 cost of increasing the maximum loan under the Commercial Corridor Housing Loan and Grant Program, in the amount of $5,000 for interest costs and $10,000 for the grant component of the program, be referred to the 2013 Operating Budget process for consideration;

(e) That the decision to designate a Community Improvement Project Area at Piers 5, 6, 7 and 8 be deferred pending analysis of outcomes of ongoing studies at the waterfront;

(f) That staff be directed to prepare amendments to the Downtown and Community Renewal Community Improvement Project Area By-law and the Downtown and Community Renewal Community Improvement Plan to add the properties indicated on the map (attached as Appendix “A” to Report PED11188(a)) to the Downtown Hamilton Community Improvement Project Area;

(g) That staff be directed to investigate and report back to the General Issues Committee on a Community Improvement Project Area, and associated program initiatives, for the Mount Hope/Hamilton Airport gateway area at Homestead Drive and Airport Road, as shown on Appendix “B” to Report PED11188(a).

CARRIED as amended

15. Hamilton Downtown Multi-Residential Property Investment Program – Increase of Line of Credit (PED12220/FCS12090) (City Wide) (Item 7.5)

(McHattie/Farr)

(a) That the loan commitments under the Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) be increased from $26 million to $45 million provided that the total loan monies lent under the program at one time not exceed $35 million and, that the increase be approved within the 2013 Operating Budget;

(b) That subject to the approval of recommendation (a), above, the estimated net operating budget increase for the 2013 interest cost in the amount of $400,000, associated with increasing the total loan monies to $35 million lent under the program at one time, be approved within the 2013 Operating Budget;
(c) That, annually, any unused portion of the budgeted interest costs in recommendation (b), above, be transferred to the Downtown Hamilton Reserve Account #108036;

(d) That the maximum loan amount, advanced under the Hamilton Downtown Multi-Residential Property Investment Program for development of all-suite hotels, not exceed $18 million at one time;

(e) That the maximum loan amount, advanced under the Hamilton Downtown Multi-Residential Property Investment Program to a single developer or related group, not exceed $18 million at one time;

(f) That a maximum loan amount of $5 million, per development, be implemented for future loans under the Hamilton Downtown Multi-Residential Property Investment Program, providing City Council the option of increasing the maximum loan for projects at its sole discretion;

(g) That, subject to the approval of recommendations (a) through (f), above, the Hamilton Downtown Multi-Residential Property Investment Program Description, attached as Appendix “A” to Report PED12220/FCS12090, be approved and appended to the Downtown and Community Renewal Community Improvement Plan;

(h) That staff be directed to review the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program on an annual basis and report back to the General Issues Committee during the first quarter of each year on the outcome of the review.

CARRIED as amended

16. 2013 Tax Supported User Fees (FCS12080) (City Wide) (Item 8.1)

(Jackson/Farr)
(a) That the 2013 User Fees contained in Appendix “A” to Report FCS12080 “2013 Tax Supported User Fees”, be approved and implemented;

(b) That the City Solicitor and Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the user fees contained within this report. CARRIED

17. Committee Against Racism’s Anti-Racism Final Report Recommendations (FCS12095) (City Wide) (Outstanding Business List Item) (Item 8.2)

(McHattie/Farr)
(a) That the Committee Against Racism be thanked for their presentation, submission and recommendations;
(b) That the matter of language translation on the City’s website be referred for review and consideration to the Web Redevelopment project;

(c) That the Committee Against Racism be invited to present their findings regarding the gaps and obstacles and potential partnerships with respect to the feasibility study to establish a resource centre and telephone help line in Hamilton to the Audit, Finance & Administration Committee.

CARRIED as amended

18. **Cootes to Escarpment Park System – Governance (PED08009(b)/ PW12082) (Wards 1, 13 and 15) (Item 8.3)**

(McHattie/Farr)

(a) That the contents of the draft Memorandum of Understanding (MOU) document for the Cootes to Escarpment Park System, attached hereto as Appendix “C”, be endorsed;

(b) That Public Works Department staff be authorized to prepare the final Memorandum of Understanding (MOU), in consultation with the Steering Committee and based on the contents of the draft MOU document, referred to in sub-section (a);

(c) That the City Manager be authorized to sign the Memorandum of Understanding (MOU), on behalf of the City, when it is complete;

(d) That the budget, shown in the contents of the Memorandum of Understanding (MOU) document, attached as Appendix “B” to Report PED08009(b)/PW12082, and City commitment to providing $15,400 annually for three years from the Tax Stabilization Reserve be approved.

(e) That the intention of the partners to pursue Provincial and/or Federal Government legislation to create the Park System, and authorization for the Public Works Department staff to work toward this objective with the other partners, be endorsed.

CARRIED

19. **Relationship between the Chambers of Commerce and the Hamilton Association of Business Improvement Areas and Update on the Revised Terms of Reference for the Hamilton Association of Business Improvement Areas (PED12224) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Outstanding Business List Item) (Item 8.4)**

(Whitehead/Collins)

That Report PED12224 respecting Relationship between the Chambers of Commerce and the Hamilton Association of Business Improvement Areas and Update on the Revised Terms of Reference for the Hamilton Association of Business Improvement Areas, be received.

CARRIED
20. **Enbridge Pipelines Inc. Line 9A Flow Reversal Project**

(McHattie/Farr)

Whereas the Line 9A light crude oil pipeline reversal project has been approved by the National Energy Board;

And Whereas Hamilton the General Issues Committee received a report from staff on the Line 9A Enbridge pipeline reversal for light crude oil shipment,

And Whereas the General Issues Committee heard from a number of citizen delegations posing questions (see below for a list of questions/concerns);

And Whereas Enbridge submitted a pre-application letter to the National Energy Board on October 11, 2012 giving notice of an upcoming Line 9B Reversal and Line 9 Capacity Expansion Project application.

Therefore Be It Resolved:

(a) That City staff request additional information and report back to the General Issues Committee, as follows:

(i) Description of the public process around intervening in the Enbridge Line 9B Reversal and Line 9 Capacity Expansion Project application, expected in late November 2012;

(ii) Request information from the National Energy Board on:

(aa) Line 9A/9 pipeline integrity studies, including a comparison between the Kalamazoo River pipeline characteristics and the Line 9A/9 pipeline;

(bb) Impartial information on the corrosiveness of diluted bitumen as compared to ordinary crude oil and implications for pipeline safety, including possible spills;

(cc) Providing the City of Hamilton with copies of any applications/correspondence by Enbridge pertaining to Line 9A/9;

(iii) Request information from Enbridge Pipelines Inc. on:

(aa) Results of the pipeline “integrity digs” conducted on Line 9 in Flamborough;

(bb) How Enbridge can assist in monitoring drinking water wells in the Line 9 pipeline area;

(cc) Emergency response plan in case of a spill;
(b) That the City of Hamilton Emergency Response staff report back on whether or how a light, medium, heavy crude and diluted bitumen spill would be handled along the Line 9A/9 Enbridge pipeline, including how a response and cleanup would be funded, and how the City can request a bond from Enbridge to cover the costs of a spill;

(c) That Report PED12160/LS12022 respecting Enbridge Pipelines Incorporated – Line 9 Reversal Project, received by City Council on October 30, 2012 in approving Item 7 of General Issues Committee Report 12-029, be forwarded to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities, inviting cooperation from other municipalities affected by the Enbridge Line 9A/9 pipeline;

(d) That the Mayor forward correspondence to Environment Canada requesting a full environmental assessment into Line 9A/9 being used to flow diluted bitumen east through Ontario to Quebec and Maine;

(e) That the Mayor forward correspondence to the Ontario Ministry of the Environment requesting that they support the need for a Federal environmental assessment on the Line 9A/9 Project.

CARRIED as amended

21. **Transfer of Item on Outstanding Business List (Item 11.1(c))**

(Pasuta/Partridge)
That Item C on the General Issues Committee (Corporate Services) Outstanding Business List respecting Open Data be referred to the Audit, Finance & Administration Committee. CARRIED


(Partridge/Pearson)
(a) That Report LS12025 respecting Proposed Settlement of OMB Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – 2054971 Ontario Inc., Paletta International (2000) Inc. and Waterdown Bay Ltd. – OMB Case No’s. DC090025 and DC110008, be received;

(b) That Report LS12025, including Appendices "A" and "B" thereto, remain confidential;
(c) That staff be directed to settle the OMB appeals of DC By-laws 09-143/09-144/11173/11-174 and 11-175 by 2054971 Ontario Inc. and Paletta International (2000) Inc. and Waterdown Bay Ltd. substantially in accordance with the draft Minutes of Settlement attached as Appendix "B" to report LS12025;

(d) That the City Solicitor, or designate, be authorized to execute the said Minutes of Settlement on behalf of the City. **CARRIED**

23. **Update on Legal Issues for Airport Contamination (LS12032) (City Wide) (Outstanding Business List Item)**

**Johnson/Partridge**

(a) That the Mayor and City Clerk be authorized and directed to execute an agreement with TradePort International Corporation to extend the limitations on commencing litigation in respect of contamination at John C. Munro/Hamilton International Airport, in a form satisfactory to the Acting City Solicitor;

(b) That the contents of Report LS12032 respecting Update on Legal Issues for Airport Contamination, remain confidential. **CARRIED**

FOR THE INFORMATION OF COUNCIL:

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

**November 21, 2012**

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

**ADDED DELEGATION REQUESTS**

For Today’s Meeting

(i) Delegation Request from Professor James S. Quinn, Biology Department, McMaster University, to make a moral argument that links Line 9 to tar sands to sea level changes and displacement of coastal people (Added Item 4.2)
   (Note: Don McLean to speak on behalf of Professor Quinn in his absence.)

(ii) Delegation Request from Richard Reble to provide information relevant to the Enbridge Pipelines Issue (Added Item 4.3)
(iii) Delegation Request from Matt Nash, on behalf of Environmental Defence, respecting Enbridge Line 9 Pipeline (Added Item 4.4)

(iv) Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue (Added Item 4.8) (Added at the request of Councillor B. McHattie)

For Future Meeting

(v) Delegation Request from Christine Gibson respecting the issue of accountability and transparency (Added Item 4.5)

(vi) Delegation Request from Madeleine Levy respecting commemoration and recognition of Raoul Wallenberg in the City of Hamilton (Added Item 4.6)

(vii) David Adames, President and CEO, Hamilton Chamber of Commerce, to address the City’s 2013 Capital Budget at the December 11, 2012 General Issues Committee Meeting (Added Item 4.7)

MOTIONS

(viii) Attachment to Item 9.1 respecting Enbridge Pipelines Line 9 Flow Reversal Project

ADDED NOTICE OF MOTION

(ix) Proceedings to Declare Surplus Property – 50 Main Street East, Hamilton (Added Item 10.1)

ADDED PRIVATE AND CONFIDENTIAL

(x) Proposed Settlement of OMB Appeals of Development charges By-laws 09-143/09-144/11-173/11-174/11-175 – 2054971 Ontario Inc., Paletta International (2000) Inc. and Waterdown Bay Ltd. – OMB Case No’s. DC090025 and DC110008 (LS12025) (City Wide) (Added Item 12.3)

(Clark/Jackson)
That the agenda be approved, as amended. CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None
(c) **APPROVAL OF PREVIOUS MINUTES**

**(Bratina/Collins)**

That the October 31 and November 7, 2012 Minutes of the General Issues Committee meetings be approved, as presented.  **CARRIED**

(d) **DELEGATION REQUESTS**

**(Clark/Bratina)**

(i) That the following delegation requests be approved to present to the Committee at a future meeting:

(aa) Craig Foye, Hamilton Community Legal Clinic, respecting Pro-Poor and Community Economic Development Strategies;

(bb) Christine Gibson, respecting the issue of accountability and transparency;

(cc) Madeleine Levy, respecting commemoration and recognition of Raoul Wallenberg in the City of Hamilton

(dd) David Adames, President and CEO, Hamilton Chamber of Commerce, to address the City’s 2013 Capital Budget at the December 11, 2012 General Issues Committee Meeting  **CARRIED**

(ii) That the following delegation requests be approved, and that the rules of order be suspended in order to allow these delegations to present to today’s meeting:

(aa) Professor James S. Quinn, Biology Department, McMaster University, to make a moral argument that links Line 9 to tar sands to sea level changes and displacement of coastal people (Item 4.2);

(bb) Richard Reble, to provide information relevant to the Enbridge Pipeline Issue (Item 4.3);

(cc) Matt Nash, on behalf of Environmental Defence, respecting Enbridge Line 9 Pipeline (Item 4.4);

(dd) Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue (Added Item 4.8)  **CARRIED**
(e) CONSENT ITEMS

(i) Minutes of Various Sub-Committees (for information purposes only):

(Clark/Partridge)
That the September 25, 2012 Minutes of the Arts Advisory Commission be received. CARRIED

(f) PUBLIC DELEGATIONS/HEARINGS

(i) Susan McMaster, on behalf of Citizens Opposed to Paving the Escarpment and the Stop Escarpment Highway Coalition respecting the Niagara to GTA Highway Issue (Item 6.1)

Susan McMaster, Co-Chair of Citizens Opposed to Paving the Escarpment and member of the Stop Escarpment Highway Coalition (SEHC), appeared before the Committee to provide information with respect to recent events relative to the Niagara to GTA Corridor.

With the assistance of power point, Ms. McMaster showed a map which outlines the new highway and highway expansion corridor alternatives. She also addressed concerns relating to vehicle congestion today, and in twenty-five years.

A copy of Ms. McMaster’s comments are attached hereto as Appendix “A”.
A copy of the power point presentation was submitted to the Clerk for the public record and is on the City of Hamilton website for review.

(Clark/Partridge)
That the presentation from Susan McMaster respecting the Niagara to GTA Highway, was received. CARRIED

(ii) Professor James S. Quinn, Biology Department, McMaster University respecting Line 9 (Item 4.2)

Don McLean, speaking on behalf of Dr. James Quinn; presented a power point presentation which addressed the on-going clean-up of the July 2010 spill into the Kalamazoo River in Michigan, and the collateral damage to wildlife.

A copy of Dr. Quinn’s presentation was submitted to the Clerk for the public record and is on the City of Hamilton website for review.

(McHattie/Morelli)
That the presentation from Don McLean, on behalf of Professor James Quinn, respecting Enbridge Line Pipeline, be received. CARRIED
(iii) Richard Reble to provide information relevant to the Enbridge Pipelines Issue (Item 4.3)

Richard Reble appeared before the Committee to ask the Committee to explore every avenue it can to protect Hamiltonians from potential catastrophes caused by Enbridge Inc. in connection with the flow of diluted bitumen through Line 9, part of which runs through environmentally sensitive rural lands of Hamilton.

A copy of Mr. Reble’s comments are attached hereto as Appendix “ ”.

(Collins/Morelli)
That the presentation from Richard Reble respecting the Enbridge Pipeline issue, be received.  
CARRIED

(iv) Matt Nash, on behalf of Environmental Defence, respecting Enbridge Line 9 Pipeline (Item 4.4)

Matt Nash appeared before the Committee and spoke to Enbridge’s response time to the spill in Kalamazoo. He expressed his view that Line 9 should be reversed, and requested that a letter be sent to the Ministry of the Environment requesting an environmental assessment. He also urged that a message of solidarity be sent out to other municipalities. The Committee requested Mr. Nash to send copies of the National Transportation Safety Board’s report and as much information as appropriate to the Committee members to assist in their decision-making.

(Collins/Morelli)
That the presentation from Matthew Nash on behalf of Environmental Defence, be received.  
CARRIED

(v) Wes Elliott and Ruby Montour, Six Nations Houdenosounee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue (Added Item 4.8)

Wes Elliott appeared before the Committee and advised that the Confederacy sent a letter to the Ministry of the Environment outlining their concerns regarding the Enbridge Project, with a copy being sent to Enbridge as well. Mr. Elliott advised that he would provide a copy of this letter to the Committee. Mr. Elliott stated that the honour of the Crown is at stake. He suggested that the City has experience with and has set precedence in dealing with the Confederacy i.e., Red Hill Valley agreement. Mr. Elliott suggested that this Council deal with the Confederacy’s concerns respecting the pipeline to formulate a plan together and in return, the Confederacy can assist the City with issues at the airport.
Ruby Montour addressed the Committee and indicated that they are aware of and paying attention to what Enbridge is doing, which is not acceptable. The Six Nations Houdenosaunee is looking for a peaceful solution to this problem. She also cautioned that the possibility exists that violence can occur over this issue.

(Partridge/Pasuta)
That the presentation from Wes Elliott and Ruby Montour, Six Nations Houdenosaunee, respecting Reversal of Pipeline #9 and the possibility of working together with the Confederacy on this issue, be received.  

CARRIED

(i) Ken Hall, Enbridge Pipelines Inc., to provide additional information respecting the Enbridge Line 9B Reversal and Line 9 Capacity Expansion Project (Item 6.1)

(McHattie/Jackson)
That the five-minute presentation time limit be excepted for the Enbridge Pipelines delegation be permit adequate time for their presentation and to respond to questions of the Committee.

CARRIED

The Enbridge Pipelines Inc. delegation consisted of the following:

Ken Hall, Senior Advisor, Public Affairs
Graham White, Manager of Corporate Communications
Trevor Grams, Director of Integrity Management
Scott Ironside, Director of Integrity Management
Margery Fowke, Senior Counsel, Regulatory Affairs, and
Franz Preugger, Operations Supervisor, Westover Terminal

The delegation provided a power point presentation to the Committee which addressed the following:

Introduction Ken Hall
• Crude Types to Flow
• Clarifications
• Facts on Corrosivity
• Actions for Corrosion Management

Enbridge Presenter for Integrity: Trevor Grams
• Importance of Pipeline Integrity
• Integrity Management System
• Inline Monitoring and Inspection
• Integrity Excavation Program
• Line 9B Integrity Activities
• Project Need, Project Scope; Regional Map
Enbridge Presenter on Emergency Response: Franz Pruegger
- Emergency Preparedness
- Pipelines Today

Enbridge Presenter on Regulatory: Margery Fowke
- Regulatory Environment
- Participating in NEB Proceeding
- Basic NEB Hearing Steps
- NEB Hearing Order
- Process Advisors
- Participant Funding Program
- Other Relevant NEB Documents
- Conclusions/Questions

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

Councillor Clark indicated that he wished the Minutes to reflect that he did not meet with Enbridge representatives prior to their presentation at today’s meeting.

Councillor Pearson requested additional information from Enbridge respecting the Control Centre Group.

(Partridge/Pasuta)
That the presentation from the representatives of Enbridge Pipelines Inc. respecting the Line 9B Reversal and Line 9 Capacity Expansion Project, be received.  
CARRIED

Due to loss of quorum, the meeting recessed at 1:15 p.m.

The Committee reconvened at 9:30 a.m. on Tuesday, November 27, 2012.

November 27, 2012

(a) CHANGES TO THE AGENDA

The Clerk advised of the following change:

(i) Revised Motion – Item 9.1 – Enbridge Pipelines Inc. Line 9A Flow Reversal Project

(Paratina/Powers)
That the agenda be approved, as amended.  
CARRIED
(b) DECLARATIONS OF INTEREST

None

Continuation of November 21 General Issues Committee Agenda:

(g) PRESENTATIONS

(i) Arts Advisory Commission Annual Report (Item 7.2)

Patricia LeClair, Chair of the Arts Advisory Commission and Executive Director of the Hamilton Children’s Choir, appeared before the Committee to provide the AAC Annual Report. With the assistance of a power point presentation, Ms. LeClair spoke to the following:

- Current Status
- Mandate
- Current Status
- Accomplishments during 2011-2012
- Current Priorities
- Priority Project – Arts Funding
- What is required in order to Succeed
- List of Arts Advisory Commission Members

At the request of Councillor J. Farr, Ms. LeClaire provided a brief update on the Children’s Choir invitation to China recently to educate and share what and how things are done. The Choir also had the opportunity to compete and won the grand prize in the children’s category choir. The visit was a great success and the Choir has been invited back. Ms. LeClair advised that the Choir, which consisted of 35 children and young adults aged 11 to 22, were great ambassadors for music and for the City of Hamilton.

A copy of the power point presentation was submitted to the Clerk for the public record and is available for viewing on the City of Hamilton website.

(Farr/McHattie)
That the presentation respecting the Arts Advisory Commission Annual Report, be received. CARRIED

(ii) Strategic Plan 2012 Update and 2013 Corporate Business Plan (CM12017) (City Wide) (Item 8.1)

Chris Murray, City Manager, provided a presentation on the Strategic Plan 2012 Update and 2013 Corporate Business Plan and focused on two key aspects which included:
Appendix “A” – 2013 Corporate-Based Departmental Business Plans; 
Appendix “B” – 2012 Strategic Plan Progress Update.

With the assistance of a power point presentation, Mr. Murray spoke to the following:

- 3 Strategic Priority Areas; 13 Strategic Objectives; 64 Strategic Actions
- Progress to date in regard to the completion of the Strategic Actions: 6 completed, 53 in progress; 5 not yet started
- 2013 Business Plans
- Relationship of Business Planning with Strategic Planning
- Recommendations contained in Report CM12017.

With respect to the recommendation contained in Report CM12017, Mr. Murray pointed out that the presentation respecting the Planning and Economic Development Business Plan will be presented to the General Issues Committee as Planning reports to both the Planning Committee and the General Issues Committee.

(Collins/Farr)  
That the presentation respecting the Strategic Plan 2012 Update and 2013 Corporate Business Plan, be received. CARRIED

(iii) Waterfront and Shoreline – Initiatives and Priorities Update (PED09200(b)/PW12087) (City Wide) (Item 7.3)

Chris Phillips, Senior Director, Planning and Economic Development, Waterfront Development Office, provided a power point presentation to the Committee respecting the Waterfront and Shoreline – Initiatives and Priorities, and spoke to the following:

- Implementation Plan
- Council Direction Strategic Plan 2012-2015
- Map of the West Harbour Area
- Confederation Park
- “Corporate Team” Structure
- 2012-2013 Projects and Studies Underway
- Harbour West Concept Plan
- Piers 5, 6, 7 and 8 Servicing Investigation Studies
- 2013-2015 Proposed Projects – Capital Budget Forecast
- Outcomes and Next Steps
- Timelines
- Review of Recommendations

A copy of the power point presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.
(Collins/Jackson)
(a) That the staff presentation respecting the Waterfront and Shoreline – Initiatives and Priorities Update, be received;

(b) That staff be directed to provide a status update to the General Issues Committee during the first quarter of 2013.  CARRIED

(iv) Expansion of Community Improvement Initiatives to Community Downtowns and Piers 5, 6, 7 and 8, and Expansion of the Downtown Hamilton Community Improvement Project Area (PED11188(a)) (Wards 1, 2, 3, 9, 11, 12, 13 and 15) (Item 7.4)

Glen Norton provided introductory remarks advising that staff is reporting back on several issues expressed by the Committee at previous meetings.

Hazel Milsome, Financial Incentives Co-ordinator, and Alan Waterfield, Senior Planner, provided a power point presentation and spoke to the following:

- Map of Community Improvement Project Areas, illustrating downtown Hamilton and five community downtowns
- Expanded Programs
  - Proposed Expanded Financial Incentives: Programs currently offered within the DHCIPA; programs currently offered within the DHCIPA and BIA’s
- Other Initiatives
  - Commercial Corridor Housing Loan and Grant Program currently offered within all CIPA’s
  - Awareness Campaign and Marketing Support
  - Community Improvement Project Areas
  - Downtown Hamilton CIPA Expansion
    - East side of Victoria Avenue North, from Barton to Birge
    - Balance of the former Royal Oak Dairy lands
  - Piers 5, 6, 7 and 8
  - Mount Hope/Airport Gateway CIP Study
  - Next Steps

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

(Morelli/Jackson)
That the presentation respecting Expansion of Community Improvement Initiatives to Community Downtowns and Piers 5, 6, 7 and 8, and Expansion of the Downtown Hamilton Community Improvement Project Area, be received.  CARRIED
(Duvall/Jackson)
That sub-sections (a)(i) and (ii) be amended to include the BIA’s that are not located within Downtown Hamilton or Community downtowns, namely Barton, Concession, Locke Street, Ottawa Street and Westdale Village, and portions of the Barton Street Commercial Corridor including James Street to Wellington Street and Sherman Avenue to Strathearn Avenue, and Kenilworth Avenue North. Amendment CARRIED

(Duvall/Jackson)
That sub-section (a) be further amended by adding the following as sub-section (a)(vi):

(a)(vi) That the operating and capital budget impacts of these expansions be referred to the 2013 budget process. Amendment CARRIED

Motion as amended CARRIED

The Committee recessed and reconvened at 1:45 p.m.

(v) Hamilton Downtown Multi-Residential Property Investment Program – Increase of Line of Credit (PED12220/FCS12090) (City Wide) (Item 7.5)

Glen Norton provided introductory remarks commenting that the request for an increase to the line of credit for the Hamilton Downtown Multi-Residential Property Investment Program is a positive indication that good things are happening in the City.

Hazel Milsome, Financial Incentives Co-ordinator, and July Lam, Senior Business Development Consultant, provided a power point presentation and spoke to the following:

- Request to Increase Line of Credit – Summary
- Origin of the HDMRPIP
- Downtown Hamilton Community Improvement Area
- Current HDMRPIP Terms, Loan Limits and Balances
- Proposed Increase to Loan Limits
- Proposed Limits on Development
- Potential/In Progress Applications
- Existing and New Applications Cash Flow
- Increased Assessment
- Increased Annual Tax Revenue
- Benefits of Increasing HDMRPIP Loan Limits
- Increased Cost/Benefits in Dollars
- Summary and Recommendations

A copy of the power point presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.
(Collins/Jackson)
That the presentation respecting Hamilton Downtown Multi-Residential Property Investment Program – Increase of Line of Credit, be received.  
CARRIED

(McHattie/Farr)
That sub-sections (a) and (b) be amended by deleting the words, “referred to the 2013 Budget Process for Council’s consideration”, and replaced with the words, “approved within the 2013 Operating Budget” in lieu thereof.

The Amendment CARRIED on the following Standing Recorded Vote:

Yeas: McHattie, Farr, Morelli, Collins, Jackson, Merulla, Bratina  
Total Yeas: 7
Nays: Duvall, Whitehead, Partridge, Pasuta, Johnson, Pearson  
Total Nays: 6
Absent: Clark, Powers, Ferguson  
Total Absent: 3

The Motion, as amended, CARRIED on the following vote:

Yeas: McHattie, Farr, Morelli, Collins, Jackson, Merulla, Bratina  
Total Yeas: 7
Nays: Duvall, Whitehead, Partridge, Pasuta, Johnson, Pearson  
Total Nays: 6
Absent: Clark, Powers, Ferguson  
Total Absent: 3

(h) DISCUSSION ITEMS

(i) 2013 Tax Supported User Fees (FCS12080) (City Wide) (Item 8.1)

The Motion CARRIED on the following recorded vote:

Yeas: Pearson, Johnson, Pasuta, Partridge, Bratina, Merulla, Morelli, Whitehead, Jackson, Collins, Farr, McHattie  
Total Yeas: 12
Nays: Duvall  
Total Nays: 1
Absent: Clark, Ferguson, Powers  
Total Abent: 3
(ii) Committee Against Racism’s Anti-Racism Final Report Recommendations (FCS12095) (City Wide) (Outstanding Business List Item) (Item 8.2)

(McHattie/Farr)
That sub-section (c) be amended to include the words, “to the Audit, Finance and Administration Committee” following the word, “Hamilton”.

Amendment CARRIED
Motion as amended CARRIED

(i) MOTIONS

(i) Enbridge Pipelines Inc. Line 9A Flow Reversal Project (Item 9.1)

(McHattie/Farr)
(a) That sub-section (b) be amended by including the words, “light, medium, heavy crude and” following the word, “a”;
(b) That sub-sections (d) and (e) be amended by deleting the words, “appropriate staff”, and replacing with the word “Mayor” in lieu thereof.

Amendment CARRIED
Motion as amended CARRIED

(j) NOTICE OF MOTION

Councillor C. Collins introduced the following Notice of Motion:

Declaration of Surplus Property – 50 Main Street East, Hamilton (Old Courthouse)

(a) That Real Estate staff initiate proceedings to declare 50 Main Street East (Old Courthouse) as surplus;
(b) That once declared surplus, staff be authorized and directed to negotiate the sale of the subject lands;
(c) That in the event of the sale of 50 Main Street East, that the proceeds of the transaction be deposited into a Reserve and earmarked as a possible funding source for the purchase of surplus School Board properties;
(d) That in the event of the sale of 50 Main Street East, Corporate Facilities staff report back to the General Issues Committee on the feasibility of closing the following Work-in-Progress (WIP) accounts:

(i) Facility Upgrade – Courthouse – 50 Main Street East
   Account No. 3541041019
   Balance as at August 31, 2012: $261,185.96
(ii) Courthouse Parking Improvements – 50 Main Street East
    Account No. 3540941932
    Balance as at August 31, 2012: $411,642.01

(iii) Old Courthouse Facility Upgrade
    Account No. 3540741733
    Balance as at August 31, 2012: $161,865.86

(iv) McMaster Facility Capital Replacement Reserve
    Account No. 108039
    Balance: $231.787 (2012 Projected)

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

(i) Outstanding Business Items List

(Collins/Duvall)

(aa) That the revised due dates for the following items on the
    Outstanding Business List be approved:

  **Corporate Services**

  Item D: 2012 Ontario Municipal Partnership Fund Allocations
  Due Date: November 21, 2012
  Revised due Date: Q1 2013

  **Planning**

  Item A: Canadian Ballet Youth Ensemble
  Due Date: November 21, 2012
  Revised Due Date: January 16, 2013

  Item D: Removal of Fill from Toxic Contaminated Site at
          Hamilton Airport
  Due Date: November 21, 2012
  Revised Due Date: April 17, 2013

  Item F: Hamilton LEEDing the Way
  Due Date: November 21, 2012
  Revised Due Date: January 16, 2013

  Item G: City of Hamilton Events Strategy
  Due Date: November 21, 2012
  Revised Due Date: December 5, 2012
Public Works

Item F: Rapid Transit Maintenance and Storage Facility  
Due Date: November 21, 2012  
Revised Due Date: Q1 2013

(Collins/Duvall)
(bb) That the following item be removed from the Outstanding Business List:

City Manager

Item F: Provincial Action Plan for Health Care

Item I: MTO Decision re: Commercial Use of Two-way Radios

Corporate Services

Item C: Anti-Racism Final Report Recommendations

Planning

Item C: HABIA Terms of Reference and Strategic Plan

Item O: Terms of Reference for School Board Properties Sub-Committee

2012 Budget Deliberations

Item D: Early Retirement Packages

Item E: Additional Budget Savings

(k) PRIVATE & CONFIDENTIAL

12.1 Closed Session Minutes – November 7, 2012

(Whitehead/Duvall)
(a) That the Minutes of the Closed Session Meeting of the General Issues Committee held on November 7, 2012 be approved;

(b) That these Minutes remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.  
CARRIED
That the Committee move into Closed Session at 3:51 p.m. pursuant to subsections (e) and (f) of the City’s Procedural By-law and Section 239.1(e) and (f) 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) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

respecting:

12.2 Update on Legal Issues for Airport Contamination (LS12032) (City Wide) (Outstanding Business List Item);

12.3 Proposed Settlement of OMB Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – 2054971 Ontario Inc., Paletta International (2000) Inc. and Waterdown Bay Ltd. – OMB Case No’s. DC090025 and DC110008 (LS12025) (City Wide)

The Committee reconvened in Open Session at 4:15 p.m.

12.2 Update on Legal Issues for Airport Contamination (LS12032) (City Wide) (Outstanding Business List Item)

Staff direction provided In Camera.

See Item 21 for the disposition of this item.

12.3 Proposed Settlement of OMB Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – 2054971 Ontario Inc., Paletta International (2000) Inc. and Waterdown Bay Ltd. – OMB Case No’s. DC090025 and DC110008 (LS12025) (City Wide)

See Item 22 for the disposition of this item.

(l) ADJOURNMENT

(Collins/Jackson)

There being no further business, the Committee adjourned at 4:17 p.m.

Respectfully submitted

Councillor S. Merulla
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk