THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-016 AND RESPECTFULLY RECOMMENDS:

1. Piers 5-8 Sewage Pumping Station and Facilities Municipal Class Environmental Assessment, Schedule “B” (PED14092(a)) (Ward 2) (Item 5.2)

That Report PED14092(a), respecting Piers 5-8 Sewage Pumping Station and Facilities Municipal Class Environmental Assessment, Schedule “B”, be received.

2. Review of External Legal Fees (LS14030) (City Wide) (Item 5.3)

That Report LS14030, respecting the Review of External Legal Fees, be received.

3. Personal Information Consent Form (LS14031) (City Wide) (Item 5.4)

That Report LS14031, respecting the Personal Information Consent Form, be received.
4. Performance of Trash Tag Program April 2013 - April 2014 (PW14089) (City Wide) (Item 8.2)

That Report PW14089, respecting the Performance of the Trash Tag Program April 2013 - April 2014, be received.

5. Facility Naming Sub-Committee Report 14-004, July 9, 2014 (Item 8.3)

(a) Naming of “Souharissen Natural Area” in Waterdown (PW14074) (Ward 15) (Item 8.2)

That the request to name the natural open space, located at Dundas Street East and Burke Street, Waterdown in Ward 15 “Souharissen Natural Area”, after the vast aboriginal heritage of Waterdown/Flamborough, be approved.

(b) Naming of Waterdown Rotary Memorial Park Skating Loop (PW14076) (Ward 15) (Item 8.3)

That the request to name the proposed ice loop in Waterdown Memorial Park “Waterdown Rotary Memorial Park Skating Loop”, be approved.

(c) Veterans’ Place at Gore Park (Item 7.1)

That the content of the enclaves proposed for Veterans’ Place at Gore Park, without listing individual names, be approved.


(a) That land described as Part 3, Plan 62R-14858 in the Geographic Township of Barton, now City of Hamilton, as shown on Appendix “A” attached to Report PED14157 / PW14080, 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 Real Estate Section of the Planning and Economic Development Department be authorized and directed to convey an Installation Easement to Canadian National Railway (CNR) over the land described as Part 3, Plan 62R-14858 in the Geographic Township of Barton, now City of Hamilton, as shown on Appendix “A” attached to Report PED14157 / PW14080, at the nominal consideration of $5 for the purpose
of installing retaining wall tie-backs, support structures and other associated improvements ancillary to the tie-backs;

(c) That the sale price of $5 does not include the Harmonized Sales Tax (HST); should the HST be applicable and collected by the City, and the HST amount be credited to Account No. 22828-009000 (HST Payable);

(d) That the sale proceeds, of the land described as Part 3, Plan 62R-14858 in the Geographic Township of Barton, now City of Hamilton, (as shown on Appendix “A” attached to Report PED14157 / PW14080, be credited to Account 47703-3560150200 (Land and Property Sales); and,

(e) That the Mayor and City Clerk be authorized and directed to execute the requisite documentation, respecting the land described as Part 3, Plan 62R-14858 in the Geographic Township of Barton, now City of Hamilton, (as shown on Appendix “A” attached to Report PED14157 / PW14080, to the satisfaction of the City Solicitor as outlined in Report PED14157 / PW14080.

7. Hamilton Tax Increment Grant Program (HTIGP) – 547 King Street East, Hamilton (PED14147) (Ward 3) (Item 8.5)

(a) That a Hamilton Tax Increment Grant Program (HTIGP) application submitted by R. N. Donnell & Company Limited (Robert Norman Donnell), owner of the property at 547 King Street East, Hamilton, for an HTIGP grant estimated at $73,194.55 over a maximum of a five year period; and, based upon the incremental tax increase attributable to the redevelopment of 547 King Street East, be authorized and approved in accordance with the terms and conditions of the Program; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix “A” to Report 14-016, in a form satisfactory to the City Solicitor.

8. Steel Committee Report 14-003, July 10, 2014 (Item 8.6)

(a) U.S. Steel Canada – Economic Impact Study (PED14149) (City Wide) (Item 8.1)

That Report PED14149, respecting the U.S. Steel Canada – Economic Impact Study, be received.
(b) Economic Impact Analysis (Item 8.1)

(i) That staff be directed to complete the Economic Impact Analysis and bring the results and final recommendations to the next Steel Committee meeting in September 2014;

(ii) That each City Department work with the internal staff team to quantify the potential impact on respective department budgets with the various scenarios in Report PED14149; and,

(iii) That the Mayor, Chair of the Steel Committee, City Manager’s Office and key City Staff meet with the appropriate federal and provincial government elected officials to discuss these matters and that part of the discussions with provincial government be focused on information regarding the pension benefits guarantee fund.

9. Pan Am Stadium Precinct Sub-Committee Report 14-003, June 24, 2014 (Item 8.7)

Pan Am Games Update No. 8 (PW14011(c)) (City Wide) (Item 6.2)

That Report PW14011(c), respecting Pan Am Games Update No. 8, be received.

10. Amendments to the Procedural By-law for the Sale of Land (LS14033) (City Wide) (Item 8.8)

(a) That By-law No. 04-299, the Procedural By-law for the Sale of Land, and all amendments thereto, be repealed; and,

(b) That the By-law, as amended, attached as Appendix “A” to Report LS14033, the Sale of Land Policy By-law respecting adopting and maintaining a policy with respect to the sale and other disposition of land owned by the City of Hamilton, be passed.

11. Ward 1 Area Rating Projects (Item 9.1)

That the following projects, to be funded from the Ward 1 Area Rating Special Capital Reinvestment Reserve (#108051), be approved:

(a) $11,000 for the purchase and installation of a HSR bus shelter on Longwood Road South, on the west side, opposite the McMaster Innovation Park;
(b) $55,000 to be utilized toward the Raoul Wallenberg Walkway and Garden in Churchill Park;

(c) $54,000 for the installation of a wildlife barrier on the west side of Cootes Drive from Spencer Creek to McMaster; and,

(d) That the General Manager of Public Works be authorized and directed to prepare, advertise and award tenders, as required, for the above-noted works.

12. **Borer's Creek Dog Park (Item 9.2)**

That Public Works Parks staff be directed to bring a report to the Public Works Committee on the performance and user satisfaction of the Borer's Creek Dog Park.

13. **School Board Properties Sub-Committee Report 14-003, July 31, 2014 (Item 12.3)**

(a) **Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 125 Rifle Range Road Hamilton, legally described as Lot 41 RCP 1478, in the City of Hamilton (CES14042) (Ward 1)**

(i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has an interest in acquiring their land located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as shown on Appendix “A” attached to Report CES14042;

(ii) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bona fide offer to the Hamilton-Wentworth District School Board for the lands located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as shown on Appendix “A” attached to Report CES14042;

(iii) That the budget for acquisition and demolition of the lands located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as outlined in Report CES14042, be approved.
(iv) That the $40,000 in annual operating costs for this new facility be referred to the 2015 City of Hamilton Operating Budget (GIC) for consideration;

(v) That the financial details outlined in Report CES14042, respecting the surplus Hamilton-Wentworth District School Board land located at 125 Rifle Range Road remain confidential until the completion of the transaction; and, the balance of Report CES14042 not be released as a public document; and,

(vi) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor, respecting the offer to the Hamilton-Wentworth District School Board for the lands located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as shown on Appendix "A" attached to Report CES14042.

(b) Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton (CES14043) (Ward 11) (Item 7.2)

(i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has an interest in acquiring their land located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report CES14043;

(ii) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bona fide offer to the Hamilton-Wentworth District School Board for the lands located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix "A" attached to Report CES14043;

(iii) That the 2011 Capital Budget Project Submission, as outlined in Report CS14043, which was “parked” become “unparked” and that the funding be allocated to the acquisition of 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton as shown on Appendix “A” attached to Report CES14043;
(iv) That the amount and funding sources for the acquisition and building improvements for the lands located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, outlined in Report CES14043, be approved;

(v) That the $98,000 in annual operating costs for the proposed new facility to be located on the lands at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton be referred to the 2015 Operating Budget deliberations (GIC) for consideration;

(vi) That the Mayor and City Clerk be authorized and directed to execute all necessary documents, in a form satisfactory to the City Solicitor, respecting the offer to the Hamilton-Wentworth District School Board for the lands located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report CES14043;

(vii) That the Recreation Division of the Community and Emergency Services Department report back to the General Issues Committee during the 2015 budget process with an operation model, business plan, and staffing enhancements for the acquired surplus property;

(viii) That, if 255 Winona Road is sold, the proceeds from the sales be allocated as follows:

1. First, to fund the levy requirements of the new permanent Recreation Centre in the Fruitland Winona area; and,

2. Second, to fund the growth requirements of the new permanent Recreation Centre in the Fruitland-Winona area; and,

(ix) That the financial details outlined in Report CES14043, respecting the surplus Hamilton-Wentworth District School Board land located at 255 Winona Road remain confidential until the completion of the transaction, and the balance of Report CES14043 not be released as a public document.

FOR THE INFORMATION OF COUNCIL:

Deputy Mayor Whitehead recognized and thanked Bill Farkas, Manager of Real Estate, for 35 years of service to the City of Hamilton and wished him well in his retirement.
(a) **CHANGES TO THE AGENDA (Item 1)**

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

(i) Added as Item 4.3 – a Delegation Request from Vic Djurdjevic, of the Nikola Tesla Educational Corporation, respecting the appropriate location to erect a statue of Nikola Tesla and the naming of a road after Mr. Nikola Tesla

(ii) Added as Item 4.4 – a Delegation Request from Phil Teeuwsen, Assistant Professor of Education at Redeemer University College, respecting a presentation of the Winning Proposal from the Gifted Outreach Conference

(iii) Item 8.1 – as the Complainant withdrew their request for a hearing, Report FCS14061, respecting *Education Act* Development Charges, Section 257.85, Complaint - Schlegel Villages Inc., 1620 Upper Wentworth Street was withdrawn from the agenda.

(iv) Added as Item 10.1 – a Notice of Motion respecting Borer’s Creek Dog Park

(v) Added as Item 10.2 – a Notice of Motion respecting McMaster University’s Application to the Province’s Call for Proposals for Major City Expansion

The August 11, 2014 agenda for the General Issues Committee was approved, as amended.

(b) **DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

(c) **APPROVAL OF PREVIOUS MINUTES (Item 3)**

(i) **July 7, 2014 (Item 3.1)**

The Minutes of the July 7, 2014 meeting of the General Issues Committee were approved, as presented.
(d) DELEGATION REQUESTS

4.1 Don Jaffray and Linda Dayler, Social Planning and Research Council (SPRC), respecting the Transformation of the Community Partnership Program to the City Enrichment Fund

The delegation request, submitted by Don Jaffray and Linda Dayler, Social Planning and Research Council (SPRC), respecting the Transformation of the Community Partnership Program to the City Enrichment Fund, was approved.

4.2 David Rennie, Canadian Union of Postal Workers, Local 548 (Hamilton), respecting the Termination of Door to Door Postal Delivery

The delegation request, submitted by David Rennie, Canadian Union of Postal Workers, Local 548 (Hamilton), respecting the Termination of Door to Door Postal Delivery, was approved.

4.3 Phil Teeuwsen, Assistant Professor of Education at Redeemer University College, respecting a presentation of the Winning Proposal from the Gifted Outreach Conference

The delegation request submitted by Phil Teeuwsen, Assistant Professor of Education at Redeemer University College, respecting a presentation of the Winning Proposal from the Gifted Outreach Conference, was approved.

4.4 Vic Djurdjevic, of the Nikola Tesla Educational Corporation, respecting the appropriate location to erect a statue of Nikola Tesla and the naming of a road after Mr. Nikola Tesla

The delegation request submitted by Vic Djurdjevic, of the Nikola Tesla Educational Corporation, respecting the appropriate location to erect a statue of Nikola Tesla and the naming of a road after Mr. Nikola Tesla, was approved.

(e) CONSENT ITEMS (Item 5)

(i) Minutes of Various Advisory and Sub-Committee Meetings (Item 5.1):

The following Advisory and Sub-Committee Minutes, be received:

Council – August 15, 2014
1. Business Improvement Area Advisory Committee, April 8, 2014 (Item 5.1(a))
2. Business Improvement Area Advisory Committee, May 13, 2014 (Item 5.1(b))
3. Business Improvement Area Advisory Committee, June 10, 2014 (Item 5.1(c))
4. Governance Review Sub-Committee, June 26, 2014 (Item 5.1(d))
5. Web Redevelopment and Service Channel Sub-Committee, March 3, 2014 (Item 5.1(e))

(f) A Hearing under the *Education Act, R.S.O., 1990, c.E.2*,: *Education Act Development Charges, Section 257.85, Complaint - Schlegel Villages Inc., 1620 Upper Wentworth Street (FCS14061) (Ward 7) (Item 8.1)*

As the Complainant withdrew their request for a hearing, Report FCS14061, respecting *Education Act* Development Charges, Section 257.85, Complaint - Schlegel Villages Inc., 1620 Upper Wentworth Street was withdrawn from the agenda.

(g) NOTICES OF MOTION (Item 10)

Councillor R. Powers introduced the following Notice of Motion:

(i) **Borer’s Creek Dog Park (Item 10.1)**

That Public Works Department, Parks and Cemeteries Section staff be directed to report to the Public Works Committee on the performance and user satisfaction of the Borer’s Creek Dog Park.

The Rules of Order were waived to allow for the introduction of a motion respecting the performance and user satisfaction of the Borer’s Creek Dog Park.

For disposition of this matter, refer to Item 12.

(ii) **McMaster University’s Application to the Province of Ontario’s Call for University Proposals for Major City Expansion (Item 10.2)**

Councillor J. Farr introduced the following Notice of Motion:
WHEREAS, the Province of Ontario released its Major Capacity Expansion Call for University Proposals on March 27, 2014;

AND WHEREAS, this capacity expansion program has been put in place in order to meet the government’s commitment to provide 60,000 additional post-secondary education spaces across Ontario:

AND WHEREAS, McMaster University has submitted a Notice of Intent that it would be responding to the Request for Proposal on June 26, 2014, as required by the Province of Ontario;

AND WHEREAS, the closing date for the full proposal submission is September 26, 2014;

AND WHEREAS, numerous municipalities are seeking an expanded post-secondary presence and that securing such a campus is very competitive, and such it is anticipated that only a small number of large projects will be successful;

AND WHEREAS, the City of Hamilton and McMaster University have a long, successful relationship;

AND WHEREAS, there is a role the University and its students play in the city’s economic development, growth and prosperity;

AND WHEREAS, McMaster University is interested in expanding its presence in the downtown Hamilton core;

AND WHEREAS, the eligibility requirements for such an expansion include, but are not limited to, the following:

(i) The demonstrated need;

(ii) The accommodation of growth of more than 1,000 full-time students in the short-term, with the potential to accommodate longer-term growth of 5,000 to 10,000 over the next 20 years;

(iii) New facilities larger than 70,000 square feet, primarily for academic purposes;

(iv) Projects must improve local student access to post-secondary education in the short-term;

(v) Projects will be evaluated on the amount of support from the host community or municipality (including financial contributions and/or land ownership);
(vi) institutions making submissions will be required to provide evidence of support for their proposal, including documentation of land ownership or leasing contracts, documentation of municipal commitment or funding and letters of support;

(vii) Priority will be given to proposals in regions that have been experiencing sustained population and post-secondary education demand growth, and that are under served in terms of post-secondary education opportunities;

(viii) Tangible regional economic growth benefits, combined with the potential for province-wide benefit, based on labour force skills and economic growth;

THEREFORE BE IT RESOLVED:

(a) That the Mayor, on behalf of Hamilton City Council, provide a letter of support to McMaster University to be included as part of McMaster’s submission to the Province of Ontario’s Major Capacity Expansion Call for University Proposals;

(b) That the City of Hamilton agree, conditional on provincial support and a successful call for proposals resulting in McMaster University being selected to receive funding, to provide the necessary properties required either within the City holdings or through participating in a negotiation to acquire properties with McMaster University, the City of Hamilton and a third party landowner;

(c) That the City Manager be directed to work with staff and McMaster University to identify a specific property(ies) in the downtown core, as required; and,

(d) That the City Manager be directed to report to the General Issues Committee on the status of the application, the call for proposals process and any land negotiations or transfers.

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

(i) Amendments to the Outstanding Business List (Items 11.1(a) to (c))

The proposed new due dates for the following items, were approved:

(i) Item “T” – Tactical Urbanism Partnership

Current Due Date: August 11, 2014
Council – August 15, 2014
Proposed New Due Date: February 4, 2015
(ii) Item “BB” – Public Works Fleet Service Delivery Review
Current Due Date: July 7, 2014
Proposed New Due Date: September 17, 2014

(iii) Item “MM” – Fraunhofer Project
Current Due Date: August 11, 2014
Proposed New Due Date: September 4, 2014

The following items were deemed complete and removed from the General Issues Committee’s Outstanding Business List:

(i) Item “D” – Removal of Fill from Toxic Contaminated Site and the John C. Munro Hamilton International Airport
(Addressed as Item 17 on the GIC Report 14-010, and approved, as amended, by Council on May 14, 2014.)

(ii) Item “Y” – Non-Union / Union Termination Considerations
(Addressed as Item 8 of GIC Report 14-003 (Report HUR14004), approved by Council on June 25, 2014.)

The following item was referred back to the Planning Committee, as staff will be reporting on this matter as part of the overall Zoning By-law report:

(i) Item “L” – Citizen’ Committee Report on the Farmers’ Market White Paper

(i) PRIVATE & CONFIDENTIAL (Item 12)

(a) Closed Session Minutes – June 18/23, 2014 (Item 12.1)

The Closed Session Minutes of the June 18/23, 2014 meeting of the General Issues Committee were approved, as presented.

(b) Closed Session Minutes – July 7, 2014 (Item 12.2)

The Closed Session Minutes of the July 7, 2014 meeting of the General Issues Committee were approved, as presented.
(c) School Board Properties Sub-Committee Report 14-003, July 31, 2014 (Item 12.3)

Item 1 of the School Board Properties Sub-Committee Report 14-003, was amended by deleting sub-sections (a) and (b) in their entirety and replacing them with the following in lieu thereof; and by adding sub-sections (c) to (f), to read as follows:

1. Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 125 Rifle Range Road Hamilton, legally described as Lot 41 RCP 1478, in the City of Hamilton (CES14042) (Ward 1)

(a) That Report CES14042 respecting Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land—Located at 125 Rifle Range Road, Hamilton, legally described as Lot 41 RCP 1478, in the City of Hamilton be approved and referred to the General Issues Committee for consideration; and

(b) That Report CES14042 respecting Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land—Located at 125 Rifle Range Road, Hamilton, legally described as Lot 41 RCP 1478, in the City of Hamilton not be released as a public document

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board that the City of Hamilton has an interest in acquiring their land located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as shown on Appendix “A” attached to Report CES14042;

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bona fide offer to the Hamilton-Wentworth District School Board for the lands located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as shown on Appendix “A” attached to Report CES14042;

(c) That the budget for acquisition and demolition of the lands located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as outlined in Report CES14042, be approved.

Council – August 15, 2014
(d) That the $40,000 in annual operating costs for this new facility be referred to the 2015 City of Hamilton Operating Budget (GIC) for consideration;

(e) That the financial details outlined in Report CES14042, respecting the surplus Hamilton-Wentworth District School Board land located at 125 Rifle Range Road remain confidential until the completion of the transaction; and, the balance of Report CES14042 not be released as a public document; and,

(f) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor, respecting the offer to the Hamilton-Wentworth District School Board for the lands located at 125 Rifle Range Road, legally described as Lot 41 RCP 1478, in the City of Hamilton, as shown on Appendix “A” attached to Report CES14042.

For disposition of this Item, please refer to Item 13(a) above.

Item 2 of the School Board Properties Sub-Committee Report 14-003, was amended by deleting sub-sections (a) and (b) in their entirety and replacing them with the following in lieu thereof; and by adding sub-sections (c) to (i), to read as follows:

2. **Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton (CES14043) (Ward 11) (Item 7.2)**

(a) That Report CES14043 respecting Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now the City of Hamilton be approved and referred to the General Issues Committee for consideration; and

(b) That Report CES14043 respecting Acquisition of Hamilton-Wentworth District School Board (HWDSB) Surplus Land - Located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now the City of Hamilton not be released as a public document.

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department
be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has an interest in acquiring their land located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report CES14043;

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bona fide offer to the Hamilton-Wentworth District School Board for the lands located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report CES14043;

(c) That the 2011 Capital Budget Project Submission, as outlined in Report CS14043, which was “parked” become “unparked” and that the funding be allocated to the acquisition of 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton as shown on Appendix “A” attached to Report CES14043;

(d) That the amount and funding sources for the acquisition and building improvements for the lands located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, outlined in Report CES14043, be approved;

(e) That the $98,000 in annual operating costs for the proposed new facility to be located on the lands at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton be referred to the 2015 Operating Budget deliberations (GIC) for consideration;

(f) That the Mayor and City Clerk be authorized and directed to execute all necessary documents, in a form satisfactory to the City Solicitor, respecting the offer to the Hamilton-Wentworth District School Board for the lands located at 255 Winona Road, legally described as Lot 5, Concession 2, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report CES14043;

(g) That the Recreation Division of the Community and Emergency Services Department report back to the General Issues Committee during the 2015 budget process with an operation model, business plan, and staffing enhancements for the acquired surplus property;
(h) That, if 255 Winona Road is sold, the proceeds from the sales be allocated as follows:

(i) First, to fund the levy requirements of the new permanent Recreation Centre in the Fruitland Winona area; and,

(ii) Second, to fund the growth requirements of the new permanent Recreation Centre in the Fruitland-Winona area; and,

(i) That the financial details outlined in Report CES14043, respecting the surplus Hamilton-Wentworth District School Board land located at 255 Winona Road remain confidential until the completion of the transaction, and the balance of Report CES14043 not be released as a public document.

For disposition of this Item, please refer to Item 13(b) above.

(j) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 9:53 a.m.

Respectfully submitted,

Councillor T. Whitehead
Deputy Mayor

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
City of Hamilton

HAMITLON TAX INCREMENT GRANT PROGRAM
Grant Payment – Agreement

Application No. HTIGP 14/03

DATE: June 13, 2014

PROPERTY INFORMATION

Name of registered property owner: R. N. Donnell & Company Limited
Attention: Robert Norman Donnell

Address of property (subject of Grant Program): 547 King Street East, Hamilton

Roll Number(s): 030212008500000

Mailing Address of Owner (where address is different from address of property)

354 Camelot Court
Burlington, Ontario
L7L 2G3

GRANT CALCULATION

The estimated grant shall be calculated according to the following formulas

Grant Level: 100%
Total Eligible Costs (Maximum): $2,198,208

Pre-project CVA: (CX) $164,500 Year: 2014
Municipal Levy: $3,857.09
Education Levy: $2,139.85
Pre-project Property Taxes $5,996.94

*Estimated Post-project CVA: (RT) $1,000,000 Year: TBD
(XT) 700,000

**Estimated Municipal Levy: $28,255.28
Estimated Education Levy: $10,570.00
Estimated Post-project Property Taxes $38,825.28
The actual assessed value, tax classification(s) and value partitioning (where applicable) to be determined by the Municipal Property Assessment Corporation.

**2014 tax rates used for calculation of estimated property taxes.

Municipal Tax Increment = Post-project Municipal Taxes (actual) - Pre-project Municipal Taxes

“Grant Payment in Year One” (first full calendar year after re-valuation of the completed and occupied project by MPAC) or the “Initial Grant Payment” = Municipal Tax Increment*100%

Calculation of Estimated Grant Payment in Year One (Initial Grant)

Pre-project Municipal Taxes = Municipal Levy = $3,857.09

Municipal Tax Increment = $28,255.28 - $3,857.09 = $24,398.19

Payment in Year One = $24,398.19 x 1.0 = $24,398.19

ESTIMATED GRANT PAYMENT SCHEDULE
(subject to re-calculation each year and up to the total eligible costs)

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<th>Tax Increment</th>
<th>Grant</th>
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<td>Total</td>
<td></td>
<td>$121,990.95</td>
<td>$73,194.55</td>
</tr>
</tbody>
</table>

Grant Terms

1. The actual amount of annual Grant payments are subject to re-calculation of (Municipal Tax Increment *the applicable %) in each and every year.

2. The total value of the sum of the annual Grant payments that may be provided under the Hamilton Tax Increment Grant Program shall not exceed the total eligible costs of the said redevelopment that have been accepted by the City $2,198,208.

3. Annual Grant payments shall be paid, subject to these terms and conditions, by the City to a maximum of five payments. Such payments shall cease when the total amount paid out equals the total eligible cost amount as determined by the City, or after five grant payments, whichever comes first.
4. The total value of the eligible Grant provided under this Program shall be reduced by the amount of any property tax arrears in respect of any and all taxes that have been cancelled or reduced on the subject property by the City under any other programs or by relief allowed under any statute.

5. The Grant Payment in Year One and subsequent annual Grant payments are calculated based upon changes in property taxes as a result of completion of the accepted eligible works and construction and improvement to the property.

6. If at any point after the original redevelopment of the land, new construction is added to the land that is not part of the original Hamilton Tax Increment Grant Program application, the Grant will be calculated only in respect of the original eligible costs, original redevelopment works, and original building size contained in the original Hamilton Tax Increment Grant Program application.

7.1 The initial Grant payment is not payable by the City until each of the following conditions are fulfilled to the satisfaction of the City:

(a) redevelopment of the property is completed in accordance with the proposed redevelopment as specified in the Hamilton Tax Increment Grant Program application;

(b) the Owner has supplied the City with evidence satisfactory to the City as to the amount of the eligible costs incurred by the Owner;

(c) the Owner has satisfied the City that the total eligible costs, incurred in respect of the redevelopment have been paid in full and that there are no liens, claims or litigation in respect of the Owner's obligation to pay the total eligible costs;

(d) the Owner has satisfied the City that the accepted redevelopment that is subject of the Grant application has not been substantially altered or has not been demolished;

(e) the Owner has satisfied the City that there are no outstanding work orders and/or orders or requests to comply from any City department or other regulatory authority in respect of the redevelopment, the property and the business of the Owner conducted on the land;

(f) the Owner has satisfied the City that the Owner, its redevelopment and property are in full compliance with:

(i) any Agreement(s) relating to the property in favour of the City, including any Agreement relating to: condominium, service, site plan approval, encroachment, joint sewer & water use, easement or other Agreement; and,

(ii) by-laws of the City and provincial and federal legislation and regulations.

(g) the Owner has satisfied the City that the assessed value of the subject property has increased as a result of the said redevelopment to the property and that the assessed value was increased for reasons that meet
the eligibility requirements of the City’s Hamilton Tax Increment Grant Program;

(h) the Owner or the municipality has not appealed said increased assessed value and there exists no other pending appeal which has not been settled completely in respect of the assessed value as of a date which is either in advance of or as of a date, which follows the said redevelopment;

(i) the Owner has satisfied the City that the property taxes for the year during which property taxes were calculated pursuant to the said increased assessment and for each of the preceding years, have been paid in full, have not been deferred and there are, at the time of application for payment of the annual Grant payment, no instalments for the current year remaining to be invoiced and paid;

(j) the Owner has satisfied the City that the Owner, as of the date of the proposed Grant payment, has paid in full and not deferred all other charges (where applicable) against the property in favour of the City, including but not limited to: Development Charges, park land dedication fees, special assessments and frontage charges;

7.2 Subsequent annual grants as set out herein will be payable each year upon the written request of the Owner where the Owner has satisfied the City as to the matters set out in paragraphs 7.1 (d), (e), (f), (h), (i) and (j) above.

7.3 The amount of each subsequent grant is equivalent to the Municipal Tax Increment (MTI) for the year in which payment is to be made. The MTI shall be calculated as shown in Section 3 of this Agreement. It is acknowledged that the amount of this grant may vary up or down from year to year during the term of this Agreement. No grant is payable where the MTI is zero or a negative value.

8. Notwithstanding Paragraph 7(h) herein, the City may pay 75% of the annual grant payable to the Owner where property assessment appeals have been filed.

9. The decision of the City regarding the total amount of eligible costs and the calculation of the actual total redevelopment Grant and annual Grant payments is final.

10. Payment of the Grant and the actual amount of the total Grant will be subject to the City’s review and satisfaction with all reports and documentation submitted in support of the application, including but not limited to: documentation of the estimated and actual costs of eligible works. Any and all of these costs may be, where required by the City subject to verification, third party review or independent audit, at the expense of the Owner.

11. Grants are not payable by the City until such time as all taxes eligible for a Grant have been billed by the City, and all outstanding taxes have been paid in full for all years by the Owner. Grant cheques will not be issued if there is an
outstanding tax payment. Penalty/interest will be charged on all outstanding taxes. Penalty/interest on arrears will be 15% per annum or such tax arrears interest rate as may be established by Council from time to time.

12. On an annual basis, the City, upon ascertaining that the Owner is in compliance with this Agreement and has met all and any other requirements of the City, shall pay the annual Grant payment.

13. If in the opinion of the City the property is not maintained in its rehabilitated condition, the City may, at its own discretion and without notice, terminate all future Grant payments and require repayment of all Grant payments already paid out by the City to the Owner.

14. The City retains the right at all times not to make any or all of the Grant payments or to delay payment where the City deems that there is non-compliance by the Owner with this Agreement. In particular, without limiting the generality of the foregoing, the Grant is conditional upon periodic reviews satisfactory to the City to there being no adverse change in the redevelopment and to there being compliance on the part of the Owner with all other requirements contained in this Agreement.

15. Where property taxes are in arrears on the subject property for a year or more, the City may, at its discretion and without notice, terminate all future Grant payments.

16. In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the Property the City shall have absolute discretion in ceasing any further grant payments.

17. Where the Owner is a corporation the Owner covenants and agrees that in the event that:

   a) the Owner fails to supply the City, in a form satisfactory to the City such information relating to the ownership of its shares as the City may from time to time require: or

   b) without the written consent of the City first had and obtained:

      i) the Owner issues or redeems any of its shares or transfers any of its shares;

      ii) there is a sale or sales of the shares of the Owner which result in the transfer of the legal or beneficial interest of any of the shares of the Owner; or,

      iii) the Owner amalgamates, merges or consolidates with any other corporation,
and the result of any of the foregoing is a change in the effective control of the majority of the voting shares of the Owner, or the requested information is not provided, then future grant payments under the Program shall cease at the absolute discretion of the City.

IN WITNESS WHEREOF the parties duly execute this Agreement, as follows as of the day and date set out in the date of this Agreement:

Approved As To Form: CITY OF HAMILTON

Legal Services

(1 - )

______________________________
R. Bratina, Mayor

______________________________c/s
R. Caterini, City Clerk

. OWNER

per: ________________________________

per: ________________________________c/s

I/We have authority to bind the corporation