Committee of the Whole

REPORT 10-011

As Amended by City Council on March 10, 2010

9:30 a.m.
March 8, 2010
Albion Room
Hamilton Convention Centre

Present:
Mayor F. Eisenberger
Deputy Mayor M. Pearson

Absent with regrets:
Councillor S. Merulla – Illness
Councillor R. Powers – City business

Also Present:
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic Development
D. Cunliffe, Acting Fire Chief
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

COMMITTEE OF THE WHOLE PRESENTS REPORT 10-011 AND RESPECTFULLY RECOMMENDS:

1. 2009 Planning and Economic Development Performance Measures (PED10057) (City Wide) (Item 7.1)

That Report PED10057 respecting 2009 Planning and Economic Development Performance Measures be received.
2. **2009 Economic Development and Real Estate Highlights (PED10058) (City Wide) (Item 7.2)**

That Report PED10058 respecting 2009 Economic Development and Real Estate Highlights be received.

3. **Governance Review Sub-Committee Report 10-001**

That the revised City’s Procedural By-law be approved, as amended.

That Item 3 of Committee of the Whole Report 10-011 be amended by adding subsection (b) to read as follows:

(b) That the City’s Procedural By-law be further amended by:

(i) **SECTION 1 - DEFINITIONS**

   deleting and replacing the definition of “ex-officio” as outlined below:

   "ex-officio" means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee’s quorum as such quorum is set out in section 5.4 of this By-law.

(ii) **SECTION 5 – STANDING COMMITTEE MEETINGS**

   by deleting Sub-section 5.3 (5) in its entirety and renumbering the remaining subsections accordingly;

(iii) **SECTION 5 – STANDING COMMITTEE MEETINGS**

   by deleting Sub-section 5.4 in its entirety and replacing it with the following therein:

   **5.4 Quorum**

   The quorum for all Standing Committees shall be a half of the membership, plus 1, not including the Mayor.

(iv) That Appendices C, D, E, and F be amended by deleting the phrase “plus the Mayor, ex-officio”, from the Composition section.
4. **Facility Naming Sub-Committee Report 10-001, February 12, 2010 (Item 8.2)**

Renaming of Olympic Park to the “Mark Anthony Graham Memorial Olympic Park” (PW10017) (Ward 8) (Item 4.2)

That the park known as “Olympic Park”, located at the north-east corner of Upper Horning Drive and Mohawk Road West, be renamed to the “Mark Anthony Graham Memorial Olympic Park”.

5. **Interest Arbitration Award - City of Hamilton & Hamilton Entertainment Convention Facilities Inc. and the International Union of Operating Engineers, Local 772 (HUR10007) - (City Wide) (Item 8.3)**

That Report HUR10007 respecting Interest Arbitration Award - City of Hamilton & Hamilton Entertainment Convention Facilities Inc. and the International Union of Operating Engineers, Local 772, be received.

6. **Emergency Air Monitoring (BOH10004/HES10005) (City Wide) (Item 8.4)**

That staff be directed to issue a Request for Proposal with the intention of contracting the services of the successful, qualified vendor to perform air monitoring as directed and report back with findings before awarding of any contract.

7. **Consideration for a Voluntary Recognition Agreement with the Labourers International Union of North America (LIUNA) Local 837 and the International Union of Operating Engineers (IUOE) Local 793 – Status Update and Direction**

   (a) That the City not enter into a voluntary recognition agreement with either Labourers International Union of North America (LIUNA), Local 837 or the International Union of Operating Engineers (IUOE), Local 793 at this time; and

   (b) That the contents of Report HUR10008 respecting the City and the Labourers International Union of North America (LIUNA), Local 837 and the International Union of Operating Engineers (IUOE), Local 793, remain confidential as it contains information related to labour relations.

8. **City Managers Office - Re-organization (CM10003) (Item 11.4)**

That the City Manager be directed to proceed with the Office Restructuring described in report CM10003.
9. Ian Rowe, President, and Tony Gatto Wentworth Condominium Corporation No. 236 On behalf of Canadian Condominium Institute, Golden Horseshoe Chapter respecting residential tax matters affecting condominium corporations

That the presentation by Messrs. Rowe and Gatto respecting residential tax matters affecting Condominium Corporations, be received.


That the resolution of Shareholders for Hamilton Utilities Corporation attached hereto be approved.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

As part of the closed session portion of the agenda Committee will be meeting as the Shareholders for Hamilton Utilities Corporation. At that time Committee will be considering a resolution which is being introduced as Item 11.5

The Agenda was adopted as amended.

(b) DECLARATIONS OF INTEREST

None

(c) ADOPTION OF MINUTES

The following Minutes were adopted as presented:

(i) February 8, 2010

(ii) February 18, 2010 (special)

(iii) February 22, 2010 (budget)

(d) The following Advisory Committee minutes were received:
(i) Non Union Compensation Sub-Committee Minutes of February 12, 2010

(ii) Advisory Committee for Persons with Disabilities Minutes of January 12, 2010

(e) DELEGATION REQUESTS

(i) Request to address Committee by Colonel Sean McKee respecting Ceremonial Guard for the Royal Hamilton Light Infantry (Item 5.1)

The delegation request was approved.

(f) PRESENTATIONS

(i) Ian Rowe, President, Wentworth Condominium Corporation No. 236 On behalf of Canadian Condominium Institute, Golden Horseshoe Chapter respecting residential tax matters affecting condominium corporations

The 5 minute rule was waived to allow Mr. Rowe and Mr. Gatto a longer presentation time.

Messrs. Ian Rowe and Tony Gatto addressed committee. Highlights of the presentation included the following:

- What is the Canadian Condominium Institute
- How Condominium Corporations benefit Cities
- Condos carry a burden of double taxation
- Fairness in taxation
- Brantford vs. Hamilton comparison

The delegation requested that Hamilton consider the following:

1. Hamilton recognize the value and contribution that condominium corporations make to the quality of civil society in our City Of Hamilton

2. City of Hamilton commit to providing services fairly and equitably to condominium residential owners as well as other freehold urban residential owners

3. Council instruct city staff to meet with representatives of Canadian Condominium Institute to devise a plan to mitigate
the cost of services provided to other urban residences but
denied to condominium residences and report back to
committee

Staff Direction:

Staff were directed to meet with CCI to investigate and report back
with a plan for attempting to mitigate the costs of services provided
to condominium residences including:

- Garbage and Recycling collection
- Storm sewer annual cleaning
- Fire hydrant testing
- Parking/signage on roads
- Other related services

Staff were also to include in their report back information available
from AMO and MPAC.

(ii) 2009 Planning and Economic Development Performance
Measures (PED10057) (City Wide) (Item 7.1)

Neil Everson provided a power point presentation highlighting the
following:
- Building Permits and Assessment Growth
- 2009 Assessment Growth – Other municipalities
- 2009 Corporate Measures
- 2009 Projects and initiatives
- Shovel Ready Land
- 2009 Planning and Economic Development Measures
- 2009 Recognition
- Positive Media Coverage
- Brownfields Office
- 2009 Total Businesses
- 2009 Number of New Jobs
- Small Business Jobs 2009
- Small Business Enterprise Centre enquiries
- Film Office
- 2009 Gross Farm Receipts
- Hamilton Calling Program
- Downtown Vacancy Rate
- 2009 Downtown Measures
- Downtown Property Taxes
- City Magnets
- Conference Board of Canada – concern with analysis of
information in the recent report published
(iii) **2009 Economic Development and Real Estate Highlights** *(PED10058) (City Wide)*

Neil Everson provided a power point presentation highlighting the following:
- Corporate Real Estate
- Industrial Real Estate
- 2009 Business Retention
- 2009 Agriculture and Food
- 2009 Research and Innovation
- 2009 Goods Movement
- 2009 Commercial Growth
- 2009 Institutional Investment
- Marketing Activities for 2009
- 2009 Brownfield Office
- 2009 Performance Summary
- 2010 Looking Forward

(iv) **Governance Review Sub-Committee Report 10-001**

City Clerk Kevin Christenson provided an overview of the amended Procedural By-law.

Comments from members of Council included:

Section 7.4
Concern that cell phone can be turned to non-audible but device can remain on to record In Camera discussions.

2/3rds of the entire Council be required to walk on any motion that would substantively impact the City budget. Clerk advised that this will require reconsideration at Council.

The following amendment was put and CARRIED:

“That the definition of ex-officio be amended to include that an ex-officio shall be a voting member on all standing committees.”

Motion CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Whitehead, Pearson, Mitchell, Pasuta, McHattie, Duvall, Ferguson, Jackson
Total: 9
Nays: Clark
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Total: 1
Absent: Powers, Morelli, McCarthy, Bratina, Collins, Merulla
Total: 6

(v) Emergency Air Monitoring (BOH10004/HES10005) (City Wide)  
(Item 8.4)

Rob Hall provided an overview of report and both he and Matthew Lawson were available to answer questions. MOE representative Bill Bardswick, Director, West Central Region was in attendance and addressed questions respecting response times, equipment used

(g) PRIVATE AND CONFIDENTIAL

Committee moved into closed session further to the following section of the City’s Procedural By-law and Municipal Act:

Section 8.1(d) as the matter pertains to labour relations or employee negotiations

As well Committee met in closed session as Shareholders of Hamilton Utilities Corporation pursuant to the Ontario Business Corporations Act.

(i) The following Closed Session Minutes were approved:

February 8, 2010 and February 18, 2010

(ii) Consideration for a Voluntary Recognition Agreement with the Labourers International Union of North America (LIUNA) Local 837 and the International Union of Operating Engineers (IUOE) Local 793 – Status Update and Direction

Motion approved in Open Session. Refer to item 7

Councillors Ferguson and Whitehead opposed

(iii) City Managers Office - Re-organization (Item 11.4)

Motion approved in Open Session. Refer to item 8

Councillor Clark opposed

(iv) HUC Shareholders meeting

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Direction provided in Closed Session.

(h) GENERAL INFORMATION/OTHER BUSINESS

Amendments to Outstanding Business Item

Item Z: Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170
Proposed New Due Date: April 13, 2010

There being no further business, the meeting adjourned at 4:05 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
March 8, 2010