Committee of the Whole
REPORT 08-037
As Amended by City Council December 10, 2008
As further amended on March 1, 2012
9:30 a.m.
December 9/10, 2008
Albion Room
Hamilton, Ontario

Present:
Mayor F. Eisenberger
Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
T. Jackson, L. Ferguson, M. McCarthy, B. McHattie,
S. Merulla, B. Morelli, R. Pasuta, D. Mitchell,
M. Pearson, R. Powers, T. Whitehead

Also Present:
J. Rinaldo, Acting City Manager
P. Barkwell, Acting General Manager, Finance and
Corporate Services
S. Stewart, General Manager, Public Works
J. Kay, General Manager, HES, Fire Chief
T. McCabe, General Manager, Planning and Economic
Development
J.A. Priel, General Manager, Community Services
Dr. E. Richardson, MOH
M. Gallagher, Co-ordinator, Council and Committee of the
Whole/Budgets

COMMITTEE OF THE WHOLE PRESENTS REPORT 08-037 AND
RESPECTFULLY RECOMMENDS:

1. Approval of 2009 Tax Supported Capital Budget (Item 4.1)
   (a) That the proposed 2009 Tax Supported Capital Levy of
       $80,810,000 identified in Table 1 of the Executive Summary of
       report FCS08112, be reduced by $3,150,000 to the 2008 level of
       $77,660,000;
(b) That the attached 2009 Tax Capital Budget & Financing Plan as amended by Committee of the Whole on December 9, 2008 be approved;

(c) That the Tax Supported Net Capital Funding Forecast 2009 – 2018, attached as Appendix B to report FCS08112 be approved;

(d) That Reserve number 108024 be established for the Provincial Subsidy received under the Investing in Ontario Act in the amount of $48,007,919.

2. 2009 Tax Supported User Fees FCS08106 (Item 4.2)

(a) That the 2009 User Fees contained in Attachment One to FCS08106, be approved and implemented;

(b) That the City Solicitor & 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.

3. 2009 Tax Operating/Capital Outlook (item 4.3)

That the presentation of the 2009 Tax Operating/Capital Outlook be received.

4. No New Net Staff

(a) That there be no new net staff until Council provides future direction.

(b) That staff report back on eliminating redundant positions as part of the 2009 budget.

(c) That staff be directed to report back on impacts (i.e. essential services) and potential savings for shutdown opportunities.

5. Recommendation referred by Committee of the Whole at its meeting of November 10, 2008 (Item 5.2)

That the following recommendation be received:
“That there be a moratorium on hiring any new employees, an assessment of eliminating redundant positions and an impact study of such an endeavour to ensure such a decision does not impact front line services. “

6. Increasing Parking Meter Rates and Installing Paid Parking in All Commercial Areas (PED08059(b)) (City Wide) (Item 5.3)

That the increase in parking meter rates and installing paid parking in all commercial areas be deferred to the 2010 budget deliberations.

7. Added Communication referred by Council respecting Conservation Halton 2009 Budget (item 5.4)

That the correspondence from Conservation Halton be received.

8. BMA Consultant Fees (Item 5.5)

(a) That staff be directed to conduct consultations with the Development community on the Planning and Engineering Development Fee Review;

(b) That the staff report with recommendations be considered by the Economic Development and Planning Committee during their budget deliberations;

(c) That with respect to fees increases that staff be directed to provide information as a supplemental and not part of the 2009 budget book.

8. Lister Block (CM08032) (Item 8.2)

That Report CM08032 respecting Lister Block be received.

9. HSR Pension Plan / OMERS Class Action Lawsuit (City Wide) (FCS01027c)) (Item 11.1)

(a) That the Mediated Settlement of the Class Action Lawsuit filed against the City by members of the HSR Pension Plan, attached as Appendix “A” to Report FSC01027c) be approved;

(b) That the Mayor and the City Clerk be authorized to enter into a Settlement Agreement in a form satisfactory to the City Solicitor;
(c) That the City Solicitor be directed to wind up the Hamilton Street Railway Corporation effective January 1, 2009 or as soon thereafter as is practicable, and in connection therewith to accept all assets and liabilities of the Hamilton Street Railway Corporation, and without affecting any contrary position of the City with regard to the prior status of persons employed in the business of the Hamilton Street Railway, the City hereby formally recognizes all such persons as employees of the City on and after January 1, 2009;

(d) That the mediated employee settlement in the approximate amount of $127,000 as outlined in report FCS01027(c) be approved;

(e) That the attached Petition (Appendix B of Report # FCS01027(c)) be approved and forwarded to the Province of Ontario; and

(f) That staff report back to Council with details of any Special Payments requirements regarding the HSR Plan, when available; and

(g) That report “HSR Pension Plan/OMERS Class Action Lawsuit” FCS01027(c) remain private and confidential.

10. United Brotherhood of Carpenters and Joiners of America Local 18 Certification (LS07012A) (City Wide)

(a) That the City discontinue the Motion for Leave to Appeal in Ontario Superior Court Action No. 209/06.

(b) That Report LS07012(a) remain confidential.

That Item 11 of Committee of the Whole Report 08-037 respecting Canadian Union of Public Employees Local 1041 Memorandum of Settlement be deleted in its entirety and replaced with the following in lieu thereof:

11. Canadian Union of Public Employees Local 1041 Memorandum of Settlement (HUR08023)(11.4)

That Report HUR08023 respecting Canadian Union of Public Employees Local 1041 Memorandum of Settlement be referred to City Council for consideration.

11. Canadian Union of Public Employees Local 1041 Memorandum of Settlement

(a) That the Memorandum of Settlement for the City of Hamilton and the Canadian Union of Public Employees, Local 1041 (CUPE 1041)
Managerial and Front-Line Supervisors on file with the Clerk, be approved;

(b) That the contents of Report HUR08023 remain confidential as they contain information related to labour relations and employee negotiations.

12. ONA Update (Item 11.3)

That the update on Ontario Nurses Association be received.

13. Property Acquisition - 205 Berko Avenue, 1139 Greenhill Avenue (Item 11.5)

Whereas, City Council at its meeting of April 27, 2005 adopted Item 7.1 of the Planning and Economic Development Committee Report 05-009, being the Hamilton Wentworth District School Board Property Program (CM05011).

Whereas, recommendation (b) of the Planning and Economic Development Report 05-009 states “that the City of Hamilton not bid on any further Hamilton Wentworth District School Board sites other than what has been committed in Table 1, due to the declining capital reserves from which the purchases are funded”.

Whereas, pursuant to the Property Disposition Protocol of the Hamilton Wentworth District School Board, Notice had been received on the consideration of the disposition of two (2) school boards lands municipally known as 205 Berko Avenue, Hamilton formerly Vern Ames School located within Lawfield Neighbourhood and 1139 Greenhill Avenue, Hamilton and located in the Gershome Neighbourhood adjacent to Father O’Sullivan Park.

Whereas, the Lawfield Neighbourhood is currently deficient in Neighbourhood Parkland by 1.56 hectares (3.85 acres), based on the 2006 population data and the City of Hamilton Official Plan Parkland Policies.

Whereas, the Gershome Neighbourhood would negatively impact the ability of the City of Hamilton to offer the existing level of recreational services from a program perspective through the loss of two (2) soccer fields, ball diamond and park way walkway, and wherein the City of Hamilton at the current time is in a deficit position with regards to soccer pitches.
Therefore be it resolved:

(a) That subject to the Hamilton Wentworth District School Board declaring the following lands surplus, that the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to submit a bona-fide offer for those lands being composed of:

i) Part Lot 7, Concession 6, Barton; As In Instrument HL150678, HL177812, HL 184203, HL184530, Except Parts 1 & 2, 62R-392, HL244151, HL189499, HL5611007, Except Part 1 on Plan 62R-17601; Hamilton, being the whole of PIN 16983-0031(LT), comprising an area of 2.0 hectares (5 acres) more or less, known municipally as 205 Berko Avenue; and

ii) Part of Lot 28, Concession 4 Saltfleet; As In AB175225, Except Parts 1, 2 & 6 Plan 62R8695 & Part 7, Plan 62R5638; S/T HL214933; Hamilton, being the whole of PIN 17099-0549(LT) comprising an area of 3.2 hectares (8 acres), municipally known as 1139 Greenhill Avenue.

(b) That the purchase price and financing for the lands described in a)(i) and a)(ii) be subject to the conditions as contained in Confidential Appendix “A” attached hereto, and that the Confidential Appendix “A” remain confidential until Hamilton Wentworth District School Board acceptance.

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

APPENDIX “A” – Released publicly on March 1, 2012

VERN AMES:

Part Lot 7, Concession 6, Barton; As In Instrument HL150678, HL177812, HL 184203, HL184530, Except Parts 1 & 2, 62R-392, HL244151, HL189499, HL5611007, Except Part 1 on Plan 62R-17601; Hamilton, being the whole of PIN 16983-0031(LT), comprising an area of 2.0 hectares (5 acres) more or less, known municipally as 205 Berko Avenue.

a) That the City offer be based on the estimated market value established by Pocrnic Realty Advisors Inc. at a rate of $400,000 per acre.
b) That the net costs for the acquisition of the Hamilton Wentworth District School Board lands, known municipally as 205 Berko be area-rated to the former City of Hamilton Wards 1 through 8.

1139 GREENHILL AVENUE:

Part of Lot 28, Concession 4 Saltfleet; As In AB175225, Except Parts 1, 2 & 6 Plan 62R8695 & Part 7, Plan 62R5638; S/T HL214933; Hamilton, being the whole of PIN 17099-0549(LT) comprising an area of 3.2 hectares (8 acres) more or less.

a) That the City offer be based on the estimated market value established by Pocrnic Realty Advisors Inc. at a rate of $400,000 per acre.

b) That the net costs for the acquisition of the Hamilton Wentworth District School Board lands, known municipally as 1139 Greenhill Avenue be area-rated to the former City of Hamilton Wards 1 through 8.

FINANCING

That these parkland purchases totaling approximately $5,200,000 be funded as follows: Former City of Hamilton Capital Reserve 108035 for 222,154.14; and by borrowing from the Parkland Dedication Reserve 104090 in the amount of $3,000,000 and the Property Purchases Reserve 100035 in the amount of $1,977,845.86, with the loan repayments beginning in 2009 amortized over 12 years at an interest rate of 5.35% to be area rated as indicated below:

Amount to be Borrowed from Reserves: $4,977,846
Term of the Loan: 12 years
Interest Rate: 5.35%
Annual Payments to be area Rated: $572,768
Average Cost per Residential Household: $4.20

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

Added report - Lister Block added as Item 8.2

Three added delegation requests wishing to speak to the increase in parking meter rates and installation of parking meters. They are:
Ruth Lewis, International Village BIA to be added as 5.1(d)
Darlyne Mills, Downtown Dundas BIA to be added as 5.1(e)
Ed Streker, Stoney Creek BIA 5.1(f)
The agenda was adopted as amended.

(b) DECLARATIONS OF INTEREST

None

(c) DELEGATION REQUESTS

The following delegation requests were approved:

(a) Kathy Drewitt, Downtown Hamilton BIA
(b) Paul Wharton, Concession Street BIA
(c) Linda Naccarato, Waterdown BIA
(d) Ruth Lewis, International Village
(e) Darlyne Mills, Downtown Dundas BIA
(f) Ed Streker, Stoney Creek BIA

(d) STAFF PRESENTATIONS

(i) Capital/Operating Budget Update (Item 6.1)

Joe Rinaldo provided an overview by power point. Highlights included the following:

Operating Budget
- Council Direction
- 2009 Pre-Approved Items
- Significant Updates
- Provincial EMS Funding
- Change in Weighted Assessment
- Tax Write-Offs
- 2009 Draft Tax Budget as of Dec. 8
- 2009 Tax Budget Options
- Bridge Financing Scenario
- Process for Budget

Capital Budget
- Provincial Subsidy Recap
- 2009 Draft Capital Budget Project List
- 2009 Capital Program
- 2009 Capital Financing
The presentation was received.

(e) PUBLIC DELEGATIONS

(i) Kathy Drewitt, Downtown Hamilton BIA

Ms. Drewitt addressed the following in her presentation:
- looking at increase of parking fees and would like to see the increase lowered but understands the economic difficulty council is facing
- supports a uniform fee across the city
- requests the free pre Christmas parking program be kept for one month prior to Christmas
- do not support paid on street parking hours being proposed
- acknowledge new technology for parking (i.e. credit cards) and suggests City explore those further
- caution vacancy rate will increase
- freeze decision to implement until 2010 until economy recovers and revisit in again 2009

(ii) Paul Wharton, Concession Street BIA

Not in attendance

(iii) Linda Rourke, Waterdown BIA – written submission provided

Ms. Rourke addressed the following in her presentation:
- against parking meters
- suggest rather than installing meters make it a two hour limit for parking on the street

(iv) Ruth Lewis, International Village BIA

Ms. Lewis addressed the following in her presentation:
- agree with the increase to 1.00 is fine
- uniform rate per hour across the city rather than individual rates
- on street meters within the downtown continue the free Friday night/Saturday parking

(v) Darlyne Mills, Downtown Dundas BIA (written submission)

Ms. Mills addressed the following in her presentation:

- don’t need a cookie cutter approach
- request that there not be an increase to the current meter rates in Dundas

(vi) Ed Streker, Stoney Creek BIA

Mr. Streker addressed the following in his presentation:

- no parking meters on street and two hour parking limit working very well
- there is a free parking lot
- rather than putting parking meters on the street you could install one of those machines in the lot.
- might need 30 to 40 meters for the area – how long would it take to get your money back?

The presentations were received.

(f) No New Net Staff

This item was split for voting purposes:

(a) Carried.
(b) Carried.
(c) Carried with Councillors Jackson, Ferguson, McHattie opposed.

(g) The following motion was DEFEATED on a Standing Recorded Vote:

(a) That staff meet as soon as possible with the proponent of an unsolicited offer to provide the city’s accommodation requirements at the city Centre and/or other downtown properties

(b) That staff report to council in a timely manner as to whether significant cost savings might accrue to the city as compared with our current City Hall renovations strategy by negotiating with the proponent for required accommodation space
(c) That Options regarding our accommodation needs be presented to council to include suspension of the City Hall Renovation Project until such time as the impacts of the current economic crisis on municipal finances is better known.

Yeas: Bratina, Duvall, McCarthy, Mitchell
Total: 4

Nays: Clark, Collins, Ferguson, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead, Eisenberger
Total: 12

(h) PRIVATE AND CONFIDENTIAL

Committee moved into closed session as the subject matters were with respect to solicitor client privilege, property acquisition and labour relations.

11.1 HSR Pension Plan / OMERS Class Action Lawsuit (City Wide) (FCS01027c))
11.2 Carpenter’s Union local 18 Update and report
11.3 CUPE 1041
11.4 ONA update
11.5 Councillor Collins Motion respecting property acquisition

Committee reconvened in Open Session and approved motions with respect to these items as noted in this report.

There being no further business, the meeting adjourned at 2:30 p.m. The meeting scheduled for December 10, 2008 is to be cancelled.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
COW, Council
December 9, 2008

Council – December 10, 2008