CITY COUNCIL
MINUTES 12-020
5:30 p.m.
Tuesday, October 30, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

Present:
Mayor R. Bratina
Councillors C. Collins, S. Duvall, J. Farr, L. Ferguson,
T. Jackson, B. McHattie, S. Merulla, B. Morelli, J. Partridge,
R. Pasuta, M. Pearson and T. Whitehead

Absent with regrets:
Councillor B. Clark, illness
Councillor B. Johnson, vacation
Councillor R. Powers, City Business

Mayor Bratina called the meeting to order and called upon Reverend Allan McGuirl, to lead Council in prayer.

Mayor Bratina acknowledged the passing of the Honourable Lincoln Alexander and thanked staff who were involved in the preparation of his State Funeral. He also acknowledged the recent passing of Reg Wheeler, former City of Hamilton Alderman and Regional Councillor.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.5 Addendum to correspondence from Joe Minor respecting PFCs/PFOS/PFOA at John C. Munro/Hamilton International Airport

Recommendation: Be referred to the General Manager of Planning and Economic Development for appropriate action.
5.7 Correspondence from Tom Cooper, Director, Hamilton Roundtable for Poverty, respecting Easy Food Box Pilot Project (Item 5 of Board of Health Report 12-008)

Recommendation: Be received.

2. **ADDED NOTICES OF MOTION**

8.2 Amendment to Item 6 of General Issues Committee Report 12-021

8.3 Amendment to Item 9 of Planning Committee Report 12-011.

3. **ADDED PRIVATE & CONFIDENTIAL**

10.1 Correspondence from John Page, Chief Operating Officer, Global Spectrum, respecting Item 7.2 – Copps Coliseum Lease

(Pearson/Pasuta)
That the agenda for the October 30, 2012 meeting of Council be approved, as amended. CARRIED

### DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest with respect to Item 10, of Planning Committee Report 12-016 regarding Accessible Taxicab Licensing (PED10063(e)), as his family is involved in the taxicab business.

### CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

### APPROVAL OF MINUTES

4.1 October 10, 2012

(Ferguson/Partridge)
That the Minutes of the October 10, 2012, meeting of Council be approved, as presented. CARRIED
COMMUNICATIONS

(McHattie/Farr)
That Council Communications 5.1 through 5.7 be approved, as amended, as follows:

5.1 Correspondence from Dominique LaSalle, Director General, Seniors and Pensions Policy Secretariat, Income Security and Social Development Branch, Human Resources and Skills Development Canada, respecting changes to the Old Age Security (OAS) Program in Budget 2012

Recommendation: Be received.

5.2 Motion of the Board of Directors of the Hamilton Conservation Authority, approved October 4, 2012, respecting the Emerald Ash Borer Proclamation

Recommendation: Be received.

5.3 Correspondence from Matthew Graham, P.Eng., Project Co-ordinator, Station Infrastructure, GO Transit, respecting Notice of Project - James Street North GO Station, 353 James Street North, Hamilton

Recommendation: Be received.

5.4 News Release from AMO respecting “Policy Update – Local Food Act may create additional municipal reporting requirements” (Proposed Bill 130)

Recommendation: Be received.

5.5 Correspondence from Joe Minor respecting PFCs/PFOS/PFOA at Hamilton International/John C. Munro Airport, plus addendum.

Recommendation: Be referred to the General Manager of Planning and Economic Development for appropriate action.

5.6 Correspondence from Sofia Buzzelli, Director, Follies Variety Show, requesting consideration of a one-time funding commitment and becoming a patron

Recommendation: Be referred to the General Manager of Finance and Corporate Services.

5.7 Correspondence from Tom Cooper, Director, Hamilton Roundtable for Poverty, respecting Easy Food Box Pilot Project (Item 5 of Board of Health Report 12-008)

Recommendation: Be received.

Amendment CARRIED
Main motion as amended CARRIED
(Partridge/Jackson)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE 12-011

(Ferguson/Pasuta)
That the ELEVENTH Report of the Public Works Committee be adopted, and the information section received. (Attached hereto.)

CARRIED

BOARD OF HEALTH REPORT 12-008

Item 3  Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(g)) (Item 5.3)

Item 3 CARRIED on the following votes:

Yeas: Bratina, Collins, Farr, Ferguson, Jackson, Merulla, Morelli, Pearson, Partridge, Pasuta, McHattie, and Whitehead
Total: 12

Nays: Duvall
Total: 1

Absent: Clark, Johnson, and Powers
Total: 3

Item 5  Easy Food Box Program (New Business)

(Farr/Morelli)
That subsection (a)(ii) of Item 5 of Board of Health Report 12-008 respecting Easy Food Box Program be amended by deleting the words the Hamilton Community Foundation and to read as follows:

(ii) $10,000 from the Hamilton Community Foundation, and the Hamilton Poverty Roundtable;

Amendment CARRIED

(Jackson/Pearson)
That Item 5 be further amended as follows:

(a) That subsection (b) be amended by removing the words “toward an interest in scaling the project upward”;


(b) That subsection (c) be amended by deleting it in its entirety and replacing with the following wording therein:

“That the pilot project be carried out through Environment Hamilton and Environment Hamilton be authorized to report back.”

Amendment CARRIED

The MAIN motion as amended CARRIED to read as follows:

(a) That the Easy Food Box one year pilot project, to provide fresh food to 500 single Ontario Works recipients be supported and funded to an amount of $65,000, to cover the pilot project, administrative costs, public education pamphlet, evaluation, and be funded as follows:

(i) $55,000 from the Social Services Initiatives Reserve, and;

(ii) $10,000 from the Hamilton Poverty Roundtable;

(b) That the pilot project evaluation be conducted by Public Health Services;

(c) That the pilot project be carried out through Environment Hamilton and Environment Hamilton be authorized to report back;

(d) That the City assist in investigating whether the Easy Food Box project can be assisted through the use of City arenas, facilities and through local Food Banks.

(Bratina/Partridge)
That the EIGHTH Report of the Board of Health be adopted, as amended, and the information section received. (Attached hereto.)

CARRIED

PLANNING COMMITTEE REPORT 12-016

Item 10  Accessible Taxicab Licensing (PED10063(e)) (City Wide) (Item 8.2)

(Whitehead/Pearson)
That Item 10 of Planning Committee Report 12-016 be amended by adding subsection (d) as follows:

(d) That vehicles operating, but not licensed, as accessible taxicabs as of the date of Report PED10063(e), be offered a one-time amnesty and be issued a 12 months temporary accessible taxicab licence, provided that:

(i) the owner contacts the Issuer of Licences and confirms the Vehicle Identification Number within 30 days of this recommendation being approved by Council; and,
(ii) the owner satisfies the Issuer of Licences that the vehicle complies with the Schedule and By-law within 60 days of this recommendation being approved by Council.

The amendment LOST on the following standing recorded vote:

Yeas: Farr, McHattie, Pearson and Whitehead
Total: 4
Nays: Bratina, Collins, Duvall, Jackson, Merulla, Partridge, Pasuta, Morelli
Total: 8
Abstain: Ferguson
Total: 1
Absent: Clark, Johnson, and Powers
Total: 3

Subsection (b) of the Main Motion CARRIED on the following vote:

Yeas: Bratina, Collins, Duvall, Jackson, Merulla, Partridge, Pasuta, Morelli, Whitehead
Total: 9
Nays: Farr, McHattie, Pearson
Total: 3
Abstain: Ferguson
Total: 1
Absent: Clark, Johnson, and Powers
Total: 3

(Farr/Pearson)
That the SIXTEENTH Report of the Planning Committee be adopted and the information section received. (Attached hereto.)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-029

(Partridge/Pearson)
That the Committee of the Whole Rise and Report.

CARRIED
MOTIONS

7.1 La Salle Park Agreement between the City of Hamilton and the City of Burlington

(Merulla/Collins)
That the Greater Bay Area Sub-Committee be requested to initiate discussions with respect to the La Salle Park Agreement between the City of Hamilton and the City of Burlington to establish a fair market value for the lease.

Item 7.1 CARRIED on the following votes:

Yeas: Bratina, Farr, Collins, Duvall, Jackson, Merulla, Partridge, Pasuta, Morelli, Pearson, Ferguson and Whitehead
Total: 12
Nays: McHattie
Total: 1
Absent: Clark, Johnson, and Powers
Total: 3

7.2 Renewal of Hamilton Bulldogs Lease

Consideration of this Item was deferred pending Closed Session discussion of Item 10.1, Correspondence from John Page, COO, Global Spectrum.

Refer to Item 10.1 of the Minutes for disposition of this matter.

7.3 Amendment to Item 6 of General Issues Committee Report 12-021

(Ferguson/Pasuta)
That the subject line and Sub-section (a) of Item 6 of General Issues Committee Report 12-021 respecting “Declaration of Surplus Property – Proposed Land Exchange between the City of Hamilton (50 Wilson Street East)” be amended by deleting reference to 50 Wilson Street East and replacing it with 50 Halson Street, Ancaster.

CARRIED

7.4 Correction to Item 9 of Planning Committee Report 12-011

(Farr/Morelli)
(a) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12100 referenced in subsection (a)(i) of Item 9 of Planning Committee Report 12-001 respecting Applications for Approval of an
Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) be amended by changing the number listed under “Text Changes” from A.13.5.16 to A.13.5.17;

(b) That Amendment No. 171 attached to By-law No. 12-175, being a by-law to adopt Official Plan Amendment No. 171 to the Stoney Creek Official Plan respecting 120 King Street West be amended by changing the number listed under “Text Changes” from A.13.5.16 to A.13.5.17. This change is to be read into By-law No. 12-175 as of the date it was enacted.

CARRIED

NOTICES OF MOTION

Councillor Merulla presented the following Notice of Motion:

8.1 Advertising along the Red Hill Valley Parkway and Lincoln Alexander Parkway

That staff be directed to bring a report back to the General Issues Committee which explores advertising along the Red Hill Valley Parkway as well as the Lincoln Alexander Parkway (LINC) in order to maximize revenues.

Councillor Ferguson presented the following Notice of Motion:

8.2 Amendment to Item 6 of General Issues Committee Report 12-021

That the subject line and Sub-section (a) of Item 6 of General Issues Committee Report 12-021 respecting “Declaration of Surplus Property – Proposed Land Exchange between the City of Hamilton (50 Wilson Street East)” be amended by deleting reference to 50 Wilson Street East and replacing it with 50 Halson Street, Ancaster.

(Ferguson/Pasuta)
That the Rules of Order be suspended to allow for the introduction of a Motion respecting an Amendment to Item 6 of General Issues Committee Report 12-021.

CARRIED

Refer to Item 7.2 for disposition of this matter.
Councillor Farr presented the following Notice of Motion:

8.3 Correction to Item 9 of Planning Committee Report 12-011

(a) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12100 referenced in subsection (a)(i) of Item 9 of Planning Committee Report 12-001 respecting Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) be amended by changing the number listed under “Text Changes” from A.13.5.16 to A.13.5.17;

(b) That Amendment No. 171 attached to By-law No. 12-175, being a by-law to adopt Official Plan Amendment No. 171 to the Stoney Creek Official Plan respecting 120 King Street West be amended by changing the number listed under “Text Changes” from A.13.5.16 to A.13.5.17. This change is to be read into By-law No. 12-175 as of the date it was enacted.

(Farr/Jackson)
That the Rules of Order be suspended to allow for the introduction of a Motion respecting a correction to Item 9 of Planning Committee Report 12-011.

CARRIED

Refer to Item 7.4 for disposition of this matter.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Correspondence from John Page, Chief Operating Officer, Global Spectrum, respecting Item 7.2 – Copps Coliseum Lease

(Merulla/Collins)
That Council move into Closed Session at 8:15 p.m. pursuant to Subsections (c) and (f) of Section 8.1 of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes respecting Copps Coliseum lease and to receive legal advice that is subject to solicitor-client privilege.

CARRIED

Council reconvened in Open Session at 8:30 p.m.

Mayor Bratina relinquished the Chair to Deputy-Mayor McHattie.
(Bratina/Merulla)
That Item 7.2 respecting the renewal of the Hamilton Bulldogs licence be referred back to the HECFI Board.
CARRIED

(Pearson/Partridge)
That Item 10.1, the correspondence from John Page, Chief Operating Officer of Global Spectrum, respecting Copps Coliseum Lease be received and referred to the HECFI Board.
CARRIED

BY-LAWS

(Farr/Morelli)
That the Bill List for the October 30, 2012 Meeting of Council be amended through the addition of the following as Bill 243 and renumbering the balance:

243 To Being a By-law to Permanently Close a Portion of Medici Lane being Block 54 on Plan 62M-1148, City of Hamilton

244 To Confirm the Proceedings of City Council

Amendment CARRIED

(Farr/Morelli)
That Bills No. 233 to 244 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk and read as follows:

Bill No.

233 A By-law To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control

234 A By-law To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control

235 A By-law To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones

236 Respecting Removal of Part Lot Control, Lots 26-29, 32, 36-43 and Block 71, Registered Plan No. 62M-1167 “Bousfield Court”

237 Respecting Removal of Part Lot Control, Block 20, Registered Plan No. 62M-1170, “Trillium Gardens – Phase 2” 36-106 Galileo Drive (Stoney Creek)

238 Respecting Removal of Part Lot Control, Part of Block 19, Registered Plan No. 62M-1170 “Trillium Gardens – Phase 2” 17, 19 and 27-95 Galileo Drive (Stoney Creek)
Respecting Removal of Part Lot Control, Lots 1 to 41, inclusive, Registered Plan No. 62M-1176, “Oasis – Phase 1B”, 170 Palacebeach Trail (Stoney Creek)

Respecting Removal of Part Lot Control, Block 65, Registered Plan No. 62M-1141, “Mountain Garden” 70 Highgate Drive (Stoney Creek)

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located on Blackburn Lane and Grassyplain Drive, known as Blocks 110, 111 and Part of Block 112, Plan 62M-932 and Block 55, Plan 62M-1163

To Amend the By-law Prohibiting Smoking within City Parks and Recreation Properties

To Being a By-law to Permanently Close a Portion of Medici Lane being Block 54 on Plan 62M-1148, City of Hamilton

To Confirm the Proceedings of City Council

CARRIED

(Partridge/Pasuta)

That, there being no further business, the City Council meeting be adjourned at 8:40 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk
Councillors B. McHattie (Chair), L. Ferguson (Vice-Chair)
Councillors, R. Pasuta, R. Powers, C. Collins, S. Duvall,
T. Jackson, T. Whitehead

Also Present: Councillor J. Farr

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 12-011 AND
RESPECTFULLY RECOMMENDS:

1. Intersection Control List (PW12001(e))(Wards 2, 3, 7 & 11) (Item 5.2)

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

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chartwell Circle</td>
<td>N/C SB</td>
<td>A</td>
<td>S. of LINC, E. of Up. James</td>
<td>7</td>
</tr>
<tr>
<td>Dunsmure Rd. Balsam Ave. S.</td>
<td>NB &amp; SB EB &amp; WB</td>
<td>A</td>
<td>W. of Gage Ave., N. of Main St.</td>
<td>3</td>
</tr>
<tr>
<td>Barnsdale Ave. N.</td>
<td>NB &amp; SB EB &amp; WB</td>
<td>A</td>
<td>E. of Sherman Av., N. of Main St.</td>
<td>3</td>
</tr>
<tr>
<td>Caroline St. N. Market St.</td>
<td>EB &amp; WB NB</td>
<td>B</td>
<td>W. of Bay St., N. of King St.</td>
<td>2</td>
</tr>
<tr>
<td>Bromley Rd. East 16th St.</td>
<td>NB &amp; SB EB &amp; WB</td>
<td>A</td>
<td>W. of Upper Went., S. of Mohawk</td>
<td>7</td>
</tr>
<tr>
<td>Thomson Ct. Burkholder Dr.</td>
<td>NB &amp; SB EB &amp; WB</td>
<td>A</td>
<td>W. of Upper Went., S. of Mohawk</td>
<td>7</td>
</tr>
<tr>
<td>Helga Ct. Burkholder Dr.</td>
<td>N/C NB</td>
<td>A</td>
<td>W. of Upper Went., S. of Mohawk</td>
<td>7</td>
</tr>
<tr>
<td>Yager Dr. Binhaven Blvd.</td>
<td>N/C WB</td>
<td>B</td>
<td>S. of Binbrook Rd., W. of Hwy. 56</td>
<td>11</td>
</tr>
<tr>
<td>McAllistar Dr. Binhaven Blvd.</td>
<td>N/C WB</td>
<td>B</td>
<td>S. of Binbrook Rd., W. of Hwy. 56</td>
<td>11</td>
</tr>
<tr>
<td>McAllistar Dr. Cook St.</td>
<td>N/C EB</td>
<td>A</td>
<td>S. of Binbrook Rd., W. of Hwy. 56</td>
<td>11</td>
</tr>
<tr>
<td>Cook St. Yager Dr.</td>
<td>N/C SB</td>
<td>A</td>
<td>S. of Binbrook Rd., W. of Hwy. 56</td>
<td>11</td>
</tr>
<tr>
<td>ODonnel Dr. Whitwell Way</td>
<td>N/C NB</td>
<td>B</td>
<td>S. of Binbrook Rd., W. of Hwy. 56</td>
<td>11</td>
</tr>
</tbody>
</table>
2. Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 2 Thorndale Street North, Hamilton (PW12070) (Ward 1) (Item 6.1)

(a) That a portion of the public unassumed alley abutting the south side of 2 Thorndale Street North, Hamilton, be permanently closed and transferred to the owner of 2 Thorndale Street North, Hamilton, as shown on Appendix A, attached to Report PW12-011, subject to the following conditions:

(i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the subject lands;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;

(iii) That the documentation regarding the application to the Ontario Superior Court of Justice be prepared by the applicant, to the satisfaction of the City Solicitor;

(iv) That the applicant register a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Surveys and Technical Services Section and that the applicant deposit a reproducible copy of said plan with the Manager, Surveys and Technical Services Section;

(b) That provided the application to the Ontario Superior Court of Justice to permanently close the lands is approved:

(i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 for one dollar;

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;
(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;

(vi) That the Public Works Department publish a notice pursuant of the City’s intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

3. Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Road East, Hamilton (PW12071) (Ward 7) (Item 6.2)

That the application of The Cadillac Fairview Corporation Limited to permanently close and purchase a portion of the road allowance of Limeridge Road East, Hamilton, as shown on Appendix B, attached to Report 12-011, be approved, subject to the following conditions:

(a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;

(b) That the appropriate by-law be introduced and enacted by Council;

(c) (i) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway to The Cadillac Fairview Corporation Limited in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 at fair market value;

(ii) That Planning & Economic Development staff be directed to report to the Planning Committee respecting the sale cost, site plan and possible legal implications prior to the sale.

(d) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;

(e) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;

(f) That the Public Works Department publish a notice pursuant of the City’s intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to
4. **Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 1430 Main Street East, Hamilton (PW12080) (Ward 4) (Item 6.3)**

(a) That a portion of the public unassumed alleyway abutting the south side of 1430 Main Street East, Hamilton, as shown on Appendix C, attached to Report 12-011 (the “Subject Lands”), be permanently closed and transferred to the owner of 1430 Main Street East, Hamilton, subject to the following conditions:

(i) That the applicant bring an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the Subject Lands;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the Subject Lands;

(iii) That the documentation regarding the application to the Ontario Superior Court of Justice be prepared by the applicant, to the satisfaction of the City Solicitor;

(iv) That the applicant register a reference plan pursuant to the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Surveys and Technical Services Section and that the applicant deposit a reproducible copy of said plan with the Manager, Surveys and Technical Services Section;

(b) That provided the application to the Ontario Superior Court of Justice to permanently close the Subject Lands is approved:

(i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the Subject Lands;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the closed Subject Lands in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 for fair market value;

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the Subject Lands in the proper land registry office, upon confirmation from the Public
Works Department that all applicable fees and costs associated with the application have been paid by the applicant;

(v) That the by-law permanently closing the Subject Lands does not take effect until a certified copy of the by-law is registered in the proper land registry office;

(vi) That the Public Works Department publish notice of the City’s intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

5. **Transit Fare Parity, AODA Integrated Standard (PW03128e) (City Wide)** (Item 7.1)

That sub-sections (a) and (b) of item 5 of Public Works Committee Report 12-011, approved by Council on October 30, 2012 be amended by deleting the words “January” and replacing them with the words “April”, to read as follows:

5. **Transit Fare Parity, AODA Integrated Standard (PW03128(e)) (City Wide) (Item 7.1)**

(a) That the General Manager of Public Works be directed to implement a Fare Parity policy respecting the Conventional Transit (HSR) and Specialized Transit (ATS/DARTS) programs effective April 1, 2013, in accordance with the Transportation Standards regulations made under the Accessibility for Ontarians with Disabilities Act, 2005;

(b) That the Voluntary Pay Policy for persons using Personal Mobility Devices (PMD), including 4-point canes, walkers, scooters and wheelchairs, on the HSR and free fare for CNIB cardholders be eliminated effective April 1, 2013;

(c) (i) That a Senior Monthly Bus Pass, equivalent to 10% of the Senior Annual Pass and a Senior single ride equivalent to the Student Ticket fare be introduced on PRESTO only (anticipated to occur in 2013);

(ii) That the brochure “For Safety’s Sake: Safe Travel Tips For HSR’s Senior Customers”, which will include the notice of the senior bus fare rates, be circulated widely;

(d) That staff be directed to pursue implementation of a PRESTO solution on the ATS service in coordination with Metrolinx;
(e) That a comprehensive public Communications Plan, as outlined in Appendix D to Report 12-011, be developed and implemented;

(f) That the current paper media accepted on HSR also be accepted on DARTS and outstanding DARTS tickets be refunded from the HSR Ticket Float Account #23109 – 006100.

6. **Standard of Care Requirements - Safe Drinking Water Act - (PW12074/LS12026) (City Wide) (Item 8.1)**

That Report PW12074/LS12026 respecting Standard of Care Requirements - Safe Drinking Water Act, be received.

7. **Village Green Park Spray Pad - License and Funding Agreements with Ancaster Rotary Clubs (PW12077) - (Ward 12) (Item 8.2)**

   (a) That the Ancaster Rotary Clubs proposal to construct a spray pad at Village Green Park by entering into a agreement with Ancaster Rotary Clubs be endorsed, where Ancaster Rotary (AM Club) agrees to fund $250,000 of the anticipated $400,000 cost with the $150,000 City contribution, including commitments to date balance being funded through existing capital program 4401056020 Village Green Park;

   (b) That staff be directed to prepare, with Ancaster Rotary (AM Club) any necessary documentation, in a form satisfactory to the City Solicitor and the General Manager of Public Works, prior to the construction of the spray pad;

   (c) That the Mayor and the City Clerk be authorized and directed to execute an Agreement with the Ancaster Rotary Club for the construction of a new splash pad at the Village Green Park in Ancaster in accordance with the key terms and conditions set out in Appendix E attached to Report 12-011 and any further agreements or documents as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor.

8. **Winter Control Program - Review of Service Levels for Urban Residential Class Three Roadways (Plowing Activation) (PW12078) (City Wide) (Item 8.3)**

That Report PW12078 respecting Winter Control Program - Review of Service Levels for Urban Residential Class Three Roadways (Plowing Activation), be received.
9. Winter Control Program Activation Process and Pilot Programs (PW12079) (City Wide) (Item 8.4)

That Report PW12079 respecting Winter Control Program Activation Process and Pilot Programs, be received.

10. Road Claim Trends (PW12081) (City Wide) (Item 8.5)

That Report PW12081 respecting Road Claim Trends, be received.

11. Hamilton Utilities Corporation Joint Advisory Committee- Report 12-001 (Item 8.6)

Hamilton Community Energy (HCE)

(a) That Hamilton Community Energy (HCE) be directed to begin a technical review of servicing and operations at the former Wentworth County Courthouse located at 50 Main Street East and make a formal proposal to the appropriate standing committee of Council;

(b) That the City and Hamilton Community Energy (HCE) develop a joint business plan/study for transferring the City’s district cooling plant, operations and management to HCE and that the study be jointly funded by HCE and the City (the City’s portion from the City’s Energy Reserve Fund);

(c) That the cost of all technical studies be borne by Hamilton Community Energy (HCE);

(d) That the City and Hamilton Utilities Corporation/Hamilton Community Energy continue to work with key stakeholders for the expansion of district energy.

12. Part-time flashing school zone speed limit on Cannon Street East abutting Queen Mary School (Item 9.1)

(a) That a part-time flashing school zone speed limit be implemented on Cannon Street abutting Queen Mary School, 1292 Cannon Street East;

(b) That funding of approximately $17,000 for the associated costs of purchasing and installing the flashing beacon equipment and signs be charged to Account Ward 4 Capital Reinvestment Reserve;
(c) That the $2,000 annual cost to operate and maintain the school zone flashers under the Traffic Operations current operating budget (dept ID 466045), be referred to the 2013 Budget process;

(d) That the appropriate amending by-law be passed.

13. Priority Bus Shelter installations King Street and Justine Avenue (Item 9.2)

(a) That staff be directed to place priority upon the installation of bus shelters at King Street and Justine Avenue and the adjacent location on Justine Avenue and King Street in 2013.

(b) That the bus shelter installations estimated at approximately $10,000, be funded from the Ward 4 area derived funding.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

The October 15, 2012 Public Works Committee Agenda was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) MINUTES (Item 3)

(i) September 17, 2012 (Item 3.1)

The Minutes of the September 17, 2012 Public Works Committee were approved as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Ken Philips, CAO, and John Vice, Chair, of Conservation Halton, respecting a Watershed update (Item 4.1)
The Delegation Request by Ken Philips, CAO, and John Vice, Chair, of Conservation Halton, respecting a Watershed update was approved.

(ii) Katie Stiel, of Environment Hamilton, respecting sewer and stormwater drainage along Red Hill and Davis Creek (Item 4.2)

The Delegation Request by Katie Stiel, of Environment Hamilton, respecting sewer and stormwater drainage along Red Hill and Davis Creek, was approved.

(e) CONSENT ITEMS (Item 5)

(i) Minutes of Various Sub-Committee (FOR INFORMATION PURPOSES ONLY) (Item 5.1)

The following Advisory and Sub-committee Minutes were received for information:

5.1.1 Hamilton Cycling Committee
   (a) June 6, 2012
   (b) July 4, 2012

5.1.2 Glanbrook Landfill Coordinating Committee – August 27, 2012

5.1.3 Clean City Liaison Committee – July 27, 2012

5.1.4 Solid Waste Management Master Plan Steering Committee – June 12, 2012

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 2 Thorndale Street North, Hamilton (PW12070) (Ward 1) (Item 6.1)

Chair McHattie indicated that notice of the proposed closure and public meeting was advertised in the Spectator on Friday October 5, 2012. He indicated that one member of the Public has submitted correspondence to the Committee for their consideration. Chair McHattie asked if there were any members of the public in attendance who wished to speak to the proposed closure and sale. No one came forward.

The staff presentation respecting Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 2 Thorndale Street North, Hamilton, was waived.
(a) **Correspondence from Paul William Watkins in favour of the proposed closure and sale (Item 6.1.1)**

The correspondence from Paul Watkins in support of the Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 2 Thorndale Street North, Hamilton, was received.

For disposition on this matter refer to Item 2.

(ii) **Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Road East, Hamilton (PW12071) (Ward 7)(Item 6.2)**

Chair McHattie indicated that notice of the proposed closure and public meeting was advertised in the Spectator on Friday October 5, 2012. He indicated that one member of the Public who has registered to speak to this item and invited staff to present prior to hearing from the public.

Adam Sweedland, Supervisor Operations Support, addressed the Committee with the aid of a Power Point Presentation. A copy of the presentation has been included in the official record.

The staff presentation respecting Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Road East, Hamilton, was received.

(a) **Mr. Josh Thomson VP, Development for The Cadillac Fairview Corporation Limited to speak in favour of the proposed closure and sale (Item 6.2.1)**

Chair McHattie invited Mr. Thomson to address the Committee respecting the proposed closure and sale.

Mr. Thomson addressed the Committee in support of the closure and sale. He discussed the future plans to develop the area and keeping the pedestrian and bike path in place. He discussed that they want to create a free-standing retail building in the location and make parking on site or in the adjacent lot which is currently under used. He indicated that maintaining access to the plaza is built into their plans in the future although because the site plan is not yet done, the actual design of that access is not finished.

Chair McHattie asked if there were any other members of the public in attendance who wished to speak to the proposed closure and sale. No one came forward.
The public presentation respecting Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Road East, Hamilton, was received.

On a Motion a sub-section (c)(ii) was added to read as follows:

(c)(ii) That Planning & Economic Development staff be directed to Report to the Planning Committee respecting the sale cost, site plan and possible legal implications prior to the sale.

The Motion CARRIED on the following Recorded votes:

Yeas: B. McHattie, C. Collins, S. Merulla, S. Duvall  
L. Ferguson, T. Jackson, R. Pasuta, R. Powers  
Total: 8

Nays: T. Whitehead  
Total: 1

The Main Motion as Amended CARRIED on the following Recorded votes:

Yeas: B. McHattie, C. Collins, S. Merulla, S. Duvall  
L. Ferguson, T. Jackson, R. Pasuta, R. Powers  
Total: 8

Nays: T. Whitehead  
Total: 1

For disposition on this matter refer to Item 3.

(iii) Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 1430 Main Street East, Hamilton (PW12080) (Ward 4) (Item 6.3)

Chair McHattie indicated that notice of the proposed closure and public meeting was advertised in the Spectator on Friday October 5, 2012. He indicated that no members of the Public have registered to speak to this item. Chair McHattie asked if there were any members of the public in attendance who wished to speak to the proposed closure and sale. No one came forward.

The staff presentation respecting the Permanent Closure and Sale of a Portion of Public Unassumed Alleyway Abutting 1430 Main Street East, Hamilton, was waived.

For disposition on this matter refer to Item 4.
(iv) **Delegation by Michelle Martin and Lisa Schumph of the Lawson Ministries respecting the Community Access to Transportation Project (Item 6.4)**

Michelle Martin and Lisa Schumph of the Lawson Ministries addressed Committee with the aid of a Power Point Presentation and handout. Copies of the presentation and handout have been included in the official record.

The presentation by Michelle Martin and Lisa Schumph of the Lawson Ministries respecting the Community Access to Transportation Project, was received.

(g) **PRESENTATIONS (Item 7)**

(i) **Transit Fare Parity, AODA Integrated Standard (PW03128e) (City Wide) (Item 7.1)**

Nancy Purser, Manager, Transit Support Services, addressed the Committee with the aid of a Power Point Presentation. A copy of the presentation has been included in the official record.

Committee members requested that staff provide further details on the number of DARTS trips done to transport individuals to access provincial funded programs, such as dialysis.

Councillor Powers indicated that he would redistribute to Council members the Association of Municipalities of Ontario’s position paper upon the implementation of the AODA.

The presentation respecting the Transit Fare Parity, AODA Integrated Standard, was received.

For disposition on this matter refer to item 5.

(h) **DISCUSSION ITEMS (Item 9)**

(i) **Village Green Park Spray Pad - License and Funding Agreements with Ancaster Rotary Clubs (PW12077) - (Ward 12) (Item 8.2)**

The recommendations of Report PW12077 were deleted in their entirety and replaced with the following:
(a) That the Ancaster Rotary Clubs proposal to construct a spray pad at Village Green Park by entering into an agreement with Ancaster Rotary Clubs be endorsed, where Ancaster Rotary (AM Club) agrees to fund $250,000 of the anticipated $400,000 cost with the $150,000 City contribution, including commitments to date balance being funded through existing capital program 4401056020 Village Green Park;

(b) That staff be directed to prepare, with Ancaster Rotary (AM Club) any necessary documentation, in a form satisfactory to the City Solicitor and the General Manager of Public Works, prior to the construction of the spray pad;

(c) That the Mayor and the City Clerk be authorized and directed to execute an Agreement with the Ancaster Rotary Club for the construction of a new splash pad at the Village Green Park in Ancaster in accordance with the key terms and conditions set out in Appendix “C” attached to Report PW12077 and any further agreements or documents as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor

(ii) Winter Control Program - Review of Service Levels for Urban Residential Class Three Roadways (Plowing Activation) (PW12078) (City Wide) (Item 8.3)

On a Motion staff were directed to review the winter control program service levels to identify any opportunities to optimize program value relative to urban class three roadways and provide a report with recommendations to the Public Works Committee.

(iii) Winter Control Program Activation Process and Pilot Programs (PW12079) (City Wide) (Item 8.4)

On a Motion staff were directed to investigate the feasibility of moving side-streets and crescents activation levels from 10 centimeters to 8 centimeters and report back to the Public Works Committee.

(iv) Road Claim Trends (PW12081) (City Wide) (Item 8.5)

On a Motion staff were directed to report to the Public Works Committee respecting Road Claim Trends on an annual basis.
(i) MOTIONS (Item 9)

(i) Part-time flashing school zone speed limit on Cannon Street East abutting Queen Mary School (Item 9.1)

For disposition on this matter refer to Item 12.

(ii) Priority Bus Shelter installations King Street and Justine Avenue (Item 9.2)

On a Motion Staff were directed to report to the Public Works Committee respecting bus shelter installations and include in this report: a priority list of bus shelter installations, the cost of maintenance on existing shelters, funding options for wider implementation of new installations, and processes for members of the public to bring forward potential locations for new bus shelter installations.

On a Motion the following was added as sub-section (b)

(b) That the bus shelter installations estimated at approximately $10,000, be funded from the Ward 4 area derived funding.

For disposition on this matter refer to Item 13.

(j) NOTICES OF MOTION (Item 10)

Councillor Whitehead introduced the following Notice of Motion

(i) King Street West Parking Pilot

Whereas, a lane restriction has been in place for over a year on the North side of King street West between Caroline and Queen Streets due to construction and a lane restriction barrier on the South Side of King Street West; and

Whereas there has been no indication on when the construction and barriers of the South side of King Street are expected to be removed; and

Whereas, the King Street West Business Improvement Area merchants have expressed concerns about the impact of loosing their customer parking between 4 p.m. to 6 p.m.; and
Whereas, the King Street West BIA have requested that the parking restrictions from 4 p.m. to 6 p.m. be removed.

Therefore be it resolved that staff be directed to conduct a pilot project on King Street West between Caroline and Queen Streets that lifts the current prohibition from 4 p.m. to 6 p.m. in this area and monitor the impacts that this change has on traffic.

(k) GENERAL INFORMATION

(i) Outstanding Business List (Item 11.1)

(a) Items Requiring Approval for Removal:

The following Items were removed from the Outstanding Business List:

(i) Item G - Changes to the Safe Drinking Water Act: New Data and Recent Developments

(ii) Item E - Winter Control Program - Review of Service Level for Urban Residential Class Three Roadways

(iii) Item L - Monthly Seniors Bus Pass (SAC Report 12-001)

(b) Items Requiring Revised Due Dates

The following Due Date was amended:

(i) Item I - Region of Halton Discussions for Processing of Source Separated Organics
   Current Due Date: October 15, 2012
   Proposed Due Date: Q1 2013

(l) ADJOURNMENT

There being no further business, the Public Works Committee adjourned at 12:47 p.m.
Respectfully submitted,

Councillor B. McHattie, Chair
Public Works Committee

Andy Grozelle
Legislative Co-ordinator
Office of the City Clerk
PROPOSED CLOSURE OF UNASSUMED ALLEY ABUTTING 2 THORNDALE STREET
Surveys & Technical Services
Public Works Department

Hamilton

NTS
12-12-2011
Sketch By: MV
Sketch of Proposed Road Closure
Limeridge Road, Hamilton

SCALE 1:500
06-05-2012
Sketch By: MM
COMMUNICATIONS PLAN

Transit Fare Parity - Communication Plan
Hamilton Street Railway

Background

Promote and educate customers on the different types of fare media available for both HSR and ATS services, and highlight changes to those structures and policies in a timely manner.

Update in the Quarterly Brochure “Bus News” - 10,000 issues printed and also available online.

Community Message on each bus - Small panel behind Operator announcing HSR related events and policies.

Newspaper Ads - Place informative messages in the Hamilton Spectator in the “At Your Service” section and also in the Community Papers (Mountain News, Dundas Star News etc.)

Update and Publish a new Ticket and Pass Vendor Brochure - List of vendor locations along with the various types of fare media, the costs and restrictions/qualifications to use each type of media. This is also available online.

Update and Publish a new “For Seniors’ Sake” Brochure - Information specifically for those who fall into the senior category of our fare policy. This is also available online.

Media Release - Request a media release from Public Works to the media outlets regarding these new policies and changes.
FUNDING AGREEMENT

THIS AGREEMENT made as of the _ day of October, 2012.

BETWEEN:

CITY OF HAMILTON
(hereinafter called the “City”)

OF THE FIRST PART

and –

ROTARY CLUB OF ANCASTER MORNING
(hereinafter called the “Rotary”)

OF THE SECOND PART

Collectively hereinafter called the “Parties”

WHEREAS the City has requested funding in the amount of $250,000.00 from the Rotary to assist with the construction of a Village Green Spray Pad at 300 Wilson St East, Ancaster, L9G 2B9, including design and tendering, as well as servicing to the spray pad at Village Green Park (the "Project") more particularly described in Schedule “A” attached hereto;

AND WHEREAS the Project has been approved by the Council of the City of Hamilton, as part of Ontario Recreation Facilities and Sport Field Provision Plan, under the Capital Budget Program in the amount of up to $150,000.00;

AND WHEREAS the Council for the City of Hamilton, at its meeting on approved Item TBD of the Public Works Report TBD and agreed to support and approve the Rotary to provide funding for the Village Green Spray Pad to the City of up to $250,000.00 (The Rotary Club will be contributing $250,000 made up of materials, electrical work for the site, fundraised money from donors, other in-kind donations and money from the Ontario Trillium Foundation) upon certain terms and conditions hereinafter described;

NOW THEREFORE IN CONSIDERATION of the covenants and agreements herein, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

ARTICLE 1 – DEFINITIONS & INTERPRETATION

1.1 In this Agreement and in any schedules that may form part of this Agreement, unless there is something in the subject matter or context inconsistent therewith or defined elsewhere in this Agreement, the following terms and expressions have the following meanings:
1.1.1 "Agreement" means this Agreement and any schedules attached hereto;

1.1.2 "Applicable Laws" means all public laws, statutes, regulations, transactions, codes, acts, orders, by-laws, rules, judgments, decrees, treaties, Governmental Consents, notices, protocols, binding policies and guidelines, and requirements of all Governmental Authorities, which now or hereafter, may be applicable to and enforceable against the City or its obligations under this Agreement or any part thereof, including those relating to employment, zoning, building, life/safety, environment and health, and includes, where appropriate, any interpretation of a rule, statute, regulation, order, decree, treaty or other requirement having the force of law by any person having jurisdiction over it, or charged with its administration or interpretation.

1.1.3 "Asset" means any fixed or other asset constructed, rehabilitated or improved, in whole or in part, with funds contributed in accordance with the terms of this Agreement;

1.1.4 "Audit Report" means a financial audit report of the Project prepared by a duly qualified licensed auditor authorized to act in Ontario in accordance with this Agreement;

1.1.5 "Authorized Engineer" means a professional engineer licensed to practice in Ontario, hired and paid by the City for the purposes of the Solemn Declaration of Substantial Completion;

1.1.6 "Business Day" means a day other than a Saturday, Sunday, statutory holidays, or statutory vacation day that is observed by the City of Hamilton.

1.1.7 "City" means the City of Hamilton as created by the City of Hamilton Act, S.O. 2001, c.14.

1.1.8 "Rotary" means the Rotary Club of Ancaster Morning, which is an organization that takes an active interest in the civic, commercial, social and moral welfare of the community and takes and active interest in international projects, which are mandated by Rotary International.

1.1.9 "City Funds" means the funds made available to the City by the City in accordance with the terms of this Agreement;
1.1.10 "Contract" means an agreement between the City and a Third Party whereby the latter agrees to supply a product or service to the Project in return for financial consideration.

1.1.11 "Council" means the Council of the City of Hamilton.

1.1.12 "Event of Default" has the meaning ascribed to it in Article 6 hereof.

1.1.13 "Third Party" means any person or legal entity, other than a Party, who participates in the Project.

1.2 The following schedules are attached and form an integral part of this Agreement:

1.2.1 Schedule "A" – Licensed Area – Description, Locations, Map and Illustrations
1.2.2 Schedule "B" – Municipal Policies and Policy Requirements
1.2.3 Schedule "C" – Reporting Requirements
1.2.4 Schedule "D" – Schedule and Time of Acceptable Usage
1.2.5 Schedule "E" – List of Items, labour and monies donated by the Rotary Club
1.2.6 Schedule "F" – List of inscribed donor items and materials approved by the City of Hamilton

ARTICLE 2 - TERM

2.1 This Agreement shall commence and be effective as of the 1st day of October, 2012 ("Commencement Date") and shall expire on the 1st day of October, 2017, unless terminated earlier under the terms of this Agreement.

2.2 Notwithstanding Article 2.1, the Parties' rights and obligations, which by their nature extend beyond the expiration or termination of this Agreement, will survive any expiration or termination of this Agreement.

ARTICLE 3 – PURPOSE

3.1 The purpose of this Agreement is to provide funding to the Project. By funding this Project, the Rotary and the City would ensure that sufficient funds are available to allow the City to commence the project by April 1, 2013 at the earliest and complete the Project before the deadline of November 30, 2014.

3.2 The Parties acknowledge and agree that the Rotary's role in the Project is limited to making a financial contribution (through materials and money) and contributing electrical work for the site to the Project and that the Rotary will
have no other involvement in the Project or its subsequent operation. Notwithstanding any reporting obligation set out in this Agreement, the Rotary is neither a decision maker nor an advisor to the Project.

ARTICLE 4 – FUNDING PROVISIONS

4.1 Provided the City is not in default of any of the terms and conditions herein for which the Rotary has not provided written consent, and subject to the terms and conditions of this Agreement, the Rotary agrees to grant to the City, for the Project, an amount not exceeding the lesser of the following:

4.1.1 a maximum amount of Two Hundred and Fifty Thousand ($250,000.00) Canadian Dollars;

4.2 The Rotary may only reduce or terminate any payment under this Agreement in the event the City is in default under the terms of this Funding Agreement and Council, at a duly constituted meeting, passes a resolution or by-law requiring the reduction or termination of any payment which would otherwise become due under this Agreement and, in such event, the Rotary will not be liable for any direct, indirect, consequential, exemplary or punitive damages, regardless of the form of action, arising from any such reduction or termination of funding.

4.3 If, at any time during the term of this Agreement, the City deems that it will be unable to complete the construction of the Project without committing funds above and beyond the funding available for the Project, the City shall immediately inform the Rotary thereof. After having so informed the Rotary, the City shall provide a summary of its proposed remedial measures. If the Rotary, in its sole opinion, is not satisfied with the proposed remedial measures, the Rotary may terminate or suspend the payment of Funds until such time as the Rotary is satisfied with the remedial measures being taken by the City.

ARTICLE 5 – USE OF FUNDS

5.1 The City agrees that Funds may be used only for costs that it incurs for the Project.

5.2 Under the terms of this Agreement, the City must incur all costs by November 30, 2014. For greater certainty the City shall be deemed to have "incurred costs upon such date that the City issues a purchase order and/or executes a building contract with any one or more of the City's building contractors or suppliers from time to time during the allowable period prescribed herein. The Rotary will confirm such costs if
work is completed by November 30, 2014 and final invoicing is received as set out in Article 7.6.

ARTICLE 6 – DEFAULT AND REMEDIES

6.1 The City may make a declaration of default if the Rotary:

6.1.1 The Rotary has not completed the Project under the terms and conditions of this Agreement.

6.1.2 The Rotary has submitted false or misleading information to the City, or made a false or misleading representation or statement, with the exception of an error in good faith, which it will be incumbent upon the Rotary to demonstrate to the City's satisfaction.

6.1.3 The Rotary has not complied with an obligation, condition, undertaking or term of this Agreement.

6.1.4 The Rotary has neglected or failed to meet its obligation to pay to the City any amount due when it becomes due under this Agreement.

6.1.5 The Rotary is adjudged insolvent or bankrupt, applies for the benefit of any law relating to bankruptcy and insolvent debtors, or goes into receivership or bankruptcy.

6.1.6 The Rotary is liquidated or dissolved.

The City will not declare that a default has occurred under Sections 6.1.1 to 6.1.7 unless it has given written notice to the Rotary of the condition or occurrence which, in the City's sole opinion, constitutes an Event of Default, and the Rotary is unable or unwilling, within thirty (30) days of receipt of the notice, to correct the condition or Event of Default or to demonstrate to the City's satisfaction, that it has taken such steps as are necessary to correct the condition and gives the City notice of this remedy.

6.2 If the City has declared the Rotary to be in default, the City may exercise one or more of the following remedies:

6.2.1 Suspend its obligation to pay, or to continue to pay the costs, including any obligation to pay any amount due prior to the date of suspension, if it is related to the Event of Default;
6.2.2 Terminate any obligation to pay, or to continue to pay the Eligible Costs, including any obligation to pay any amount due prior to the date of termination, if it is related to the Event of Default; and

6.2.3 Require the Rotary to reimburse the City all or part of the Funds received by the Rotary.

ARTICLE 7 – CLAIMS AND PAYMENTS

7.1 Payments will be made on the basis of costs. Costs will be defined by low bidder during a fair and open tender process administered by the City according to City’s Procurement Policies. Any savings from cost estimates during design will not be realized until project completion. In-kind donations are addressed in Schedule E and the implementation of the donation will be considered as “payment” from the Rotary to the City.

7.2 Where there is a dispute over an amount owed by either party, the Parties agree to meet and resolve the issue in a timely manner, reasonably and in good faith.

ARTICLE 8 – REPRESENTATIONS AND WARRANTIES OF THE ROTARY

8.1 The Rotary expressly acknowledges, agrees and warrants as follows:

8.1.1 The Rotary is a legal, organized and subsisting not-for-profit registered charity corporation duly incorporated without share capital in the Province of Ontario with its head office in Ancaster, in the City of Hamilton with all requisite powers, capacities, licences and permissions under its governing legislation and the other laws applicable to it, and under any instruments or by-laws under which it was organized, to carry on the activities in which the Rotary is engaged, enter into and exercise its rights and perform and comply with its obligations under this Agreement, and that all actions conditions and things have been done, taken or fulfilled with respect thereto, that are required by law, contract or otherwise.

8.1.2 The Rotary and its officers, employees and servants are each fully qualified to carry out the operations and activities associated with the Rotary and perform the terms of this Agreement and hold all requisite licences, permits and other authorizations required by law with respect thereto.

8.1.3 The Rotary is not prohibited or restricted from entering into any of the obligations assumed, liabilities imposed or restrictions accepted by
the Rotary under this Agreement by any agreement, constating document, constitution, legislation, statute, act, regulation, order or otherwise.

8.1.4 To the best of the Rotary's information and belief and after making diligent inquiries, the Rotary is not aware of any material facts and circumstances having a bearing upon its ability to perform or comply with its obligations under this Agreement.

ARTICLE 9 – CITY'S COVENANTS

9.1 Without limiting or restricting in any way any other responsibilities or obligations of the City in this Agreement, the City covenants with the Rotary and agrees to:

9.1.1 undertake the Project in accordance with the terms and conditions of this Agreement and all the terms of applicable legislation;

9.1.2 shall execute the funding agreement to the satisfaction of the City Solicitor, the General Manager of Public Works of the City Of Hamilton and to that of the Ancaster Rotary (AM Club);

9.1.3 monitor the progress of the Project at all times;

9.1.4 submit duly attested claims, Progress Reports and an Audit Report in accordance with this Agreement; and

9.1.5 ensure that all provisions and Schedules of this Agreement are complied with at all times.

ARTICLE 10 – RESPONSIBILITY

10.1 Progress Reports. The City must provide the Rotary with attested quarterly Progress Reports, a description to the Rotary's satisfaction of the progress made in implementing the Project, and include the following information:

10.1.1 The progress of the Project against the milestones, including actual construction start date, dates of tenders and other significant Project implementation steps.

10.1.2 In addition to the quarterly Progress Reports, the City shall meet with the Rotary on an as needed basis.
ARTICLE 11 – AUDIT AND EVALUATION

11.1 The Parties agree that auditing and reporting activities will be undertaken in accordance with this Agreement.

11.1.1 An Audit Report will be required in accordance with this Agreement.

11.1.2 The Rotary may conduct, at its expense, a compliance audit of the Project.

11.1.3 The City agrees to allow representatives of the Rotary access to its facilities and to Project sites upon request to make ad hoc site visits given that the Rotary representatives are equipped with proper protective equipment. The Rotary representatives shall not give site direction to contractors or subcontractors at anytime.

11.1.4 If, at any time, any discrepancy is identified between the amounts paid by the Rotary and the amounts actually payable under this Agreement, the appropriate adjustments shall be promptly made between the Parties. If there has been an overpayment by the Rotary the amount of the overpayment shall constitute a debt due to the Rotary and may be so recovered.

ARTICLE 12 – INSURANCE AND INDEMNITY

12.1 Rotary agrees to obtain and maintain in force throughout the duration of this Agreement, Commercial General Liability Insurance having an inclusive limit of not less than $2,000,000 per occurrence and endorsed to include the City Of Hamilton as additional insured.

12.2 Rotary shall defend and indemnify the City against, and hold City harmless from, any and all claims, actions, suits, proceedings, costs, expenses, damages and liabilities, including reasonable attorney's fees and costs: arising from any breach by Rotary of any provisions of this Agreement.

12.3 The City shall defend and indemnify the Rotary against, and hold the Rotary harmless from, any and all claims, actions, suits, proceedings, costs, expenses, damages and liabilities, including reasonable attorney's fees and costs: arising from any breach by the City of any provisions of this Agreement.

ARTICLE 13 – GENERAL PROVISIONS

13.1 The City covenants that it will execute or cause to be made, done or executed, all further and lawful acts, deeds, things, devices, conveyances and assurances whatsoever for effecting the purposes and intent of this
Agreement as the Rotary shall reasonably advise or request.

13.2 The Rotary may provide materials inscribed with Rotary donor names to be placed in and around the Spray Pad subject to the City's Design Standards and the City's final approval as to the size, shape, content and location of the inscribed materials.

13.3 The Rotary may install a Rotary Club Logo on the Spray Pad subject to the City's Design Standards and the City's final approval of the size, shape, content and location of the Logo.

13.4 No party shall have exclusive access to the Spray Pad. At all times, it shall be available for use by the general public.

13.5 The City's tendering process shall commence in the winter of 2012/2013 and the Project shall at all times follow the City's Procurement Policy, similar guidelines, by-laws and rules. All Rotary in-kind donations must be submitted and approved by the City, in compliance with Procurement Policy 11, by no later than January 15, 2013 to ensure that all in-kind donations will be incorporated into the Procurement process. Rotary may be granted a two-week extension to the submission deadline of January 15, 2013 with written approval by the City.

13.6 Notice to be given shall, save as otherwise specifically provided, be in writing addressed to the party for whom it is intended and shall not be deemed received until actual receipt by the other party except if sent by telex or facsimile, in which case it shall be deemed received on the business day next following the date of transmission. The mailing, telex and facsimile addresses of the parties shall be:

(a) As to the Rotary:

Rotary Club of Ancaster Morning
23 Galley Road
Ancaster, ON L9G 4S8
Attention: Marty Schure, Treasurer
Fax: 905-648-8578

(b) As to City:

City of Hamilton
320 - 77 James Street North
Hamilton, ON L8R 2K3
Attention: Cynthia Graham
Fax: (905) 546-4435
or any other mailing, telex or facsimile addresses as the parties from time to time may notify the other.

13.7 This Agreement and all other Security to be delivered in connection with this Agreement shall be governed by and construed in accordance with the applicable laws of the Province of Ontario and of Canada.

13.8 This Agreement shall be binding on and enure to the benefit of the City, the Rotary and their respective successors and assigns, except that the either party shall not, without the prior written consent of the other party, assign any rights or obligations with respect to this Agreement.

13.9 Any provision of this Agreement, which is or becomes prohibited or unenforceable in any jurisdiction shall not invalidate or impair the remaining provisions of this Agreement which shall be deemed severable from the prohibited or unenforceable provision and any prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable that provision in any other jurisdiction.

13.10 No amendment, supplement or waiver of any provision of this Agreement, nor any consent to any departure by the City, shall in any event be effective unless it shall be in writing and duly authorized by the Council for the City and even then the waiver or consent shall be effective only in the specific instance for the specific purpose for which it has been given.

13.11 No waiver or act or omission of the Rotary shall extend to or be taken in any manner whatsoever to affect any subsequent event of default or breach by the City of any provision of this Agreement or the results or the rights resulting from it.

13.12 Time shall be of the essence of this Agreement.

13.13 This Agreement shall remain in full force and effect until the payment and performance in full of all of the City's obligations under this Agreement.

13.14 This Agreement constitutes the entire agreement between the parties, cancels, and supersedes any prior agreements, undertakings, declarations, representations, or letters of understanding, written or verbal in respect of it.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK – EXECUTION PAGE FOLLOWS]
IN WITNESS WHEREOF the parties hereto have hereunto affixed their corporate seals attested to by the hands of their respective proper signing officers in that behalf duly authorized.

CITY OF HAMILTON
Signed for and on behalf of the City by:

Signed ____________________________
Name: R. Bratina                        c/s
Title: Mayor

Date ________________________________

Signed ____________________________
Name: R. Caterini                      c/s
Title: City Clerk

Date ________________________________

ROTARY CLUB OF ANCASTER MORNING
Signed for and on behalf of the Rotary by:

Signed ____________________________
Name: Marty Schure                     c/s
Title: Treasurer

Date ________________________________

"I have the authority to bind the Corporation"

Authorized by Item _______ of the Public Works Report adopted by the Council of the City of Hamilton on the day of __________, 2012.

File Number:
Schedule "A" – Licensed Area – Description, Locations, Map and Illustrations

Village Green Park Master Plan
Schedule B – Municipal Policies and Policy Requirements

1. City of Hamilton By-Law No. 01-219: To Manage and Regulate Municipal Parks

2. City-owned spray pads are operational approximately June 30th to September 1st. All spray pads are programmed by timer to operate from 10:00 a.m. to 8:00 p.m.
TO BE DETERMINED
Schedule D – Schedule and Times of Acceptable Usage

City-owned spray pads are operational approximately June 30th to September 1st. All spray pads are programmed by timer to operate from 10:00 a.m. to 8:00 p.m.
Schedule E – List of Items donated by the Rotary Club

TO BE DETERMINED
Schedule F – List of inscribed donor items and materials approved by the City of Hamilton

TO BE DETERMINED
THE BOARD OF HEALTH PRESENTS REPORT 12-008 AND RESPECTFULLY RECOMMENDS:

1. Creating Access to Screening and Training in the Living Environment (CASTLE) Project (BOH12026) (Item 5.1)

That Report BOH12026 respecting the Creating Access to Screening and Training in the Living Environment (CASTLE) Project, be received.

2. Climate Change Actions 2011 (BOH12029) (Item 5.2)

That Report BOH12029 respecting Climate Change Actions 2011, be received.

3. Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(g)) (Item 5.3)

(a) That report BOH07034(g) Prohibiting Smoking Within City Parks and Recreation Properties, be received;

(b) That the by-law which amends By-law No. 11-080 Prohibiting Smoking within City Parks and Recreation Properties and adds a schedule of places where smoking is prohibited under the By-law, be approved.

   (a) That the Mayor write a letter to the Ministry of Health and Long-term Care take steps to recognize the role paramedics currently perform in Ontario's health system;

   (b) That the City of Hamilton support the partnership between Emergency Medical Services (EMS) & Public Health Services (PHS) to provide health promotion and prevention services and the right care where people live and work to address the priorities in Ontario’s Action Plan For Health Care report as attached to BOH12032 / HES12018;

   (c) That Public Health Services continue to seek opportunities to collaborate with internal City of Hamilton departments and external community partners to provide prevention of chronic diseases through modifiable risk factor mitigation and reduction of health inequities as identified as priorities in Ontario’s Action Plan for Health Care.

5. **Easy Food Box Program (New Business)**

   *(Farr/Morelli)*  
   That subsection (a)(ii) of Item 5 of Board of Health Report 12-008 respecting Easy Food Box Program be amended by deleting the words *the Hamilton Community Foundation* and to read as follows:

   (ii) $10,000 from the Hamilton Poverty Roundtable;  

   **Amendment CARRIED**

   *(Jackson/Pearson)*  
   That Item 5 be further amended as follows:

   (a) That subsection (b) be amended by removing the words “toward an interest in scaling the project upward”;

   (b) That subsection (c) be amended by deleting it in its entirety and replacing with the following wording therein:

   “That the pilot project be carried out through Environment Hamilton and Environment Hamilton be authorized to report back.”  

   **Amendment CARRIED**

The MAIN motion as amended CARRIED to read as follows:

(a) That the Easy Food Box one year pilot project, to provide fresh food to 500 single Ontario Works recipients be supported and funded to an
amount of $65,000, to cover the pilot project, administrative costs, public education pamphlet, evaluation, and be funded as follows:

(i) $55,000 from the Social Services Initiatives Reserve, and;

(ii) $10,000 from the Hamilton Poverty Roundtable;

(b) That the pilot project evaluation be conducted by Public Health Services;

(c) That the pilot project be carried out through Environment Hamilton and Environment Hamilton be authorized to report back;

(d) That the City assist in investigating whether the Easy Food Box project can be assisted through the use of City arenas, facilities and through local Food Banks.

6. Nutritious Food Basket (BOH12025) (Item 8.1)

(a) That the Board of Health correspond with the Premier of Ontario, the Minister of Community and Social Services and the Commissioners of the Provincial Social Assistance Review, to stress the immediate need for an evidence-based mechanism for setting annual social assistance rates and higher asset limits that will allow people to meet basic living costs, including the cost of nutritious food;

(b) That the Board of Health correspond with the Premier of Ontario, and copy local area MPP’s, to request that the Province develop a comprehensive Ontario Food and Nutrition Strategy that will drive policies so that:

(i) Ontarians have access to and the means to obtain safe, healthy, local and culturally acceptable food;

(ii) Ontarians have the information, knowledge, skills and relationships to support healthy eating and make healthy choices where they live, work, learn and play;

(iii) Ontario has a diverse and sustainable food production system that contributes to an equitable and prosperous economy;

(c) That the Board of Health support development of a comprehensive Food Strategy for the City of Hamilton.

FOR THE INFORMATION OF THE COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)
1. **ADDED DELEGATION REQUESTS**

4.4 Delegation Request by Dave Cherkewski wishing to speak to the Nutritious Food Basket Report and the “Good Food Box” proposal from the “Nutritious Food Plan Committee”

2. **ADDED CORRESPONDENCE**

8.1.4 Correspondence from Tom Cooper, Director of the Hamilton Roundtable for Poverty Reduction respecting a Good Food Box Proposal.

The agenda was approved as amended.

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

Councillor McHattie declared a conflict on item 4.2, Delegation Request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH’s Dustbusters Initiative as the presenter Mitchell Blau is his son.

(c) **MINUTES (Item 3)**

(i) **September 17, 2012 (Item 3.1)**

The minutes from the September 17, 2012 Board of Health meeting, were approved, as presented.

(d) **DELEGATION REQUESTS (Item 4)**

(i) Delegation request from Mark Holland, representing the Heart & Stroke Foundation wishing to speak to the Board regarding how to make Hamilton a more cardiac safe City (Item 4.1)

The delegation request from from Mark Holland, representing the Heart & Stroke Foundation wishing to speak to the Board regarding how to make Hamilton a more cardiac safe City, was approved to speak at the next meeting.

(ii) Delegation Request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH’s Dustbusters Initiative (Referred from the Council on September 12, 2012) (Item 4.2)
The delegation request from Mitchell Blau, Environment Hamilton (EH) to present findings and recommendations of EH’s Dustbusters, was approved to speak at the next meeting.

(iii) Delegation Request from Maria Antelo, representing Hamilton Community Legal Clinic respecting the Good Food Box program proposed by Nutritious Food Plan Committee (Item 4.3)

The delegation request from Maria Antelo, representing Hamilton Community Legal Clinic respecting the Good Food Box program proposed by Nutritious Food Plan Committee, was approved to speak at today’s meeting as item 8.1.3.

(iv) Delegation Request by Dave Cherewski wishing to speak to the Nutritious Food Basket Report and the “Good Food Box” proposal from the “Nutritious Food Plan Committee” (Added Item 4.4)

The delegation request from Dave Cherewski wishing to speak to the Nutritious Food Basket Report and the “Good Food Box” proposal from the “Nutritious Food Plan Committee”, was approved to speak at today’s meeting as item 8.1.4.

(e) CONSENT ITEMS (Item 5)

(i) Climate Change Actions 2011 (BOH12029)

Agenda item 5.2 respecting Climate Change Actions 2011 (BOH12029), was moved to the discussion portion of the agenda and renumbered item 8.2

(ii) Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(g))

Agenda item 5.3 respecting Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(g)), was moved to the discussion portion of the agenda and renumbered item 8.3

(f) PRESENTATIONS (Item 7)

The delegation by Mr. Dave Carson representing the Community Food Security Stakeholder Sub-Committee, was moved to item 7.1 of the agenda.
(i) Delegation request from Mr. Dave Carson representing the Community Food Security Stakeholder Sub-Committee (CFSSC) requesting to provide comment on the contribution that the CFSSC can make to the Food Strategy for Hamilton (Item 7.1)

Mr. Carson gave a presentation to the Board of Health with the assistance of a PowerPoint presentation. A copy of the presentation was retained for the record.

The presentation by Dave Carson Food Security Stakeholder Sub-Committee (CFSSC) respecting the contribution that the CFSSC can make to the Food Strategy for Hamilton, was received.

(g) DISCUSSION (Item 8)

(i) Nutritious Food Basket (BOH12025) (Item 8.1)

Staff spoke to the report and gave a brief outline of the recommendations contained in the report.

(a) Delegation request from Ms. Maureen Leyland representing the Social Action Committee, Ontario Association of Social Workers, Hamilton & District Branch requesting to speak about a Good Food Box for single OW recipients, when the Nutritious Food Basket Report is presented (Item 8.1.1)

Ms. Leyland spoke to the Board respecting the Nutritious Food Basket report, and spoke to the problems faced by individuals on Ontario Works have in affording nutritious food.

The presentation by Maureen Leyland was received.

(b) Delegation request from Ms. Karen Burson representing Environment Hamilton requesting to present a new proposal for a fresh food subsidy to support single OW recipients living in Hamilton (Item 8.1.2)

Ms. Karen Burson gave a presentation to the Board of Health, with the assistance of a PowerPoint presentation. A copy of her presentation was retained for the record.

The delegation by Karen Burson, was received.

(c) Delegation Request from Maria Antelo, representing Hamilton Community Legal Clinic respecting the Good
Food Box program proposed by Nutritious Food Plan Committee (Item 8.1.3)

Ms. Maria Antelo gave a presentation to the Board of Health. A copy of her speaking notes were retained for the record.

The delegation by Maria Antelo, was received.

(d) Delegation Request by Dave Cherkewski wishing to speak to the Nutritious Food Basket Report and the “Good Food Box” proposal from the “Nutritious Food Plan Committee”

Mr. Cherkewski spoke to the Board of Health with in support to the proposal for a Good Food Box program.

The delegation by Dave Cherkewski was received.

(e) Correspondence from Tom Cooper, Director of the Hamilton Roundtable for Poverty Reduction respecting a Good Food Box Proposal.

That the correspondence from Tom Cooper Director of the Hamilton Roundtable for Poverty Reduction respecting a Good Food Box Proposal, be received.

(ii) Good Food Box Program

The motion CARRIED on the following standing recorded vote:


Total: 11

Nays: None

Total: 0

Absent: B. Clark, L. Ferguson, B. Morelli, C. Collins, T. Whitehead

Total: 5

Please refer to item 5 for disposition.

(iii) Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(g))

The motion CARRIED on the following vote:


Council – October 30, 2012
Please refer to item 6 for disposition.

(i) MOTIONS (Item 9)

(i) Review of the City of Hamilton Streets By-law (Item 9.1)

Whereas, over the course of summer 2012, Environment Hamilton's Dustbusters project has identified many sources of airborne particulate emanating from industrial sources, and;

Whereas, Clean Air Hamilton, the City of Hamilton’s Public Health Department and others have highlighted the public health risks associated with breathing airborne particulates, especially PM10 and PM2.5 particles, and;

Whereas, although track out issues are noted in the bylaw, the City of Hamilton’s “Streets Bylaw” is not intended for controlling airborne emissions, and;

Whereas the Ontario Ministry of Environment and the City of Hamilton both have an interest in reducing airborne particulate in Hamilton.

Therefore be it resolved that staff consult with Environment Hamilton, Clean Air Hamilton and the Ontario Ministry of Environment to review the Streets Bylaw and develop a better legal instrument to reduce airborne particulate in Hamilton and report back to the Board of Health.

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

(i) Outstanding Business List

Outstanding Business List item B respecting Prohibiting Smoking Within City Parks and Recreation Properties, was removed as the item is complete.

Outstanding Business List item C respecting Public Notification respecting the removal of Food Safety Program green card from an eating establishment, due to infractions noted during a food premise inspection, was removed as the item is complete.
(k) ADJOURNMENT (Item 13)

The Board of Health adjourned at 4:10 p.m.

Respectfully submitted,

Mayor R. Bratina  
Chair, Board of Health

Christopher Newman  
Legislative Coordinator  
October 15, 2012
THE PLANNING COMMITTEE PRESENTS REPORT 12-016 AND RESPECTFULLY RECOMMENDS:

1. Kiosk Pilot Program (PED05172(j)) (Wards 1, 2 and 13) (Item 5.1)

   That report PED05172(j), Kiosk Pilot Program, be received.

2. Resolutions from the Town of East Gwillimbury and the Town of Halton Hills Respecting the Need for Provincial Guidelines and Regulations to Govern the Quality of Fill Imported to a Receiving Site (PED12184) (City Wide) (Item 5.2)

   (a) That the City of Hamilton supports the resolutions passed by the Councils of the Town of East Gwillimbury and the Town of Halton Hills (attached as Appendices “A”, “B”, and “C” to Report PED12184) regarding the need for Provincial guidelines and regulations to govern the quality of fill imported to a receiving site;
(b) That this endorsement be forwarded to the Council of the Town of East Gwillimbury, the Council of the Town of Halton Hills and the Ministry of the Environment (MOE);

(c) That the Ministry of the Environment (MOE) be requested to establish guidelines, regulations and a Provincially regulated approvals process to govern the quality of fill imported to a receiving site;

3. **Heritage Permit Application HP2012-047 Under Part V of the Ontario Heritage Act for Erection of a New Single Detached Residence and Detached Garage at 912 Beach Boulevard (Hamilton) (PED12185) (Ward 5) (Item 5.3)**

That Heritage Permit Application HP2012-047 be approved for erection of a new single detached residence and detached garage at 912 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), subject to the following conditions:

(a) That as many existing trees as possible shall be retained, and/or that one to three new trees of a minimum caliper of 55 mm, and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(b) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of the Manager of Development Planning, prior to any grading or tree removals;

(c) That the design and materials for the proposed porch, frieze board and trim, and the doors and windows on the front and side elevations shall be submitted, to the satisfaction and approval of Heritage Planning staff, prior to submission as part of any application for a Building Permit;

(d) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Heritage Planning staff, prior to submission as part of any application for a Building Permit;

(e) That construction and site alterations, in accordance with this approval, shall be completed no later than September 30, 2014. If the construction and site alterations are not completed by September 30, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

That Heritage Permit Application HP2012-045 be approved for the demolition of an existing garage and erection of a new garage at 115 Mill Street North (Mill Street Heritage Conservation District) (Waterdown), subject to the following conditions:

(a) That the replacement retaining wall shall be a natural stone wall constructed of materials of an appropriate scale, and that the details for the wall shall be submitted, to the satisfaction and approval of Planning staff, prior to any alteration of the existing retaining wall;

(b) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(c) That construction and site alterations, in accordance with this approval, shall be completed no later than September 30, 2014. If the alteration is not completed by September 30, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

5. **Adjustments to School Crossing Guard Locations (PED12194) (Wards 1, 3, 4, 6, 8, 9, 11 and 15) (Item 5.5)**

(a) That the revised list of school crossing guard locations resulting from school closures, re-openings and lunch program changes in Wards 1, 3, 4, 6, 8, 9, 11 and 15, as outlined in Appendix “A” attached hereto, be approved;

(b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for the proposed changes by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic School Board for the 2012/2013 school year.

6. **Pre-Christmas Free Parking Strategy – King Street West Business Improvement Area (B.I.A.) (PED12197) (Ward 2) (Item 5.6)**

That the annual Pre-Christmas Free Parking Program, approved by City Council on June 25, 2003, be amended to remove the two hour, free on-street parking at
all times from November 24 to December 24 annually from the King Street West Business Improvement Area (B.I.A.).

7. **Application for a Change in Zoning for Lands Located on Blackburn Lane and Grassyplain Drive (Glanbrook) (PED12181) (Ward 11) (Item 6.2)**

That approval be given to Amended Zoning Application ZAR-12-016, by 1312733 Ontario Inc., Owner, for changes in zoning from the Deferred Development “DD” Zone, the Residential “R4-246” Zone, and the Existing Residential “ER” Zone to the Residential “R4-246” Zone and the Residential “R3-158” Zone, to permit the future creation of 4 lots for single detached dwellings, for lands located on Blackburn Lane and Grassyplain Drive (Glanbrook), known as Blocks 110, 111, and Part of Block 112 - Plan 62M-932, and Block 55 - Plan 62M-1163, as shown on Appendix “A” to Report PED12181, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED12181, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law be added to Schedule “E” of Zoning By-law No. 464;

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

8. **Applications for Approval of a Draft Plan of Subdivision, “Oasis - Phase 2”, and Draft Plan of Condominium, for Lands Located at 845 and 857 North Service Road (Stoney Creek) (PED12183) (Ward 11) (Item 6.3)**

(a) That approval be given to Amended Draft Plan of Subdivision Application 25T-201103, by Homes By DeSantis (Meadows) Inc., c/o Gabe DeSantis, (Owner), to establish a draft plan of subdivision known as “Oasis - Phase 2”, on lands located at 845 and 857 North Service Road (Stoney Creek), as shown on Appendix “A” to Report PED12183, subject to the following conditions:

(i) That this approval apply to “Oasis - Phase 2”, 25T-201103, prepared by IBI Group, and certified by Geoff Aldworth, O.L.S., dated September 5, 2012, showing 20 lots for street townhouses (Lots 1-20), 28 lots for freehold townhouses fronting on a private (condominium) road (Lots 21-48), 1 block for the condominium road and other common elements (Block 49), and 1 block for road widening purposes (Block 50), attached as Appendix “B” to Report
PED12183, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “C” to Report PED12183;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Lot or Block;

A parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.

(iv) That the Final Plan of Subdivision complies with all the applicable provisions of the final approved Official Plan Amendment No. 169 to the City of Stoney Creek Official Plan, and to the provisions of Zoning By-law No. 12-183 of the Stoney Creek Zoning By-law No. 3692-92.

All in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Amended Draft Plan of Condominium Application 25CDM-201105, by Homes By DeSantis (Meadows) Inc., c/o Gabe DeSantis, (Owner), to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, sidewalks, visitor parking areas, and landscaped areas with an enhanced noise barrier, in conjunction with 28 freehold street townhouse lots, on a portion of the lands located at 845 and 857 North Service Road (Stoney Creek), as shown on Appendix “A” to Report PED12183, subject to the following conditions:

(i) That this approval apply to the plan prepared by IBI Group, and certified by G. Aldworth, O.L.S., dated September 5, 2012, showing the common elements (Block 49), attached as Appendix “D” to Report PED12183;

(ii) That the Final Plan of Condominium complies with all the applicable provisions of the final approved Official Plan Amendment No. 169 to the City of Stoney Creek Official Plan, and to the provisions of Zoning By-law No. 12-183 to Stoney Creek Zoning By-law No. 3692-92;
(iii) That the owner receives final approval and registers Draft Plan of Subdivision 25T-201103, to the satisfaction of the Director of Planning;

(iv) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed 28 freehold lots have legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;

(v) That the owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

(aa) “Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road or sidewalk.”

(vi) That the owner provides the Senior Director of Growth Management with evidence that satisfactory arrangements, financial or otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information;

(vii) That the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for provisions of gas services for this project, in a form satisfactory to Union Gas Limited;

(viii) That the owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

9. Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11) (Item 8.1)

Whereas the applicant for the proposed development ZAC-11-022 for the property known as 455 Jones Rd., Stoney Creek, wishes to move forward with 6 single family homes,

And whereas the applicant is planning a noise wall which has raised some concern with the adjacent neighbours;
And whereas landscaping will be a key component to blending this new development with the existing residential development;

And whereas the location of the entrance for this proposed development is in close proximity to the north service road and has raised the concern for traffic and safety issues;

Therefore be it resolved, That the following conditions be required through the site plan approval process, for application ZAC-11-022, Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11):

(a) The noise wall and landscaping concerns are to be considered in consultation with the residents and the Ward Councillor;

(b) A traffic study will be completed by the applicant and approved by City Staff.

10. Accessible Taxicab Licensing (PED10063(e)) (City Wide) (Item 8.2)

(a) That, in addition to issuing three standard taxicab plates in 2012, 2013 and 2014, as required by Schedule 25 of By-law 07-170, the following be approved:

(i) in 2013, 16 accessible taxicab plates be issued first to individuals on the taxicab priority list and, secondly, if any accessible taxicab licences remain, to members of the public; and,

(ii) in 2014, if any accessible taxicab licences remain from 2013, and if the taxicab to population ratio in Schedule 25 of By-law 07-170 continues to warrant the issuance of additional plates, accessible taxicab plates be issued up to the deficiency of the shortfall, first to individuals on the taxicab priority list then to members of the public,

(b) That staff be directed to prepare a Request For Proposals (RFP) to hire a consultant, to be funded from the Tax Stabilization Reserve (110046) not to exceed $100,000, to conduct a review of the taxicab industry in Hamilton, including stakeholder consultation and recommended options on:

(i) complying with the Accessibility for Ontarians with Disabilities Act, 2005 and its regulations;
(ii) issuing taxicab plates in 2015, and subsequent years when the current requirement under Schedule 25 of Licensing By-law 07-170 to issue three plates per year expires;

(iii) taxi trip rates.

(c) That a by-law amendment to Licensing By-law 07-170, including Schedule 25, be prepared, in a form satisfactory to the City Solicitor, and enacted by Council to:

(i) implement recommendations (a) and (b) above;


11. Agricultural & Rural Affairs Advisory Committee Report 12-002 (Item 8.3)

(a) Request for an increase in Agriculture and Rural Affairs Advisory Committee Grants Funding.

Whereas the amount of funds available for rural grants has stayed the same for six years;

Therefore be it resolved, That the Agricultural and Rural Affairs – rural grants funding be increased by $5,000 for a total funding envelop of $20,000, and that this request be forwarded on to the 2013 budget deliberations.

(b) Additional grass cut in the rural area (no copy) (Item 6.4)

That the Agricultural and Rural Affairs Advisory Committee supports a third grass cutting in the rural areas.

12. OPA, ZBA and Draft Plan on Subdivisions – OMB Appeals (1125-1143 Wilson Street West, Ancaster) (LS12017) (Item 12.1)

(a) That Report LS12017, OPA, ZBA and Draft Plan on Subdivisions – OMB Appeals (1125-1143 Wilson Street West, Ancaster), remain confidential;

(b) That the City of Hamilton continue with its motion for leave to appeal to Divisional Court from the Ontario Municipal Board Decision issued
September 12, 2012, OMB File No. PL110766, and take all appropriate steps in pursuing an appeal thereafter should leave be granted, and

(c) That the City of Hamilton continue with its application to the Ontario Municipal Board pursuant to section 43 of the Ontario Municipal Board Act for a review of the Ontario Municipal Board Decision issued September 12, 2012, OMB File No. PL110766.

13. **Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as “Foothills of Winona – Phase 2” for Lands Located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek) (LS12034) (Item 12.2)**

(a) That Report LS12034, Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as “Foothills of Winona – Phase 2” for Lands Located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek), remain confidential.

(b) That Official Plan Amendment Application OPA-11-005, by 1800615 Ontario Inc. (A. DiCenzo and S. Manchia), Owner, for a change in designation on Schedule “A” of the City of Stoney Creek Official Plan from “Special Policy Area F” to “Medium Density Residential”, in order to permit the development of 16 single detached dwellings, 12 semi-detached dwellings, 174 street townhouse units, and 3 blocks for multiple residential development, be denied on the following basis:

(i) That the application is premature as the applicant has failed to address outstanding issues related to servicing, stormwater management and traffic through the submission of revised studies to address these issues.

(ii) The application does not meet the intent of the City of Stoney Creek Official Plan regarding servicing and traffic impacts.

(iii) The application does not fulfill the requirements of OMB Decision/Order No. 1202 which states that the owner shall undertake a water, wastewater and stormwater analysis to the satisfaction of the City prior to the development of Parcel A.

(c) That Amended Zoning Application ZAC-11-042, by 1800615 Ontario Inc. (A. DiCenzo and S. Manchia), Owner, for changes in zoning from the Agricultural Specialty “AS” Zone to a Residential “R5” Zone, Modified, with
a Special Exception (Blocks 1 to 4, 6, 7, and 1317 Barton Street), the Multiple Residential “RM2" Zone, Modified, with a Special Exception (Blocks 8 to 15), and the Multiple Residential “RM3" Zone, Modified, with a Special Exception (Block 16 to 18), be denied on the following basis:

(i) That the application is premature as the applicant has failed to address outstanding issues related to servicing, stormwater management and traffic through the submission of revised studies to address these issues.

(ii) The application does not meet the intent of the City of Stoney Creek Official Plan regarding servicing and traffic impacts.

(iii) The application does not fulfill the requirements of OMB Decision/Order No. 1202 which states that the owner shall undertake a water, wastewater and stormwater analysis to the satisfaction of the City prior to the development of Parcel A.

That Amended Draft Plan of Subdivision Application 25T-201107, by 1800615 Ontario Inc (A. DiCenzo and S. Manchia), Owner, to establish a draft plan of subdivision known as “Foothills of Winona, Phase 2”, on lands located at 339 & 347 Fifty Road and 1329 Barton Street, in the former City of Stoney Creek, as shown on Appendix “B”, be denied on the following basis:

(i) That the application is premature as the applicant has failed to address outstanding issues related to servicing, stormwater management and traffic through the submission of revised studies to address these issues.

(ii) The application does not meet the intent of the City of Stoney Creek Official Plan regarding servicing and traffic impacts.

(iii) The application does not fulfill the requirements of OMB Decision/Order No. 1202 which states that the owner shall undertake a water, wastewater and stormwater analysis to the satisfaction of the City prior to the development of Parcel A.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the Agenda:
DELEGATION REQUESTS

4.1 Delegation request from Abacu Mendoza respecting property grading, erosion and maintenance (for a future meeting)

4.2 Delegation request from the Advisory Committee for Persons with Disabilities respecting Item 8.2, Accessible Taxicab Licensing (PED10063(e)) (for today’s meeting)

PRIVATE AND CONFIDENTIAL

12.1 OPA, ZBA and Draft Plan on Subdivisions – OMB Appeals (1125-1143 Wilson Street West, Ancaster) (LS12017) (Delivered under separate cover)

12.2 Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as “Foothills of Winona – Phase 2” for Lands Located at 339 and 347 Fifty road and 1317 and 1329 Barton Street (Stoney Creek) (LS12034) (Delivered under separate cover)

The Agenda for the October 16, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest for Item 8.2, Accessible Taxicab Licensing (PED10063(e)) (City Wide), as his family is involved in the taxicab business.

(c) APPROVAL OF MINUTES (Item 3)

(i) October 6, 2012

The Minutes of the October 6, 2012 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)
(i) **Delegation request from Abacu Mendoza respecting property grading, erosion and maintenance (for a future meeting) (Item 4.1)**

The delegation request from Abacu Mendoza respecting property grading, erosion and maintenance, was approved for a future meeting.

(ii) **Delegation request from the Advisory Committee for Persons with Disabilities respecting Item 8.2, Accessible Taxicab Licensing (PED10063(e)) (for today’s meeting) (Item 4.2)**

The delegation request from the Advisory Committee for Persons with Disabilities respecting Item 8.2, Accessible Taxicab Licensing (PED10063(e)), was approved for today’s meeting.

(e) **CONSENT ITEMS (Item 5)**

(i) **Resolutions from the Town of East Gwillimbury and the Town of Halton Hills Respecting the Need for Provincial Guidelines and Regulations to Govern the Quality of Fill Imported to a Receiving Site (PED12184) (City Wide) (Item 5.2)**

The following recommendations were approved:

(a) That the City of Hamilton supports the resolutions passed by the Councils of the Town of East Gwillimbury and the Town of Halton Hills (attached as Appendices “A”, “B”, and “C” to Report PED12184) regarding the need for Provincial guidelines and regulations to govern the quality of fill imported to a receiving site;

(b) That this endorsement be forwarded to the Council of the Town of East Gwillimbury, the Council of the Town of Halton Hills and the Ministry of the Environment (MOE);

(c) That the Ministry of the Environment (MOE) be requested to establish guidelines, regulations and a Provincially regulated approvals process to govern the quality of fill imported to a receiving site;

The decision respecting Report PED12184, Resolutions from the Town of East Gwillimbury and the Town of Halton Hills Respecting the Need for Provincial Guidelines and Regulations to Govern the Quality of Fill Imported to a Receiving Site, was reconsidered.
Report PED12184, Resolutions from the Town of East Gwillimbury and the Town of Halton Hills Respecting the Need for Provincial Guidelines and Regulations to Govern the Quality of Fill Imported to a Receiving Site, was amended in sub-section (d), by adding the words, “the first quarter of” before the words, “2013”.

Report PED12184, Resolutions from the Town of East Gwillimbury and the Town of Halton Hills Respecting the Need for Provincial Guidelines and Regulations to Govern the Quality of Fill Imported to a Receiving Site, was amended by adding a new sub-section (e), as follows:

(e) That berms be part of a comprehensive staff review for appropriate amendments to the site alternation by-laws to come back in the first quarter of 2013.

The Planning and Economic Development Department was directed to report back in the first quarter of 2013 with appropriate amendments to the Site Alteration By-law to govern the quality and quantity of imported fill to a receiving site;

Berms are part of a comprehensive staff review for appropriate amendments to the site alternation by-laws to come back in the first quarter of 2013.

For disposition on this Item, refer to item 2.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation Request from Mike Whaling respecting an illegal business (Item 6.1)

Mr. Whaling presented various concerns related to illegal businesses within his area where he operates a legal business. Mr. Whaling encouraged the City to proactively stop illegal businesses in the City.

Staff are to report back on illegal business and are to include in their report, history of charges laid regarding illegal businesses.

The delegation from Mike Whaling respecting an illegal business, was received.
(ii) **Application for a Change in Zoning for Lands Located on Blackburn Lane and Grassyplain Drive (Glanbrook) (PED12181) (Ward 11) (Item 6.2)**

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the change in zoning, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12181, Application for a Change in Zoning for Lands Located on Blackburn Lane and Grassyplain Drive (Glanbrook), was closed.

The staff presentation respecting, Report PED12181, Application for a Change in Zoning for Lands Located on Blackburn Lane and Grassyplain Drive (Glanbrook), was waived.

For disposition on this Item, refer to item 7.

(iii) **Applications for Approval of a Draft Plan of Subdivision, "Oasis - Phase 2", and Draft Plan of Condominium, for Lands Located at 845 and 857 North Service Road (Stoney Creek) (PED12183) (Ward 11) (Item 6.3)**

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the draft plan of subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12183, Applications for Approval of a Draft Plan of Subdivision, "Oasis - Phase 2", and Draft Plan of...
of Condominium, for Lands Located at 845 and 857 North Service Road (Stoney Creek), was closed.

The staff presentation respecting, Report PED12183, Applications for Approval of a Draft Plan of Subdivision, "Oasis - Phase 2", and Draft Plan of Condominium, for Lands Located at 845 and 857 North Service Road (Stoney Creek), was waived.

For disposition on this Item, refer to item 8.

(g) DISCUSSION ITEMS (Item 8)

(i) Accessible Taxicab Licensing (PED10063(e)) (City Wide) (Item 8.2)

Robert Thompson, on behalf of the Advisory Committee for Persons with Disabilities (ACPD), indicated that the ACPD supports the staff recommendations and recommends a target for accessible taxis and a strategy be developed to educate the public on the reforms.

The delegation request from Robert Thompson, respecting Report PED10063(e), Accessible Taxicab Licensing, was received.

Report PED10063(e), Accessible Taxicab Licensing, was amended by deleting sub-section (b) in its entirety.

The amendment CARRIED on the following standing recorded vote:

| Yeas:      | B. Clark, C. Collins J. Partridge, B. Johnson |
| Total:     | 4                                               |
| Nays:      | J. Farr, T. Whitehead, M. Pearson               |
| Total:     | 3                                               |
| Absent:    | R. Pasuta                                       |
| Total:     | 1                                               |

The motion, as amended, CARRIED on the following standing recorded vote:

| Yeas:      | B. Clark, C. Collins J. Partridge, B. Johnson |
| Total:     | 4                                               |
| Nays:      | J. Farr, T. Whitehead, M. Pearson               |
| Total:     | 3                                               |
| Absent:    | R. Pasuta                                       |
| Total:     | 1                                               |

For disposition on this Item, refer to item 10.
(h) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item D: Dutch Mill Country Market, Millgrove Side Road
    Current Due Date: October 2, 2012
    Proposed Due Date: November 20, 2012

(bb) Item E: Sidewalk Policy
    Current Due Date: October 16, 2012
    Proposed Due Date: December 4, 2012

(cc) Item H: Presentation from Tesfaye Gebrezghi, P. Eng., from the Ministry of the Environment respecting the Certificate of Approvals
    Current Due Date: October 16, 2012
    Proposed Due Date: December 4, 2012

The following items were removed from the Outstanding Business List:

(aa) Item M: East Gwillimbury Resolution on Brownfield Redevelopment (5.2)

(bb) Item O: Provincial Regulations Regarding Commercial Fill Operations (5.2)

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

The General Manager provided updates of current events and initiatives within the department.

Committee members discussed the start time of the Special Meeting of the Planning Committee regarding the Regulation of Rental Housing, and agreed to commence the meeting at 1:00 p.m. on December 11, 2012 with a recess for dinner at 6:00 p.m.
(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) OPA, ZBA and Draft Plan on Subdivisions – OMB Appeals (1125-1143 Wilson Street West, Ancaster) (LS12017) (Item 12.1)

For disposition on this Item, refer to item 12.

(ii) Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as “Foothills of Winona – Phase 2” for Lands Located at 339 and 347 Fifty road and 1317 and 1329 Barton Street (Stoney Creek) (LS12034) (Item 12.2)

For disposition on this Item, refer to item 13.

(j) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 11:51 a.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
<table>
<thead>
<tr>
<th>Ward</th>
<th>Crossing Location</th>
<th>Status</th>
<th>Comments</th>
<th>Schools Serviced</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Aberdeen Ave &amp; Locke St S</td>
<td>Proposed</td>
<td>2011-2012 a temporary location was added. Continued crossings require this location to be made permanent.</td>
<td>St. Josephs, Ryerson, Earl Kitchener</td>
</tr>
<tr>
<td>3</td>
<td>Barton &amp; Gage</td>
<td>Removal</td>
<td>School closure June 2012. Children being bused.</td>
<td>King George</td>
</tr>
<tr>
<td>3</td>
<td>Delaware &amp; Sherman</td>
<td>Remove and re-locate to Maplewood and Sherman</td>
<td>Depressed curb cannot be installed due to the boulevard's steep slope at the south east corner.</td>
<td>St Columba, Adelaide Hoodless</td>
</tr>
<tr>
<td>3</td>
<td>Beechwood &amp; Sherman</td>
<td>Suspend</td>
<td>Temporary closure. Under renovations until Sept 2013</td>
<td>St Anns</td>
</tr>
<tr>
<td>3</td>
<td>Barton &amp; Ruth</td>
<td>Suspend Lunch</td>
<td>Temporary closure. Under renovations until Sept 2013</td>
<td>St Anns, Prince of Wales</td>
</tr>
<tr>
<td>3</td>
<td>Gage &amp; Primrose</td>
<td>Removal</td>
<td>School closure June 2012. Children being bused.</td>
<td>King George</td>
</tr>
<tr>
<td>4</td>
<td>Britannia &amp; Barons</td>
<td>Removal</td>
<td>Holy Name of Jesus re-located to Belmont &amp; Cannon St E in Jan 2012. No children crossing. Principal is in agreement with the proposed change.</td>
<td>Holy Name of Jesus (holding School)</td>
</tr>
<tr>
<td>6</td>
<td>Sunninghill &amp; Upper Gage</td>
<td>Lunch Removal</td>
<td>No children crossing. Principal is in agreement with the proposed change.</td>
<td>Highview</td>
</tr>
<tr>
<td>6</td>
<td>Royal Vista &amp; Upper Gage</td>
<td>Lunch Removal</td>
<td>No children crossing. Principal is in agreement with the proposed change.</td>
<td>Templemead</td>
</tr>
<tr>
<td>8</td>
<td>Hadeland &amp; Upper Paradise</td>
<td>Removal</td>
<td>No children crossing. Principal is in agreement with the proposed change.</td>
<td>Regina Mundi</td>
</tr>
<tr>
<td>9</td>
<td>Queenston &amp; Nash</td>
<td>Remove and relocate to Queenston and Woodman</td>
<td>Principals are in agreement to this realignment from Nash to Woodman.</td>
<td>Glenbrae, Glenecho</td>
</tr>
<tr>
<td>11</td>
<td>Barton &amp; Winona</td>
<td>Re-Instate</td>
<td>Proposed removal in 2011 - 2012 school year, however, due to busing changes this location required re-instatement.</td>
<td>Winona Public</td>
</tr>
</tbody>
</table>
# 2012 - 2013 Changes to School Crossing Locations

<table>
<thead>
<tr>
<th>Ward</th>
<th>Crossing Location</th>
<th>Status</th>
<th>Comments</th>
<th>Schools Serviced</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Braeheid &amp; Guy Brown Sch</td>
<td>Lunch Removal</td>
<td>No children crossing. Principal is in agreement with the proposed change.</td>
<td>Guy Brown</td>
</tr>
<tr>
<td>15</td>
<td>Keewaydin &amp; Parkside</td>
<td>Lunch Removal</td>
<td>No children crossing. Principal is in agreement with the proposed change.</td>
<td>Allan Greenleaf</td>
</tr>
</tbody>
</table>
Present: Deputy Mayor B. McHattie (Chair)
Mayor R. Bratina
Councillors C. Collins, S. Duvall, J. Farr, L. Ferguson,
T. Jackson, B. Johnson, S. Merulla, B. Morelli, M. Pearson,
J. Partridge, R. Pasuta, R. Powers, T. Whitehead

Absent with Regrets: Councillor B. Clark – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-029 AND
RESPECTFULLY RECOMMENDS:

1. Declaration of Surplus and Sale of Vacant Land at 110 Woodview Crescent, Ancaster, to Rhona Harvey and Janet Kennelly (PED12186) (Ward 12) (Item 5.2)

   (a) That the land municipally known as 110 Woodview Crescent, legally described as Part Lot 62, Plan 1076, and designated as Part 1 on Plan 62R-1632, comprising an area of 344 square metres (3,702 square feet) on the south limit of Woodview Crescent, Ancaster, identified as PIN 17424-0062(LT) and Roll No. 25184023014650, as shown on Appendix “A” attached to Report PED12186, 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 an Offer to Purchase executed on August 20, 2012, by Rhona Harvey and Janet Kennelly, being the adjoining property owners at 118 Fallingbrook Drive, scheduled to close on December 12, 2012, be approved and completed, subject to the conditions described in recommendation (e) and that the sale proceeds of $10,000 be credited to Account No. 47702-3560150200 (Property Purchases and Sales);
(c) That the deposit cheque in the amount of $1,000, being the required 10% of the purchase price, be held by the General Manager of Finance and Corporate Services, pending acceptance of this transaction;

(d) That the sale price of $10,000 does not include the Harmonized Sales Tax (HST); should the HST be applicable and collected by the City, that the HST amount be credited to Account No. 22828 009000 (HST Payable);

(e) That the following conditions be included in the Offer to Purchase of 110 Woodview Crescent;

(i) The Purchaser acknowledges and agrees that the lands being sold pursuant to this Offer shall be registered in the same name and title of the current land holdings municipally known as 118 Fallingbrook Drive, Ancaster, Roll No. 251814023014600, Property Identification Number (PIN) 17424-0061 (LT);

(f) 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 PED12186 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; and,

(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 PED12186 to City Council.

2. Infrastructure Ontario (IO) Surplus Land – Projects 8232 and 82133, 191-193 Mill Street South, Part Blocks 29 and 35, Plan 355 and Parts 4, 5, 8, 9, 10 and 18, Plan 62R-18447, former Town of Waterdown, now City of Hamilton (PED12187) (Ward 15) (Item 5.3)

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario that the City of Hamilton has no interest in acquiring their land located at 191-193 Mill Street South, in the former Town of Waterdown, now City of Hamilton, as shown on Appendix “A”, attached to Report PED12187;
(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario of the City of Hamilton’s requirements to the development of the site as identified in Appendix “B”, attached to Report PED12187.

3. **Infrastructure Ontario (IO) Surplus Land – Project 8134, 8 Renwood Place, Part Blocks 28 and 29, Plan 355 and Part 11, Plan 62R-18447, former Town of Waterdown, now City of Hamilton (PED12188) (Ward 15) (Item 5.4)**

   (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario that the City of Hamilton has no interest in acquiring their land located at 8 Renwood Place, in the former Town of Waterdown, now City of Hamilton, as shown on Appendix “A”, attached to Report PED12188;

   (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise Infrastructure Ontario of the City of Hamilton’s requirements to the development of the site as identified in Appendix “B”, attached to Report PED12188.

4. **Extension of ERASE Redevelopment Grant Agreement (ERG-07-02) with Clappison Five Six Properties Inc. (John Krpan), 30-42 Dundas Street east, Flamborough (PED12191) (Ward 15) (Item 5.5)**

   That the ERASE Redevelopment Grant Agreement between the City of Hamilton and Clappison Five Six Properties Inc. (John Krpan) for the redevelopment of the property at 30-42 Dundas Street East, Flamborough, ON, approved by Council on September 26, 2007, in approving Item 3 of Economic Development and Planning Committee Report 07-016, be amended by extending the commencement of construction for an additional three (3) years, ending September 18, 2015.

5. **Hamilton Downtown Property Improvement Grant Program – 162 Ferguson Avenue North – HDPIGP 12/07 (PED12195) (Ward 2) (Item 5.6)**

   (a) That a grant in the estimated amount of $68,032.21 under the Hamilton Downtown Property Improvement Grant Program (HDPIGP) for Costa’s Wine Country Inc. (Joe and Erika Costa), owner of the property at 162 Ferguson Avenue North, 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 PED12195, in a form satisfactory to the City Solicitor.

6. City Re-purchase of 1020 Beach Boulevard, Hamilton, from Kerrin Ann Simon (PED12192) (Ward 5) (Item 5.7)

(a) That the City Solicitor be authorized and directed to re-purchase 1020 Beach Boulevard, described as Parts 7 and 8 on Plan 62R-15481, subject to an easement over Parts 2, 4, 6, 8, and 10, as in Instrument Number HL109625, being all of PIN 17568-0142(LT), as shown on Appendix “A” attached to Report PED12192, pursuant to the restrictive covenants contained in the conveyance to Kerrin Ann Simon registered as Instrument No. VM255639;

(b) That, as a condition of the re-purchase, the City Solicitor be directed to deduct all outstanding municipal property taxes and local improvement charges from the purchase price;

(c) That the re-purchase price of $32,625 for the lands be charged to Account No. 59259-3561250201 (Beach Properties Sales and Maintenance). The funding for this purchase is to be transferred from the Beach Park Development Reserve No. 108037;

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

7. Enbridge Pipelines Incorporated – Line 9 Reversal Project (PED12160/LS12022) (Item 6.2(b))

That Report PED12160/LS1202 respecting Enbridge Pipelines Incorporated – Line 9 Reversal Project, be received.

8. Proposed Use Concept Plan – Auchmar Estates (PED12193) (Ward 8) (Outstanding Business Item) (Item 6.3(b))

That the Proposed Use Concept Profile for the Auchmar Estate, attached hereeto as Appendix “A” to Report PED12193, be received.
9. **Tax and Rate Operating Budget Variance Report to July 31, 2012 (FCS12079) (City Wide) (Item 8.1)**

(a) That FCS12079 “Tax and Rate Operating Budget Variance Report to July 31, 2012”, be received for information;

(b) That, in accordance with the “Budget Control Policy”, the 2012 budget restatements, transferring budget from one cost category to another with no impact on the levy, as outlined in Appendix “C” to Report FCS12079, be approved.

10. **Task Force on Cleanliness and Security in the Downtown Core Report 12-002 – September 27, 2012 (Item 8.2)**

(a) **August 2012 Walkabout (Item 5.1)**

That staff be directed to investigate how other municipalities enforce littering, both in general and in specific to cigarette butts, and report back to the Task Force on Cleanliness and Security in the Downtown Core with options for increased enforcement in these areas.

(b) **2013 Budget Discussion (Added Item 5.5)**

That a representative of the Hamilton Police Service be invited to attend an upcoming Task Force meeting to provide details on their 2013 work plan for the Downtown area.

11. **Gaming Facility Proposal Sub-Committee Report 12-001 – October 9, 2012 (Added Item 8.3)**

(a) **Appointment of Chair and Vice Chair**

(i) That Mayor R. Bratina be appointed Chair of the Gaming Facility Proposal Sub-Committee;

(ii) That Councillor R. Pasuta be appointed Vice Chair of the Gaming Facility Proposal Sub-Committee.
(b) **Methods of Obtaining Public Input regarding potential Gaming Facility in the City of Hamilton (FCS12086)**

That Option 2 – Telephone Poll by a Pollster, as outlined in Report FCS12086 attached hereto as Appendix “B”, be approved as the method to obtain public input regarding a potential gaming facility in the City of Hamilton, accompanied by an educational component prior to polling through forums, town hall meetings, etc.

(c) **Terms of Reference**

That the Terms of Reference for the Gaming Facility Proposal Sub-Committee, as amended, attached hereto as Appendix “C”, be approved.

12. **Representation on the Hamilton Chamber of Commerce Light Rail Transit Task Force (Item 9.1)**

Whereas, the City of Hamilton has committed substantial staffing and financial resources in the preparation of a Light Rail Transit (LRT) Plan, to be completed and ready for submission to Metrolinx by late December 2012/January 2013, and;

Whereas, the next step for Metrolinx is that they are legislated to report back to the Province by June, 2013 with an Investment Strategy to support the implementation of the Big Move transportation plan; and,

Whereas, Hamilton City Council is on record as desiring 100% capital funding from the Province of Ontario for LRT, and;

Whereas, notwithstanding City Council’s funding position, Metrolinx has asked GTAH municipalities to participate with them in consideration of alternative funding mechanisms to build LRT (i.e., Tax Incentive Financing, Development Charges, Tolls, etc.); and,

Whereas, on October 13, 2011, John Howe, Vice President, Investment Strategy and Project Evaluation, at Metrolinx stated to Council that the (LRT) project “has such potential and prospect” and that Metrolinx is very “bullish” on Hamilton, yet the City has not yet been aggressive on a government relations project to secure LRT funding for Hamilton, and;

Whereas, the Chamber of Commerce has an LRT Task Force which includes all of the relevant Hamilton partners, including McMaster University, Hamilton and Halton Homebuilders Association, Hamilton Realtors’ Association and others.
Therefore be it resolved:

(a) That the City of Hamilton join the Chamber of Commerce Light Rail Transit (LRT) Task Force and jointly implement a government relations project to encourage Senior levels of Government (Provincial and Federal) to fund LRT in Hamilton,

(b) That the Mayor, or his designate, and Councillors J. Farr, L. Ferguson and B. Mcchattie, represent the City of Hamilton on the Chamber of Commerce’s LRT Task Force, supported by the City Manager;

(c) That the LRT Task Force report back to the General Issues Committee on deliberations of the Chamber Task Force and the results of the government relations project on a regular basis;


Whereas, the Annual Boxing Day 10-Mile race has been running for 91 years in Hamilton, and;

Whereas, the Hamilton Harriers Running/Walking Club, comprised of volunteers, does a great job of organizing the race, and;

Whereas, City staff have recently indicated that the Race is causing undue wait times for vehicles at Longwood Road and Main Street, and;

Whereas, a change in the routing may cost up to $5,000 more, monies which are not budgeted for in 2012, and;

Whereas, monies not spent on running the race are donated to the YMCA’s Strong Kids Program, with $5,000 being donated from the proceeds of the 2011 Race, and;

Whereas, there is insufficient time to change the routing for the December 26, 2012 race.

Therefore Be It Resolved:

(a) That the City endorse the existing race route for 2012, assisting via the regular SEAT application process;

(b) That meetings occur to discuss possible changes or options for the race route for the 2013 event
(c) That due to the need to mitigate transit service issues associated with maintaining the existing race route, that the unforeseen costs in the amount of $1,455.30 be approved and funded as follows:

(i) Firstly, from the Corporate budget surplus;
(ii) Secondly, from the Tax Stabilization Reserve.

14. **Collective Bargaining Agreement between the City of Hamilton (Macassa and Wentworth Lodges) and the Ontario Nurses Association (Item 12.3)**

That the Collective Agreement between the City of Hamilton (Macassa and Wentworth Lodges) and the Ontario Nurses’ Association (ONA) covering the term April 1, 2011 to March 31, 2015, be ratified.

**FOR THE INFORMATION OF COUNCIL:**

**CEREMONIAL PRESENTATION**

Business Appreciation Awards – Wards 1, 2, 5, 6, 7, 11, 13 and 15

The Annual Business Appreciation Award Program, approved by City Council in March, 2012, officially acknowledges the commitment and contribution of both a small and large business in each of the City’s fifteen Wards. Businesses in eight of the City’s Wards were recognized today, and again in May, businesses in the remaining seven Wards will be recognized.

Each business received a Certificate of Appreciation from the City of Hamilton, signed by Mayor Bratina and the respective Ward Councillor. In addition, the company profiles will be posted on the City’s “Invest in Hamilton” website and the recipients’ photos will be published in The Spectator.

The following businesses were recognized:

Ward 1
- Large Business – Kraft/Cadbury
- Small Business – Sopers

Ward 2
- Large Business – Bank of Nova Scotia
- Small Business – Marchese Health Care

**Council – October 24, 2012**
Ward 5
- Large Business – Red Hill Toyota
- Small Business – Hutch’s

Ward 6
- Large Business – Carstar
- Small Business – Gramma Willies

Ward 7
- Large Business – Lime Ridge Mall/Cadillac Fairview
- Small Business – Peter Martin Appliances

Ward 11
- Large Business – Highland Packers
- Small Business – Harvey Armstrong Ltd.

Ward 13
- Large Business – El-Met Parts
- Small Business – The Keeping Room

Ward 15
- Large Business – Liburdi Engineering
- Small Business – Dyment Farms

(a) CHANGES TO THE AGENDA (Item 1)

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

ADDED DELEGATION REQUESTS

(i) Don McLean respecting Enbridge Pipelines (Added Item 4.3)

(ii) Lynda Lukasik, Environment Hamilton, respecting Enbridge Pipelines (Added Item 4.4)

CORRESPONDENCE

(iii) Correspondence from Michael Fischer, President, Hamilton Naturalists’ Club, respecting Enbridge Inc. Pipeline Flow Reversal Project (Added Item 6.2(c))

(iv) Correspondence from C. Grant Head respecting Auchmar Estate (Added Item 6.3(c))
(v) Correspondence from John Kajaste respecting Auchmar Estate (Added Item 6.3(d))

ADDED DELEGATION

(vi) Robin McKee respecting Auchmar Estate (Added Item 6.3(a)(v))

ADDED DISCUSSION REPORT

(vii) Gaming Facility Proposal Sub-Committee Report 12-001 – October 9, 2012 (Added Item 8.3)

MOTION

(viii) REVISED Motion respecting Representation on the Hamilton Chamber of Commerce Light Rail Transit Task Force (Item 9.1)

NOTICE OF MOTION

(ix) REVISED Notice of Motion respecting Boxing Day 10-Mile Race – December 26, 2012

The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF PREVIOUS MINUTES

The September 24, 25 and 28 and October 3, 2012 Minutes of the General Issues Committee meetings were approved, as presented.

(d) DELEGATION REQUESTS

(i) On a motion, the delegation request from Russell A. Perry, Commodore, Royal Hamilton Yacht Club, respecting the agreement between the City of Hamilton and the Hamilton Port Authority, was approved.

(ii) On a motion, the delegation request from Lou Castellani, Municipal Property Assessment Corporation (MPAC), to provide an overview of what MPAC is about, together with some local statics, was approved.

(iii) On a motion, the delegation requests from Don McLean and Lynda Lukasik were approved, and that the Rules of Order were suspended in order to allow their deputations to be provided at today’s meeting.

Council – October 24, 2012
(e) CONSENT ITEMS

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

On a motion, the following Minutes were received:

(aa) Hamilton Association of Business Improvement Areas (H.A.B.I.A.) – July 10, 2012 (Item 5.1.1)

(f) PUBLIC DELEGATIONS

(i) Ryan Moran, Hamilton HIVE – Hamilton Chamber of Commerce, to provide an update on the activities and progress of the Hamilton HIVE (Item 6.1)

Ryan Moran of Hamilton HIVE, appeared before the Committee to provide information on what HIVE has done to date and to speak about the upcoming HIVE X Conference. Mr. Moran indicated that he would like to come back before the Committee to present the results from HIVE X 2012.

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.

On a motion, the presentation from Ryan Moran, Hamilton HIVE – Hamilton Chamber of Commerce providing an update on the activities and progress of the Hamilton HIVE, was received.

(ii) Enbridge Pipelines Inc. Flow Reversal Project (Item 6.2(a))

(aa) John McGreal

Mr. McGreal appeared before the Committee to express his concerns with respect to Enbridge’s flow reversal project and indicated that the City should be asking the same four questions which he had submitted to Enbridge. Mr. McGreal also made reference to the oil spill on Fletcher Road several years ago.

(bb) Wes Elliott and Ruby Montour, Houdenosaunee

This delegation was not in attendance.
(cc) Ken Stone, Hamilton 350 Committee/Environment Hamilton

Mr. Stone advised that although he is a member of the organizations indicated, he is here to address the Committee today on his own behalf. Mr. Stone appeared before the Committee to express his concerns with respect to the Enbridge flow reversal project.

A copy of Mr. Stone’s comments are attached hereto as Appendix “D” for the public record.

(dd) Janet Chafe, HEAT

Ms. Chafe appeared before the Committee to express concerns with respect to the Enbridge flow reversal project. In the contents of her presentation, Ms. Chafe stated that the City demand a $5 million bond from Enbridge in the event that there is a problem with the pipeline. She indicated that Council is paid to represent the people of the City.

(ee) Maggie Hughes

Ms. Hughes showed a video showing the extent of damage from an oil pipeline break in Battlecreek Michigan, and the continuing effects on the community and the environment.

Ms. Hughes also addressed the Committee to express concerns respecting the Enbridge flow reversal project. A copy of Ms. Hughes comments are attached hereto as Appendix “E” for the public record.

(ff) Danielle Boisseau

This delegation was not in attendance.

(gg) Elysia Petrone

Ms. Petrone appeared before the Committee to respecting the Enbridge flow reversal project and expressed her disappointment with the staff report. She questioned the absence of Enbridge from the meeting and spoke to the detrimental effects of the pipeline on the environment.
(hh) Diane Fields

Ms. Fields appeared before the Committee to express concerns with respect to the Enbridge flow reversal project and the health implications of a spill, effect on climate change, risk of a leak and the detrimental effects on the environment.

(ii) Don McLean

Mr. McLean provided a power point presentation to the Committee and stated that when addressing the question of the tarsands coming through the community, the dangers that could be faced by the community as a result of climate change and what it is doing on a global scale. A copy of the presentation is attached hereto as Appendix “F” for the public record.

(jj) Lynda Lukasik, Environment Hamilton

Ms. Lukasik appeared before the Committee to express concerns with respect to the Enbridge flow reversal project. She urged the Committee to think about what they can do to represent the concerns expressed by the speakers today, and to monitor the Environmental Bill of Rights Registry for timelines to send in concerns to the Ministry of the Environment.

On a motion:

(aa) The delegations who addressed the Committee respecting Enbridge Pipelines Inc. were received.

(bb) The written submissions from Michael Fischer, President, Hamilton Naturalists’ Club, respecting Enbridge Inc. Pipeline Flow Reversal Project, were received.

(iii) Enbridge Pipelines Incorporated – Line 9 Reversal Project (PED12160/ LS12022) (Item 6.2(b))

Guy Paparella, Director of Growth Planning, and Lia Magi, Solicitor, Commercial/Development Policy Section, were in attendance to respond to questions of the Committee. Mr. Paparella advised that the City does not have a lot of expertise in this area within the City and therefore, it is difficult to raise concerns with respect to what the controls the City has as a municipality.

Chief Simonds responded to questions of the Committee with respect to emergency preparedness and compliance in the event of an emergency situation relative to Enbridge.
(iv) Auchmar Estate (Item 6.3(a))

(aa) Fred Napoli

Mr. Napoli appeared before the Committee respecting Auchmar Estate and requested that the Committee consider giving a non-profit corporation, The Friends of Auchmar, the property for $1.

(bb) Bill King

Mr. King appeared before the Committee respecting Auchmar Estate and indicated the importance that Auchmar be given a use, either through the City or private sector. Auchmar has environmental amenities, interesting historical features and has historical interest. Auchmar should be looked at as an opportunity to add to the cultural amenity of the City.

(cc) Dr. Diane Gower Dent, “Friends of Auchmar”

Dr. Diane Gower Dent, Chair, appeared before the Committee on behalf of Friends of Auchmar. A copy of Dr. Dent’s comments are attached hereto as Appendix “G” for the public record.

(dd) Brock Browett

Mr. Browett appeared before the Committee respecting Auchmar Estates and presented a proposal for its future which included a joint venture with Mohawk and McMaster students to take part in the restoration of the building and grounds of Auchmar.

A copy of Mr. Browett’s proposal is attached hereto as Appendix “H” for the public record.

(ee) Robin McKee

Mr. McKee appeared before the Committee respecting Auchmar Estate and noted that Auchmar is the only historical venue on Hamilton Mountain that should be preserved. If Auchmar is not restored and put to good use, it will be lost.

On a motion:

(aa) The delegations who appeared before the Committee respecting Auchmar Estate, were received;

(b) The written submissions from C. Grant Head and John Kajaste respecting Auchmar Estate, were received.
(v) Proposed Use Concept Plan – Auchmar Estates (PED12193) (Ward 8) (Outstanding Business Item) (Item 6.3(b))

On a motion, staff was provided with the following direction:

(aa) That staff be directed to proceed with the development of a comprehensive operational plan, based on the Proposed Use Concept Profile for the Auchmar Estate, attached as Appendix A to Report PED12193, in consultation with community and other stakeholder groups and report back to the General Issues Committee;

(bb) That in addition to completion of the operational plan referred to in sub-section (b), that staff be directed to issue an Expression of Interest (EOI) for the potential private use and/or sale of the Auchmar Estate and report back to the General Issues Committee (GIC) regarding interests received.

The Committee recessed and reconvened at 1:35 p.m.

(g) STAFF PRESENTATIONS

(i) Graffiti Presentation (Item 7.1)

Kelly Barnett, Community Liaison Co-ordinator, Municipal Law Enforcement, and Angela Storey, Manager, Business Support Services, Public Works, provided a power point presentation to the Committee which addressed the following:

- Who deals with graffiti
- City Graffiti Working Group
- By-law compliance
- Centralized reporting;
- Public Education Awareness
- Graffiti Stats Collected
- 2010 Continued Efforts
- Youth Diversion Program
- Problem Oriented Policing (POP)
- Neighbourhood Development Strategy
- Graffiti Clean up Costs
- By-law compliance and eradication
- Public Works costs
- Parks, Roads – Operations and Maintenance
- Traffic Operations
- Corporate Buildings
- Water/wastewater Facilities
• Volunteer efforts
• MLE Enforcement
• What are the issues/what could be explored
• Photos of Living Walls/Art Murals

The presentation respecting Graffiti was received.

On a motion, staff was directed to develop a comprehensive multi-departmental and collaborative Graffiti Management Strategy which supports Council’s strategic direction to improve the City’s image, support Neighbourhood Action Plans and to be the best place in Canada to raise a child, and report back to the General Issues Committee as part of the 2013 budget deliberations.

(h) MOTIONS

(i) Representation on the Hamilton Chamber of Commerce Light Rail Transit Task Force (Item 9.1)

On a motion, the following was added as sub-section (d):

(d) That Councillors J. Farr, L. Ferguson and B. McHattie be appointed to represent the City on the Chamber of Commerce’s LRT Task Force.

(i) NOTICES OF MOTION

Councillor B. McHattie introduced the following revised Notice of Motion:

Boxing Day 10-Mile Race – December 26, 2012 (Item 10.1)

Whereas, the Annual Boxing Day 10-Mile race has been running for 91 years in Hamilton, and;

Whereas, the Hamilton Harriers Running/Walking Club, comprised of volunteers, does a great job of organizing the race, and;

Whereas, City staff have recently indicated that the Race is causing undue wait times for vehicles at Longwood Road and Main Street, and;

Whereas, a change in the routing may cost up to $5,000 more, monies which are not budgeted for in 2012, and;

Whereas, monies not spent on running the race are donated to the YMCA’s Strong Kids Program, with $5,000 being donated from the proceeds of the 2011 Race, and;
Whereas, there is insufficient time to change the routing for the December 26, 2012 race.

Therefore Be It Resolved:

(a) That the City endorse the existing race route for 2012, assisting via the regular SEAT application process;

(b) That meetings occur to discuss possible changes or options for the race route for the 2013 event;

(c) That due to the need to mitigate transit service issues associated with maintaining the existing race route, that the unforeseen costs in the amount of $1,455.30 be approved and funded as follows:

   (i) Firstly, from the Corporate budget surplus;
   (ii) Secondly, from the Tax Stabilization Reserve.

On a motion, the Rules of Order were waived to allow for the introduction of a Motion respecting Boxing Day 10-Mile Race – December 26, 2012.

See Item13 for the disposition of this item.

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

On a motion, the revised due dates for the following items on the Outstanding Business List were approved:

Corporate Services

Item C: Anti-Racism Final Report Recommendations
Due Date: November 7, 2012
Revised Due Date: December 5, 2012

Planning

Item D: H.A.B.I.A. Terms of Reference and Strategic Plan
Due Date: October 17, 2012
Revised Due Date: November 21, 2012

Item M: Donation of Statue of Mahatma Ghandi
Due Date: October 17 2012
Revised Due Date: December 5, 2012
Item Q: Study of a CIP for Creative Industries and Review of City Policies and By-laws
Due Date: October 17, 2012
Revised Due Date: Q1 2013

Public Works

Item A: North End Traffic Management Study
Due Date: Q2 2013
Revised Due Date: Q4 2013

Item B: Waterdown Aldershot East-West Transportation Corridor – Noise and Lighting Mitigation
Due Date: December 5, 2012
Revised Due Date: Q1 2014

On a motion, the following items were removed from the Outstanding Business List:

Item C: Auchmar Estate (Item 6.2)

Item N: Supermarket Development Incentives

Item R: Enbridge Pipeline Inc. Flow Reversal (Item 6.1)

(k) PRIVATE & CONFIDENTIAL

12.1 Minutes of Closed Session Meetings – September 25 and October 3, 2012

On a motion, the Minutes of the Closed Session Meetings of the General Issues Committee held on September 25 and October 3, 2012 were approved. These Minutes will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion, the Committee moved into closed session pursuant to sub-section 8.1(d) of the City of Hamilton’s Procedural By-law and Section 239.2(d) of the Municipal Act as the subject matter pertain to labour relations or employee negotiations respecting Collective Bargaining Agreement – Ontario Nurses Association (Wentworth and Macassa Lodges).

The Committee reconvened in Open Session at 3:27 p.m.

See Item 14 for the disposition of this item.
On a motion, the City Manager was directed to report back to the General Issues Committee with respect to the last three collective agreements for the Canadian Union of Public Employees Local 5167, the Firefighters and Paramedics.

(I) ADJOURNMENT

There being no further business, the Committee adjourned at 3:29 p.m.

Respectfully submitted

Councillor B. McHattie
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
PROPOSED

USE CONCEPT PROFILE:

AUCHMAR ESTATE
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<td>Grosvenor Lodge</td>
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<td>Elsie Perrin Williams Estate</td>
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<td>Project Budget</td>
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<tr>
<td><strong>Architectural Drawings</strong></td>
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Executive Summary

The Auchmar Estate is the former residence of the Honourable Isaac Buchanan, a prominent Hamilton merchant and politician. The estate has both historical and architectural importance and is among Hamilton's cultural assets. A heritage conservation easement placed on the site by the Ontario Heritage Trust (OHT) at the request of the City protects interior and exterior features and its architectural value by limiting the property's use and modification.

After several owners and usages, the City of Hamilton acquired the 3.8 hectare Auchmar Estate ("Auchmar") in 1999 and it has been unoccupied since 2001. Although some improvements and stabilization efforts have been completed, the buildings are vulnerable to ongoing vandalism and deterioration.

Several private sector proposed uses have been explored for the buildings and grounds but they do not meet the requirements of the heritage conservation easement. There is public support to preserve the estate for mixed public and private use and there is an expectation by the community of open public access to the grounds.

The Use Concept Profile: Auchmar is a preliminary concept description which outlines three proposed primary uses for Auchmar:

1) Community use
2) Private rental use
3) Public sector use

It also provides project goals, assumptions, constraints, and other examples of other models.

Background

Auchmar was built as a residence for the Honourable Isaac Buchanan, a prominent merchant and politician. Buchanan's contributions to local, provincial, and national history include: founding of the regiment that is now the Royal Hamilton Light Infantry; establishing the Toronto and Hamilton Boards of Trade; the first presidency of the Hamilton Club; rescuing the city of Hamilton from bankruptcy after the economic collapse of 1857; and leadership in the Hamilton Educational Movement, which pressed for improvements in the city's school system.

In 1852 Buchanan purchased 986 acres on Hamilton Mountain, which became known as Claremont Lodge. On this site be built a villa called Auchmar, named after his
family's ancestral home in Scotland. The Buchanans lived at Auchmar until 1874. The property was sold to Alfred Trigge in 1881. Since that time it has been owned and used by various organizations. During WWII it was utilized by the Royal Canadian Air Force as a convalescent home. It was sold to the Sisters of Social Service in 1945. It was purchased by the City of Hamilton in 1999.

The estate comprises a 3.8 hectare (9.5 acre) site currently owned by the City of Hamilton. The lands are distinguished by a mid-nineteenth century, Ontario Gothic manor house, a coach house, a dovecote, substantial stone garden walls and the remains of a formal picturesque landscape.

In addition to its historical importance, Auchmar itself is celebrated for its architectural significance. Auchmar's historical value as well as both its interior and exterior architectural value is noted in the heritage conservation easement placed on the site by the Ontario Heritage Trust (OHT).

The residence has been unoccupied since 1999 and the structure and stone walls show deterioration. The City of Hamilton has invested funds to minimally stabilize the building from further deterioration and to secure the building from vandals. In addition, brush and weeds have been cleared from the grounds to ensure public safety. The grounds are open to the public for passive use such as walking. Portions of the residence have been open for public tours as part of the annual Doors Open event.

The Business Concept

The business concept proposes the retention of the estate within the public realm; restoration of the residence, and the adaptation of its use to function as a multi-purpose community/private rental facility; development of the grounds; and adaptive reuse of the stables for City of Hamilton use.

This preliminary concept description outlines three proposed primary uses for Auchmar:

1) **Community Use** – use of the residence by community groups for meetings, functions or programs organized and delivered by the community; passive use of the residence or grounds for viewing and enjoyment.

Potential uses could include but are not limited to:

a) Enjoyment of Auchmar on an informal, non-programmed basis for small group, family and individual activities, including heritage appreciation, and passive/casual recreational and play activities such as walking, sitting, outdoor painting, sketching and photography;

b) Opportunities for community groups to hold open meetings, annual meetings and training activities;
c) Leisure programs compatible with the unique nature of the facility and grounds delivered by community groups and businesses;

d) Cultural, environmental and heritage programming such as interpretive programs, guided tours, gardening seminars and workshops developed and delivered through community partnerships;

e) Small-scale special events in partnership with community groups such as Doors Open;

f) Small office space for not-for-profit organizations; and,

g) Opportunities for open access to the facility for casual, non-programmed enjoyment of the building and grounds.

2) Private Rental Use — rental by individuals, groups or businesses for social events, meetings and activities.

Potential uses could include but are not limited to:

a) Social and special occasions such as wedding ceremonies, small receptions and private parties or gatherings;

b) Wedding, fashion, art and nature photography; and,

c) Use by business for training and organizational development activities, conferences and meetings.

3) Public Sector Use — use of the building and grounds by the public sector and City of Hamilton.

Potential uses include but are not limited to:

a) Citizenship ceremonies, hearings, and retreat meetings;

b) Public engagement activities;

c) Welcoming centre for dignitaries; and,

d) Educational demonstrations and projects related to the restoration of the buildings, structures and grounds.
Building and Grounds Development Related to Use

Auchmar will be a multi-use facility with three primary uses: community, private and public.

*The Residence*
This use mix will involve both the main and second floor of the residence for daily rentals and the upper level will be a combination of daily event rental and longer term office use.

*The Grounds*
The stone walled grounds will be fully accessible to the community. Restoration of garden features\(^1\) will be completed in partnership with community groups. Private park rental for wedding photography and rental/social use will be limited to designated areas. Future community gardens are planned.

*Coach House*
The stables will be adapted for reuse.

*The Dovecote*
Stabilization and restoration as an architectural feature. Areas immediate adjacent to be used for Community Gardens.

---

\(^1\) See *Vegetation Assessment of Wall and Kitchen Garden, Orchard & Cottage Setting, 2009* and *Landscape Improvements Report, 2010* by Wendy Shearer Landscape Architect
Chapel and Dormitory
This cinder block addition was built in 1963. It is not considered to have heritage value and it detracts from the integrity of the site. It is recommended that this unsympathetic addition be demolished.

Project Goals
The preservation and reuse of Auchmar as proposed will enable the City of Hamilton to:

a) Preserve, adapt and utilize a significant built and natural heritage asset within the public realm;

b) Ensure that the operation and use are complementary to the natural and built resources;

c) Develop partnerships with other service providers to support the development and operation of Auchmar;

d) Provide a combination of uses and revenue streams;

e) Ensure community involvement and participation in the development and operation of Auchmar;

f) Partner with community groups and other organizations or individuals in the funding and preservation efforts;

g) Provide green space in the Ward 8 neighbourhood; and,

h) Meet the easement requirements of the Ontario Heritage Trust,

Project Assumptions
The following project assumptions apply:

- Auchmar is a heritage asset worth preserving for future generations;
- Auchmar should remain within the public realm;
- A level of public access is desirable;
- That a sustainable revenue stream be developed;
- Community fundraising is feasible; and,
- Project has Council approval and support.
Project Constraints
The following projects constraints would apply:

- There are limited City of Hamilton capital resources available to support the Project;
- There is limited operational funding available to support the ongoing operation of the Estate;
- Ontario Heritage Trust Easement Agreement; and,
- The entire property is zoned “C” District (Urban Protected Residential) in the City of Hamilton Zoning By-law No. 6593 and designated Major Institutional in the City of Hamilton Official Plan and will likely need amendments to both the Official Plan and Zoning By-law.

Strategic Alignment
The Auchmar Project is in alignment with identified City of Hamilton priorities as follows:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Goals/Objectives</th>
<th>Relationship to Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Strategic Plan 2012-2015</td>
<td>Strategic Priority #1 - A Prosperous &amp; Healthy Community</td>
<td>- enhances Hamilton as a great place to live work, play and learn</td>
</tr>
<tr>
<td></td>
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<td>- contributes to development of sense of place</td>
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<tr>
<td></td>
<td></td>
<td>- provides green space for recreational and cultural pursuits</td>
</tr>
<tr>
<td>Strategic Priority #2 - Valued &amp; Sustainable Services</td>
<td></td>
<td>- residents and community groups have expressed support for retention of Auchmar and public access to grounds</td>
</tr>
</tbody>
</table>
## Overall Heritage Value

Auchmar has significant historical significance in the following three areas:

1. **Historical Value**
2. **Architectural Value – Interior and Exterior**
3. **Contextual Value**

### Plan

<table>
<thead>
<tr>
<th>Plan</th>
<th>Goals/Objectives</th>
<th>Relationship to Project</th>
</tr>
</thead>
</table>
| Urban Hamilton Official Plan (Adopted by Council July 9, 2009) | Cultural Heritage Resources Policies (3.4), Policy Goals (3.4.1) and General Cultural Heritage Policies (3.4.2) | -implementation will utilize partnerships among various public and private agencies and organizations (3.4.1)  
-will encourage a City-wide culture of conservation by promoting cultural heritage (3.4.1.2)  
-adaptive reuse will contribute to achieving sustainable, healthy, and prosperous communities (3.4.1.2)  
-rehabilitation, renovation, and restoration of built heritage resources in order that they remain in active use (3.4.1.4)  
-will promote public and private awareness, appreciation, and enjoyment of Hamilton’s cultural heritage through public programs or heritage interpretation activities, heritage tourism, and guidance on appropriate conservation practices (3.4.1.5) |
| Cultural Policy | Vision | -contributes to the Vision  
aligned with definition of culture and the Policy’s guiding principles |

**Our Hamilton is a unique destination of culture and natural beauty. Our proud history is visible, our neighbourhoods are colourful, our services accessible. Hamilton welcomes you for a day, a weekend, or a lifetime of discovery.**
Historical Value:

Highlights of Isaac Buchanan’s role in the economic, political cultural life of Hamilton and area include:

- Developed the largest wholesale business in the city and then worked with his partners to develop one of the largest and most profitable businesses of its type in Upper and Lower Canada.
- In terms of Provincial politics, Buchanan served from 1841-43 as the Toronto representative in the first Legislative Assembly of the newly formed Province of Canada. After permanently moving to Hamilton in 1851, Buchanan served in the Assembly as a representative for Hamilton from 1857-1865.
- In 1864 Buchanan became aligned with the Conservative government and served as the President of the Executive Council in the short-lived Macdonald-Tache administration.
- As a promoter of Hamilton’s commercial future, Buchanan was instrumental in bringing the Great Western Railway to Hamilton in 1854.
- Buchanan is also remembered as an abolitionist, offering his estate to be used for Black Canadian’s Emancipation Day celebrations as early as 1859.

**Dates of Significance**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Purchase of Property by Sir Isaac Buchanan</td>
<td>1851</td>
</tr>
<tr>
<td>Construction of Auchmar</td>
<td>1855</td>
</tr>
<tr>
<td>Auchmar Sold by Buchanan</td>
<td>1874</td>
</tr>
<tr>
<td>Auchmar used as a convalescence home by the Royal Canadian Air Force</td>
<td>1943-1945</td>
</tr>
<tr>
<td>Auchmar owned by the Sisters of Social Service</td>
<td>1945-1999</td>
</tr>
<tr>
<td>Institutional wing added to the building</td>
<td>1963</td>
</tr>
<tr>
<td>Auchmar acquired by the City of Hamilton</td>
<td>1999</td>
</tr>
<tr>
<td>Part IV designation by the City of Hamilton</td>
<td>2000</td>
</tr>
<tr>
<td>Ontario Heritage Trust heritage conservation easement registered</td>
<td>2001</td>
</tr>
</tbody>
</table>
Architectural Value:

Exterior

- Architecturally significant as one of Hamilton’s most impressive 19th century estates and for its exemplification of Gothic Revival style architecture.
- The focal point of the property is the ‘Manor House’, a long, ‘H’ shaped villa completed in 1855.
- Like the home of a Scottish laird, which Buchanan may have hoped to emulate, the house features a rough-cast stucco finish, clustered chimneys, and various Gothic details such as pointed arch windows and label mouldings.

Interior

- The interior is similarly styled in the Gothic taste with the ballroom displaying a highly decorative, plaster, strap work ceiling and corridors featuring vaulted ceilings with plaster ribbing.
- Interior woodwork repeats the Gothic motif with slender shafts and foliated plaster capitals lining the corridor walls and the pointed arch incorporated into doorway frames and door panels.
- The unique plan of the house features a narrow, 24-metre central corridor with stair halls at each end.
- The pine detailing includes the slender, engaged shafts lining the corridors.
Contextual value:

- Elevated placement upon the plateau ("The Mountain") overlooking the City of Hamilton.
- High, random-coursed limestone wall with buttresses and pointed arched openings encircling the property and garden.
- Entrance off Fennel Avenue with limestone gateposts and curved walls.
- Vestiges of the terraced landscaping on the north side of the manor house.
- Dovecote of limestone construction with lancet windows, pyramidal roof, and central, peaked gables.
- One and a half storey, limestone construction coach house with cross gable roof.
- Vestiges of a pine tree-lined driveway.
- Informal, picturesque arrangement of mature plantings.
- Vestiges of quince and apple orchards.

Etching of the North Elevation. This image includes the kitchen wing along with a west wing (to the right of the image) and octagonal
Other Models

Other examples of this adaptive reuse model include Paletta Mansion in Burlington, George Brown House in Toronto, and in London, Grosvenor Lodge and the Elsie Perrin Williams Estate.

**Paletta Lakefront Park and Mansion**

The property is owned and operated by the City of Burlington. The main house and formal gardens are available for rental functions and civic programs. The stable, now identified as the Orientation Centre, houses story boards which provides visitors with a history of the park and its evolution. The gatehouse is rented to a community organization. The property also features the Dofasco Shoreacres Creek Discovery Trail.

The mansion stands on a 14 acre lakefront property. The limestone mansion is an 11,000 square foot house designed by Stewart Thomson McPhie, in association with Lyon Sommerville. It was built in 1930 as a summer home for Edythe Merriam MacKay, daughter of renowned industrialist Cyrus Albert Birge. The site features three other buildings: a gatehouse built circa 1912: a children's playhouse and stables.

Restoration began on the mansion in April 2000 and was completed in December 2000.

**George Brown House**

George Brown House is owned and operated by the Ontario Heritage Trust. The house is used as a rental facility with tenant offices on the upper two floors. George Brown House has four private rooms available for rent and a capacity of 8 to 50 guests.

George Brown House, a 9,000-square-foot Second Empire-style house, was built for George Brown between 1874 and 1876. Brown was a Father of Confederation, founder of the Globe newspaper (now the Globe and Mail) and a leading Liberal politician.

The home was a residence until 1916 at which time three-storey school for the blind was built at the back of the house. This house was used as office space for the Canadian National Institute for the Blind from 1920 to 1956. A school for developmentally-challenged children followed until it was demolished in 1984.

The house was declared a National Historic Site in 1976 and was threatened with demolition in the mid 1980's. The Ontario Heritage Trust purchased and restored the property and reopened it in 1989.
The Victorian library was re-created by the federal government and now houses 2,000 of George Brown’s personal books. A Victorian-inspired garden was planted in the summer of 2000 – the first project funded by a donation to the Trust’s Heritage Garden Conservancy Fund. A partnership with the University of Toronto Faculty of Architecture, Landscape and Design, maintains the gardens.

**Grosvenor Lodge**

Grosvenor Lodge is a City of London owned historic estate. It is managed by the Heritage London Foundation. The Lodge houses the London Regional Center for Heritage and the Environment. The Lodge is available for rentals and has a capacity of 50 people for a sit down dinner and 100 for a cocktail style reception.

Grosvenor Lodge was built in 1853 by Samuel Peters. The Lodge was the Peter's family home for three generations, until granddaughter Leila’s death in 1974. It was sold to the University of Western Ontario in 1972 on the condition that it be preserved as a heritage site. It was designated by the City the London Library Board took it over and it opened as the Lawson Museum and Heritage Centre. It has been managed by the Foundation since 1992.

**Elsie Perrin Williams Estate**

The Estate is City of London owned and is operated by the Heritage London Foundation. The Spanish style residence is located on 68 acres of park land. The grounds are open year round to the public and include a walking trail. The house and for rentals. The ground floor capacity is 80 seated or 120
Project Budget
Should Council confirm the use concept, the operational plan will address:

- Capital financial projections;
- Operational financial projections;
- Community/Corporate fundraising strategies; and,
- Implementation schedule.

Further community consultation with the public, potential partners and users will also be completed.
Architectural Drawings

Ground Floor

Second Floor

Council Direction:

At its meeting held on September 26, 2012 Council directed staff to report to the Gaming Facility Proposal Sub-committee outlining methods of obtaining public input regarding a possible gaming facility to be considered within the limits of the City of Hamilton.

Information:

The OLG has advised that Council has until December 2012 to respond by motion regarding its' interest in hosting a gaming facility in the community. If Council is in favour of supporting a gaming site in Hamilton, the Ontario Lottery and Gaming Corporation Act requires the municipal council to advise OLG, in writing, of the steps taken by Council in seeking public input.

Once a methodology is selected for public consultation, staff will work with Members of Council and appropriate external third party agents (if applicable) to develop a question(s).
A proposed timeline is summarized as follows:

- **October 9** – Gaming Facility Proposal Sub-committee meeting – makes recommendation on public input method(s)
- **October 17** – GIC approval of process and recommendation to Council regarding question(s) to the public
- **October 24** – Council approval
- **November** – implement direction of Council
- **December 5** – GIC – consideration of result of public consultation and discussion of motion to OLG
- **December 12** – last scheduled Council meeting of 2012

Outlined below are methods of obtaining public input:

<table>
<thead>
<tr>
<th>Method</th>
<th>Cost</th>
<th>Time to Implement</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Public Meeting(s) or Town hall meetings</td>
<td>Facility rental if not using City Hall Advertising per day: $5,000. (half page) in Spectator (AYS) and Brabant papers - 8,000. (half page) in Spectator for stand alone ad</td>
<td>Availability of facility 1 week lead time for insertion into AYS/Brabant 3 day lead time for stand alone ad in Spectator</td>
<td>Delegations register to speak at the meeting Requires quorum of GIC members. <em>Town hall meetings in individual wards:</em> - more dates required - more facilities</td>
</tr>
<tr>
<td>2. Telephone Poll by a Pollster</td>
<td>$5,000 - $15,000 - low range is small sample size, not broken down by geography - top range allows for geographic diversity, larger sample size, detailed questioning and analysis</td>
<td>1.5-2 weeks for planning 1 week for calls and analysis</td>
<td>Considered statistically valid <em>Issues to consider:</em> How much geographic diversity do you want? (e.g. broken down by ward?) How large a sample size do you want? How many questions do you want to ask?</td>
</tr>
<tr>
<td>Method</td>
<td>Cost</td>
<td>Time to Implement</td>
<td>Comments</td>
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<tr>
<td>3. Automated calling i.e. &quot;Robo-calls&quot;</td>
<td>$5,000 - $7,000 entire city</td>
<td>1 week for planning</td>
<td>Issues to consider: How much geographic diversity do you want? (e.g. broken down by ward?) How large a sample size do you want?</td>
</tr>
<tr>
<td>4. Virtual Town Hall Meetings</td>
<td>$5,000 - $7,500 for the virtual town hall.</td>
<td>2 weeks to plan the questions and to advertise and promote the meeting. Advertising/Promotion allows residents to know what a virtual town hall meeting is and will anticipate the calls. 1 day for actual meeting 1 day for analysis</td>
<td>Anywhere from 50,000-150,000 residents can be included in such a call. During the event if you wish to conduct any polling or research, this technology is designed to be able to ask questions and have participants answer. Afterwards, a detailed report will be provided containing the overall summary for each poll question asked and information on which individuals participated and what their response is.</td>
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<tr>
<td>Method</td>
<td>Cost</td>
<td>Time to Implement</td>
<td>Comments</td>
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<tr>
<td>5. Internet Question</td>
<td>$2,900+HST for using 3rd party vendor (Fluid</td>
<td>1-2 weeks from</td>
<td>Question(s) posted on City's website</td>
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<tr>
<td></td>
<td>Survey) to host a COH branded site</td>
<td>signing (including</td>
<td>No mail out to citizens</td>
</tr>
<tr>
<td></td>
<td>Use media release notice to public</td>
<td>initial set-up)</td>
<td>Tracking by I.P. address or computer browser</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1-2 weeks for</td>
<td>This provides the City with a 1 year subscription to the Fluid Survey (a Canadian company) so any additional surveys will have no additional cost</td>
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<tr>
<td></td>
<td></td>
<td>notice to citizens</td>
<td></td>
</tr>
<tr>
<td>6. Mail-out Question -</td>
<td>Approx. $325,000</td>
<td>1 month after</td>
<td>No M.E.A. requirements</td>
</tr>
<tr>
<td>using number of</td>
<td></td>
<td>Council decides</td>
<td>Cost of mail out with return responses to 279,246 households</td>
</tr>
<tr>
<td>households</td>
<td>- postage/supplies</td>
<td>Question</td>
<td></td>
</tr>
<tr>
<td>7. Mail-Out Question -</td>
<td>Approx. $400,000</td>
<td>3 - 4 months</td>
<td>Requires prescribed process under the M.E.A. to be followed (i.e. Bylaw for question and use of mail voting)</td>
</tr>
<tr>
<td>per the Municipal</td>
<td></td>
<td></td>
<td><em>Option not feasible due to time constraints</em></td>
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<tr>
<td>Elections Act (M.E.A.)</td>
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### Method

<table>
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<tr>
<th>Method</th>
<th>Cost</th>
<th>Time to Implement</th>
<th>Comments</th>
</tr>
</thead>
</table>
| 8. Internet Question - per M.E.A. | Approx. $550,000  
- contract Internet elections software Provider  
- postage/supplies | 3 – 4 months  
(includes RFP to hire internet elections software provider) | Requires prescribed process under the M.E.A. to be followed (i.e. Bylaw for question and use of Internet voting)  
Cost of mail out to 360,000 electors providing P.I.N. access for tracking electors  
*Option not feasible due to time constraints* |
| 9. Question on a Ballot using the M.E.A. – not in a scheduled municipal election | $1.2 million  
- polling locations to be arranged  
- 1,000+ staff to be hired  
- tabulators to be calibrated and secured | 6-7 months | Requires prescribed process under the M.E.A. to be followed (i.e. Bylaw for question)  
*Option not feasible due to time constraints* |
| 10. Question on a Ballot at the next scheduled Municipal Election | No additional cost of adding question to the ballot | Next scheduled election is October 27th, 2014 | Requires prescribed process under the M.E.A. to be followed (i.e. Bylaw for question)  
*Option not feasible due to time constraints* |

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**What have other municipalities done for public input?**

- **City of Kingston** - public meeting, Online Survey, Telephone survey and written submissions
- **City of Ottawa** – public meeting
- **Town of Milton** - Committee meeting where staff report was considered, public zoning process

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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
GAMING FACILITY PROPOSAL SUB-COMMITTEE
TERMS OF REFERENCE

Purpose:

- To consider conditions respecting Hamilton’s position relative to the Request for Proposal for the Establishment of a Gaming Facility to be issued by the Ontario Lottery and Gaming Corporation, and report back to the General Issues Committee.

- To advise the General Issues Committee on matters related to gaming in Hamilton, including, but not limited to, legal issues, conditions the City would require from a proponent through the Request for Proposal (RFP) process, methods of obtaining public input, and any other relevant matters.

Composition:

Five members of Council, including:

Mayor R. Bratina  
Councillor R. Pasuta  
Councillor S. Merulla  
Councillor J. Partridge  
Councillor T. Whitehead

Duration:

December, 2012

Meeting Schedule:

At the Call of the Chair

Contacts:

Norm Schleehahn  
Manager, Business Development  
(905)546-2424 Ext. 2669  
norm.schleehahn@hamilton.ca

Carolyn Biggs  
Legislative Co-ordinator  
(905)546-2424 Ext. 2604  
carolyn.biggs@hamilton.ca

As amended by the Gaming Facility Proposal Sub-Committee on October 9, 2012
Appendix “D” to Information Item
(f)(ii) (cc) of General Issues
Committee Report 12-029

October 17, 2012,

Members of the General Issues Committee of Hamilton City Council,

Please take action to prevent an environmental catastrophe from happening in Hamilton. That catastrophe would be the rupture of the Enbridge pipeline which would pour diluted bitumen into the Beverley Swamp and/or one of the many creeks that flow into Lake Ontario.

Enbridge plans to reverse the flow of its Line 9 pipeline through Hamilton from west to east using exactly the same type of 37-year-old steel pipe that ruptured last year in Kalamazoo, Michigan, causing a billion-dollar disaster that is still not fully cleaned up. It took Enbridge a full 17 hours even to turn off the flow of that pipeline after that rupture.

Crude oil is not corrosive but diluted bitumen is. Crude oil requires less pipeline pressure to move through a pipeline than diluted bitumen. And diluted bitumen, when bursting from a break in an outdated pipe under greater pressure than it was built for, does not float on water. Rather, it would sink to the bottom where it is hard to remove and also releases solvents into the atmosphere which would cause respiratory problems and perhaps deaths among people and wildlife nearby.

In short, the proposal to ship dilbit through Enbridge Line 9 is a disaster waiting to happen.

I ask you to take three immediate steps to prevent this environmental catastrophe.

First, because the Harper government of Canada has recklessly cancelled the environmental assessment of this project, I request that you direct your legal staff to initiate a legal challenge, right up to the Supreme Court of Canada, if necessary, in order to force this project to undergo an environmental assessment. Harper is the voice of the oil industry in Canada. Line 9 through Hamilton represents the last hope of the consortium of oil companies, which exploit the Tar Sands, to ship out their environmentally-disastrous product to world markets. The proposed Keystone pipeline to ship out Tar Sands bitumen through the US for refinement in Texas has been nixed for now by Obama. The proposed Northern Gateway pipeline to transfer Tar Sands bitumen to the Canadian west coast and be shipped to Asian markets by supertanker has been nixed by British Columbia. So now, Enbridge wants to ship its dilbit through Hamilton to be refined in Maine.

Typically, we Canadians are, according to Harper and Enbridge’s plan, to remain in our classic colonial role as drawers of water and hewers of wood for our imperial masters to the South. Have we learned nothing in 500 years? Why are we not processing the resource riches we mine in this country?

Please do not get me wrong. I am not arguing that Canadians should exploit the Tar Sands bitumen. On the contrary, the Tar Sands development, to my mind, is the biggest single environmental disaster on the face of the earth. It’s so large, apparently, that the devastation of the uprooted forests and lakes can clearly be seen from space. And this is before the dykes break and the gigantic holding ponds spill into the Athabaska River.
At this moment, native people living downstream in Fort Chippewan are slowing dying from cancers caused by pollution leaking from the Tar Sands development. Because they are of First Nations, their health is typically of little concern to either the oil companies or the Harper government. Moreover, Canada’s economy is being skewed because the Tar Sands bitumen has turned the Canadian dollar into a petrodollar artificially raising the value of the Canadian dollar in relation to the US dollar and killing the manufacturing industries in Hamilton, in particular, and central Canada, in general, because our manufactured goods are becoming over-priced on world markets. It is an insult to Canadians that Tar Sands bitumen, which is exploited mainly by US corporations, is shipped mainly to the US, which, according to NAFTA, it receives at less than world prices and will continue to receive, even if Canada itself experiences a scarcity of energy resources. The native people, on whose lands the bitumen is mined, receive no royalties at all from the extraction of this resource. And the final insult is the fact that the Harper government continues to subsidize the Tar Sands consortium with tax dollars extracted from all Canadians.

In my opinion, the Tar Sands development should be shut down. This mining operation is environmentally unsustainable and represents an obsolete 1950’s paradigm of the use of fossil fuels to power a completely outdated system of private transportation using cars. It is single largest site in the world producing CO₂, a greenhouse gas, which is ultimately affecting climate change, causing the melting of the polar ice, the gasification of methane frozen in the polar seabed and in the tundra, global warming, increasingly severe weather patterns (which we have already suffered in Hamilton), and may bring about the end of human civilization in the very near future.

Until the Tar Sands devastation can be completely shut down, I would also argue that the Hamilton city council should take two further steps. The first is to pass a bylaw to prevent any energy pipeline, older than 30 years, from operating in Hamilton. The result of that bylaw would hopefully be that, until the Tar Sands development is terminated, a new pipeline, with steel made in Hamilton, would be built. A second step would be for the City of Hamilton to join with other Canadian city councils, trade unions, citizen’s groups, and political parties to form a coalition to demand that the Tar Sands bitumen be refined in Canada by Canadian workers, using improved technologies to prevent any air or water pollution. In this way, if we can’t close down the Tar Sands in the immediate future, we can at least create some employment for Canadians.

In summary, the following are my three recommendations:

1) the City of Hamilton initiate a legal challenge of the exemption of the Line 9 Enbridge pipeline from an environmental assessment;
2) the City pass a bylaw preventing any pipeline over thirty years of age from being used to transport energy resources;
3) the City work with other municipalities and interested parties to pressure the federal government to create clean refining capacity for Tar Sands bitumen in Southern Ontario.

Thank you for your attention,

Ken Stone.
Enbridge points to Hamilton City GIC Council
Wednesday October 16 2012

Re: the damage left in Michigan.

Bitumen is so thick — about the consistency of peanut butter — that it doesn’t flow from a well like the crude oil found in most of the nation’s pipelines.

Instead the tarry resin is either steamed or strip-mined from sandy soil. Then it is thinned [by about 30 percent] with large quantities of liquid chemicals so it can be pumped through pipelines.

These dilutents usually include benzene, a known human carcinogen. At this point it becomes diluted bitumen, or dilbit.

The spill from a pipeline into a tributary of the Kalamazoo River was the first major spill of dilbit in U.S. waters, so “cleanup experts at the scene were unprepared for the challenge”:

Instead of remaining on top of the water, as most conventional crude oil does, the bitumen gradually sank to the river’s bottom, where normal cleanup techniques and equipment were of little use.

The situation was made even more difficult because the EPA and other responders didn’t know they were dealing with tar-sands oil until more than a week after the spill.

That’s because pipeline operators aren’t required to disclose what specific kind of crude they’re pumping — even after an accident.

Canada-based Enbridge, the company that owns and operates the pipeline, didn’t volunteer the information after the spill; in fact, when company officials, including CEO Patrick Daniel, were asked directly whether the pipeline was carrying tar-sands oil, they repeatedly denied it.

As later came to light, they were making a minor technical distinction, but for all practical purposes, their pipeline was carrying what’s commonly called tar-sands oil.
Pipeline companies also aren't required to disclose what chemicals they mix with bitumen to make it thin enough to flow down a pipeline — that's considered a trade secret.

This is particularly scary because these diluents evaporate into the air after a spill, and any people unlucky enough to be nearby breathe in the mysterious mixture.

In this case, Enbridge’s chemical brew made a lot of people sick:

A survey of four riverside communities that the Michigan Department of Community Health conducted within a month of the spill found that almost 60 percent of the 550 people interviewed experienced headaches, breathing difficulties, coughs, vomiting, anxiety or other health problems. What is not clear, was the number of deaths due to the location and intensity of the Spill. Clean up did not start till 3 days after the rupture.

- The rupture was caused by a sharp rise in internal pressure during a regular shutdown that opened an area of the pipeline where there were "corrosion fatigue cracks" that built up under polyethylene tape that had become detached from the pipeline.

- U.S. government rules didn't provide clear requirements on when to repair pipeline defects, while the PHMSA did not require the company to excavate and repair cracks in the Michigan pipeline first detected in 2005.

- The NTSB criticized Enbridge's pipeline "integrity management program" as well as its Edmonton operations centre staff, who misinterpreted alarms during the spill so badly that they twice started up the pipeline flow.
- Those two startups caused 81 per cent of the total release.

And to close, the Texas gentleman seen in the video, did lose his land to the pipeline, being told he had no choice.

Closing statement if there is time.

Enbridge has repeatedly shown that it chooses cost savings to human health. At this time I have counted over 600 pipeline spills, most not reported because of the area they are in.
If “as they promote” the pipelines actually take care of themselves, there is no real way to monitor when and where there is a leak.

1) The video material was largely provided by John Bolenbaugh, a Battle Creek Enbridge employee who was told along with other Pit leaders, that because of time restraints, they were not continuing to “clean up” the Oil, but to spread it thinly along the banks and in the wooded area. Since Mr. Bolenbaugh lived in that area, he refused, and turned whistle-blower by making video. Say what you will considering Mr. Bolenbaugh's personal involvement, the camera and other witnesses do show the clear picture.

There is another Court Case concerning an Engineer whistle-blower from North Dakota. This past employee was terminated for pointing out that Enbridge's choice to use a lessor quality steel product to save costs, gave him cause for safety concerns. That case is still in progress.

M.H-Hughes
General Issues Committee

October 17 2012
Climate Change is Happening

- 95 percent of mountain glaciers melting (source of freshwater for 1 billion people)
- Collapse of ice shelves in Antarctica
- Slippage of Greenland glaciers into sea
- Extreme weather events multiplying
- Steep rise in natural disasters
Source: Met Office: the National Weather Service for the UK
Confirmed Level Map - All Indicators

Effective October 15, 2012 Catfish Creek CA moves out of Level 2 Low Water Condition.
## Capital Works Planned for Next 5 Years

**July 26th, 2009 – Storm Event**

<table>
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<tr>
<th>Project</th>
<th>Cost</th>
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<tr>
<td>WWTP Pump House</td>
<td>$75.0 M</td>
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<tr>
<td>Storm infrastructure</td>
<td>$56.0 M</td>
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<tr>
<td>Inspection, Maintenance &amp; Investigation</td>
<td>$53.6 M</td>
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<tr>
<td>Real Time Control</td>
<td>$10.0 M</td>
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<tr>
<td>Backwater Valves</td>
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<td>Accelerated Capital</td>
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<tr>
<td>Kenilworth Underpass</td>
<td>$4.1 M</td>
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<tr>
<td>Beach Strip</td>
<td>$2.0 M</td>
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<tr>
<td><strong>Total</strong></td>
<td>$223.7 M</td>
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*Presentation to Committee of the Whole – July 30, 2009*
Where is global warming going?

Ocean 93.4%

- Atmosphere 2.3%
- Continents 2.1%
- Glaciers and ice caps 0.8%
- Arctic sea ice 0.8%
- Greenland Ice Sheet 0.2%
- Antarctic Ice Sheet 0.2%
For the no policy scenario, the MIT researchers concluded that there is now a nine percent chance (about one in 11 odds) that the global average surface temperature would increase by more than 7°C (12.6°F) by the end of this century, compared with only a less than one percent chance (one in 100 odds) that warming would be limited to below 3°C (5.4°F).
Pattern of warming by 2090s, A1FI
Mean of “high-end” MOHC simulations
(14 simulations, mean global warming 5.4°C)
SELF-ROASTING
SPECIES
just add oil
Next Few Decades

• Much more extreme weather
• Permanent Dust Bowl conditions over the U.S. Southwest and many other heavily populated and/or heavily farmed regions on Earth
• Sea level rise of some 1 foot by 2050, then 4 to 6 feet (or more) by 2100, rising some 6 to 12 inches (or more) each decade thereafter
• Massive species loss on land and sea — perhaps 50% or more of all biodiversity.
• Unexpected impacts — the fearsome "unknown unknowns"
• Food insecurity — the increasing difficulty of feeding 7 billion to 9 billion people in a world with an ever-worsening climate.
• Myriad direct health impacts
• these will all be happening simultaneously and getting worse decade after decade. Equally tragic, a 2009 NOAA-led study found the worst impacts would be "largely irreversible"
To: The Clerk, Mr. Mayor and Members of Council  
From: The Friends of Auchmar, Chair, Dr. Diane Gower Dent  
Subject: Re: Auchmar Estate, October 17, 2012 General Issues Committee meeting

Mr. Mayor, Members of Council and fellow citizens

Thank you for giving me this opportunity to speak to you in support of the Auchmar Estate. This submission is prepared on behalf of the Board of the Friends of Auchmar of which I am currently Chair.

As background I would like to thank past members of Hamilton City Council and current members who supported the preservation of many of Hamilton’s architectural landmarks.

During the 1970’s, 80’s and 90’s your fellow councillors specifically, William McCulloch, Vince Agro, Dennis Carson and Robert Morrow worked with the citizens of Hamilton to save Sandyford Place on Duke Street, now condominiums, Central Public School, the Carnegie Library now the Unified Family Court, the Pigottt and Sun Life buildings now condominiums, the Pigott Building stained glass windows, now restored and re-installed, the TH&B Station, the CN Station, now LIUNA, the Historic Core at McMaster University, Hamilton’s Main Post Office now the John Sopinka Court House, the Bank of Montreal, now the Gowlings Building, and most recently the Lister Building. Many of these landmarks went through several transitions before an economic use was found. I sincerely hope that many of you understand the significance of safeguarding Hamilton’s historic landmark sites—in particular I am now referring to the Auchmar Estate—the manor house, dovecote, stables, walled gardens and the unique cultural landscape.

In modern usage, a landmark includes anything that is easily recognizable, such as a monument, building, or other structure. It is the term used to designate places that might be of interest to tourists due to notable physical features or historical significance. As members of city council you will hold different perspectives when it comes to choosing to preserve or destroy Hamilton’s history, however the Friends of Auchmar hope to convince you that:

~ The entire Auchmar Estate is indispensable to the integrity of the culture of Hamilton.  
~ Auchmar is the container of human activity—such as this example when on August 1, 1859, Buchanan hosted a picnic at Auchmar in recognition of the twenty-fifth anniversary of the passage of the British Emancipation Act.  
~ To some extent, preserving Auchmar means respecting previous generations.  
~ One architectural historian asks, if Ancient Rome had not been preserved till now, how could we know precisely about Ancient Rome’s history?  
~ Do we not have the responsibility to preserve Auchmar for the next generations so that they may have the opportunity to know about their predecessors?  
~ While it is true that we can transmit the civilization of our ancestors’ by picture or in text form, which is vague and not authentic, we could also preserve the genuine buildings and lands of the Auchmar Estate which will be tangible to the next generation.
~ July 1997 Alexandra Langs and Jane O'Flynn, members of the Hamilton Garden Club, requested a meeting with me when I was Chair, Municipal Heritage Committee (LACAC) to discuss a request that the LACAC work with the Garden Club and to preserve Auchmar.
~ September 1998, the Garden Club President Brenda Yates, sent a letter to the City of Hamilton requesting that Auchmar be preserved and remain in public ownership.
~ Summer 1999, Ward 8 Councillor Frank D'Amico, met and toured Auchmar with Monica Buchanan Starkey (great granddaughter or great niece of Isaac Buchanan), Jane O'Flynn, Hamilton Garden Club, Hank Wroblewski, City of Hamilton and me to discuss preservation.
~ About 1999, Auchmar was purchased by DeSantis Homes for approximately 3 million dollars.
~ In the summer of 1999 at a meeting between Mr. De Santis and me, a swap between Auchmar and serviced city lands on the east mountain was discussed.
~ The following morning the lawyer to Mr. De Santis telephoned me. I suggested a meeting with Councillor William McCulloch. They met and interest in that swap was confirmed.
~ In 1999, the City of Hamilton took ownership of the Auchmar Estate.
~ In 1999, the entire nine (9) acre Auchmar Estate was designated by Hamilton City Council under Part IV of the Ontario Heritage Act. That same year, the Ontario Heritage Foundation (now the Ontario Heritage Trust) placed a binding provincial easement on Auchmar.
~ In 2000, the Auchmar Millenium Fund Organization was founded by Dr. Richard and Mrs. Eileen Butson. Funds from subscribers were used to erect a plaque to commemorate the life of Isaac Buchanan, his contribution to Hamilton and to celebrate the construction of Auchmar.
~ From 2000 until the present, the Friends of Auchmar and an interim board of directors have organized meetings with MP David Sweet, MPP Andrea Horvath, and then MPP Sophia Aggelonitis to confirm government interest in and support for the preservation of Auchmar. Meetings have also taken place with Tim McCabe, Anna Bradford, Neil Everson, several councillors, city staff, the Ontario Heritage Trust and interested citizens to discuss preservation issues and provide tours of the Auchmar manor house and grounds. These group meetings provide an example of how private and public interests can achieve great results with cooperation and compromise and thus serve the public interest.
~ In June 2003, City of Hamilton invited Expressions of Interest. None received.
~ In 2008, Heritage Hamilton Foundation under the direction of Dr. and Mrs. Grant Head, founders of and current directors of HHF proposed the creation of the Auchmar Challenge Fund which offers a $25,000.00 matching grant. Approval from Tm McCabe for HHF to proceed with fundraising was received in April 2012.
~ In June 2012, The Friends of Auchmar was officially established and a board of directors elected. A membership drive is now in place and a website soon to be unveiled.
~ At the June 2012 meeting and throughout this process, Ward 8 Councillor Terry Whitehead promised support and interest in the preservation of the Auchmar Estate.
~ In October 2012, the Ontario Historical Society approved The Friends of Auchmar Incorporation and By-Laws, which now await consent by the Province of Ontario.
~ October 30, 2012The Friends of Auchmar, will hold the first Annual General Meeting. The guest speaker is Carolyn Samko, Senior Project Manager, Heritage Facilities and Capital Planning, Tourism & Culture Division of Economic Development.
One architectural historian writes - *Only via the real trip to the Blue Mosque, Istanbul's imperial Mosque, are our next generations capable of acquainting an impressive view of the Turkish culture.*

The problem is how to preserve?

How to be responsible for the economic return?

The Friends of Auchmar and the hundreds of Hamilton citizens who tour the Auchmar Estate at Doors Open contend that the cultural value of the Auchmar estate is unique and worth preserving even on economic grounds. The Friends of Auchmar and many Hamilton citizens are willing to work with the City of Hamilton to make the restoration of Auchmar a reality. Funds have already been raised and more promised. Citizens care about the preservation of Auchmar because Auchmar is a unique historic site. It was the home of the Honourable Isaac Buchanan and also a significant monument to the economic, cultural and architectural history of Hamilton and Canada.

**Who was the Honourable Isaac Buchanan?**
The Honourable Isaac Buchanan was the builder and owner of the Auchmar estate. Buchanan;

~ sat as a member of the Parliament of United Canada for Toronto between 1841 and 1843
~ sat as a member for Hamilton between 1857 and 1865
~ served as President of the Council in the Macdonald-Taché ministry between March and June 1865
~ was the founder of Hamilton and Toronto Boards of Trade (forerunners to modern chambers of commerce)
~ was the founder of the Thirteenth Battalion, a regiment which became the Royal Hamilton Light Infantry (RHLI)
~ became a writer on the subjects of currency and trade and is generally credited as being a formative influence on John A. Macdonald's National Policy required to build a strong national economy and achieve Canadian national Independence.
~ was an international merchant
~ was the first president of the Hamilton Club

**Auchmar after the death of the Honourable Isaac Buchanan**

~ After Buchanan's death Auchmar was sold to Captain Trigge.
~ In 1900 James Buchanan, son of Isaac Buchanan, purchased Auchmar and was the owner until 1926.
~ In 1926 Auchmar was purchased by A.Y. Young
~ In 1943 the Young Family rented Auchmar to the Royal Canadian Air Force and was converted to a convalescent hospital for WW11 veterans. It has been reported that the Young family had planned to move back into Auchmar after the war, but when they saw the surgical scrub-down it had been subjected to they changed their minds.
~ In 1945 the Hungarian Sisters of Social Service purchased Auchmar for $32,500.
~ It is reported that in 1949 the City of Hamilton bought a large portion of the Auchmar land for $1. As a result, the Auchmar estate is now comprised of nine acres compared to an original 190.
Description and Location of the Auchmar Estate

The name Auchmar was taken from the Auchmar estate on Loch Lomand, Scotland, owned by Buchanan's family. The Auchmar Manor House in Hamilton is the centre piece of Clairmont Park, the estate of the Honourable Isaac Buchanan (1810–1883), one of Hamilton's most influential citizens. Auchmar was built in 1852 and is located at the northeast corner of Fennel and West 5th. The estate consists of the manor house and several remaining outbuildings; the dovecote and stables, along with the stone orchard walls. The current Auchmar occupies about 10 acres of land which includes most of the original estate features and landscaped grounds. However, the tiny Gatekeeper's Lodge, which resembles Auchmar House architecturally, became detached from the remainder of Clairmont Park and is privately owned. (It is located on the mountain brow at 71 Claremont Drive.) The Auchmar Manor House, the buildings and lands of the Buchanan estate is a unique, heritage asset owned by the citizens of Hamilton and is recognized by the Ontario Heritage Trust as having significant historical value. The Auchmar Manor House is recognized as an outstanding example of the domestic Gothic Revival architecture with its arched windows, eleven chimneys, gables and French Doors and with its surrounding extensive acreage. Auchmar is therefore not only important, but is significant, but unique as a cultural landscape. The estate is a very rare example of a mid-Victorian estate in Ontario which survives as the result of the careful effort to preserve the essential estate features.

To conclude I would like to make 2 requests;

1. That the city work toward creating a clear cut policy on heritage preservation for the City of Hamilton.

2. The Friends of Auchmar is a diverse group. We will study the information received today and work with the city to finding a viable revenue stream. We will continue in discussions with you and monitor the city's progress. We ask that members of Hamilton City Council and city staff continue to collaborate with The Friends of Auchmar and citizens of Hamilton to keep Auchmar in public ownership and create a plan for restoration to be completed within the next five years.

Thank you.

Respectfully Submitted,
Diane G. Dent
Chair, Friends of Auchmar
Auchmar Estate Sustainability Proposal

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EXECUTIVE SUMMARY

Objective

The city of Hamilton is faced with an ever mounting repair bill to restore ever crumbling Auchmar estate and its land. Due to current global economics effecting Canada all the way to the municipal level it is a matter of contention among city council who is responsible for the $4 million repair bill. The objective is to repair, restore, and landscape the Auchmar estate to its original status or as close to as possible.

Goals

The goal of the proposal is to minimize repair costs, and maximize revenue while maintaining the historical significance of the building and land. As well as provide a feasible plan to maintain the property to the standard of the historical society for years to come.

Solution

The problem faced has multiple issues all requiring different areas of expertise, so the solution should be a multi-faceted solution as well. First lets look at the issue of the repair bill. The $4 million bill is made up of landscape and structural repairs. Historically the government is over charged by many construction companies simply because the government has the funds, where as private investors typically pay less because they can scrutinize and maximize money. So we have to look at who is the cheapest workers available. The answer that comes to mind is students, and Auchmar is fortunate enough to have students right across the street. Students are at the leading edge of their chosen field as they are being taught the most up-to-date information which will make up for lack of experience. As well students compete for excellent grade levels rather than being financially motivated. This allows for the best work at the cheapest rate. The idea is to create a joint venture between the city, Mohawk college, and McMaster; as McMaster and Mohawk have many joint programs. The Auchmar estate would become class projects for a multitude of classes. Engineers and architectural students can come up with ideas to restore the structure of the building to current codes using the most modern and creative technology. Agriculture students can create plans and preform the actual labour to landscape the large property which
consists of an apple orchard. History students can ensure that all work is done in accordance with the standard set out by the Ontario Heritage Committee. Environmental students can provide solutions to green energy to take Auchmar Estate off the electrical grid and provide free energy as well put energy back into the system. The apprenticeship programs for Mohawks plumbing, carpenters, electrical, and other trades can provide the needed labour to complete the projects under the supervision of the students listed above. Business students can create business plans to run charity events (IE festivals, concerts, art shows, etc) on the grounds vast land with the revenue either going back into the estate or other city funded charities and projects.

Now that we have created a solution to repair and restore the Auchmar estate we have to create a revenue solution. Right now as it stands to the best of my knowledge Auchmar has little to no revenue stream. So far my plan has listed two avenues of revenue, energy and large events. This would create some revenue, but not nearly close to the potential of the estate. This second half of my proposal would provide a significant revenue source on a consistent and monthly basis. The idea is to have students live in the Auchmar estate, similar to a student residence. Any concern about the viability of student housing is addressed via a scholarship plan. Students would apply for a scholarship fund to access housing at Auchmar. Highly motivated, mature and responsible students only would live at the estate. Students interested in living at the Auchmar Estate would uphold the philosophy at the centre of this proposal which is the restoration and preservation of a Hamilton landmark. The idea is not to allow just any student who wants to live in the house. The idea is once the house is livable create a scholarship that students compete for to live in the house. The cost to live in the house would be $1000 a month per room per student, of course this is a significant amount of money for any student, so my thought here is the Mohawk scholarship covers half of the students monthly rent. The competing students would have to prove themselves worthy of living in the estate as well adhere to a strict code of conduct and be heavily involved in the community and maintaining the Auchmar estate. The students would have to be well rounded with good academic marks, lots of previous community involvement, volunteer work, athletics, clean criminal record, proof of maintaining a steady job. The latter are only some aspects of the criteria a student must meet to live in the house. Once in the house the student will be required to become an expert on the Auchmar Estate and be able to do any guided tours to the public and provide appropriate facts about the estate. They would also have to organize charity events at the estate for the city. It could go as far as having students from specific courses like environmental engineers, agriculture etc so that they can be
responsible for various on-going maintenance and projects at the estate, IE solar panels, apple orchard ETC.

Disclaimer

This is a preliminary proposal and if council and other parties are interested I would like to spearhead this project and go forth and speak with Mohawk and McMaster and get them on board as well.