Present: Councillors B. Clark (Vice Chair), B. Johnson, M. Pearson, C. Collins, R. Morrow

Absent: Councillor R. Powers (Chair) – City Business

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Treasurer’s Apportionment of Land Taxes (FCS14002(c)) (Wards 11, 12 and 15) (Item 5.1)

(Morrow/Pearson)

(a) That the 2013 land taxes in the amount of $2,193 for 3151 Hendershot Rd., Glanbrook, (Roll #2518 901 410 22000 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to Report FCS14002(c);

(b) That the 2014 land taxes in the amount of $2,421 for 0 Irwin Ave., Ancaster, (Roll #2518 140 280 36742 0000) be apportioned and split amongst the three newly created parcels as set out in Appendix A to Report FCS14002(c);

(c) That the 2014 land taxes in the amount of $6,153 for 100-114 Burke St., Flamborough, (Roll #2518 303 310 07170 0000) be apportioned and split amongst the eight newly created parcels as set out in Appendix A to Report FCS14002(c);

(d) That the 2014 land taxes in the amount of $3,360 for 83-89 Skinner Rd., Flamborough, (Roll #2518 303 310 07215 0000) be apportioned and split amongst the four newly created parcels as set out in Appendix A to Report FCS14002(c);
(e) That the 2014 land taxes in the amount of $3,730 for 91-99 Skinner Rd., Flamborough, (Roll #2518 303 310 07220 0000) be apportioned and split amongst the five newly created parcels as set out in Appendix A to Report FCS14002(c) and

(f) That the 2014 land taxes in the amount of $5,107 for 70-84 McKnight Ave., Flamborough, (Roll #2518 303 310 07235 0000) be apportioned and split amongst the eight newly created parcels as set out in Appendix A to Report FCS14002(c).

CARRIED

2. Succession & Leadership Development Progress Report (HUR14008) (Outstanding Business List Item) (Item 5.2)

(Collins/Pearson)
That Report HUR14008 respecting Succession & Leadership Development Progress be received.

CARRIED

3. Anti-Spam Legislation (Correspondence from AMO) (CM14016) (City Wide) (Outstanding Business List Item) (Item 5.3)

(Collins/Pearson)
That Report CM14016 respecting Anti-Spam Legislation (Correspondence from AMO) be received.

CARRIED

4. Governance Review Sub-Committee Report 14-003 (Item 8.1)

(Pearson/Johnson)
(i) Review of Selection Process (City Wide) (CL14006(a)) (Item 4.1)

(a) That the revised City of Hamilton Policy respecting the Appointment of Citizen Members to Agencies, Boards, Commissions and Committees, attached hereto as Appendix “A”, be approved;

(b) That the Selection Committee Citizen Member Guiding Principles attached hereto as Schedule “A” to Appendix “A”, be approved.

(ii) Review of the City’s Procedural By-law Amendments (Item 4.2)

(a) That the following sections of By-law 10-053 - A By-law to Govern the Proceedings of Council and Committees of Council be amended as follows:

Section 1 – Definitions

- Addition of “approve” and “receive”
Section 3.8 – Delegations
  • Addition of new subsection 3.8.1 - Communication Items

Section 3.11 – Voting Procedures
  • Amendment to subsection (11) Dispensing with Notice
  • Addition of new subsection (19) Motion to Rescind

Section 5.3 – Standing Committee Membership
  • Clarification to composition

Section 5.5 – Regular Meeting Times of Standing Committees
  • Clarification on meeting dates

Section 5.6 – Committee Reports
  • Addition of Selection Committee reporting to Council

Section 5.10 – Order of Business
  • Clarification amendment

Section 5.11 – Delegations
  • Clarification amendment

Section 6.2 – Establishment of Advisory Committees or Task Forces
  • Amendments to section

Section 7.2 – Conduct of Members – Order and Decorum
  • Amendment to designate floor of Council

Appendices A, D, E, F and I
  • Clarification to composition
  • Clarify Audit duties in Appendix F – add Schedule F1
  • Amendments to Appendix I

(b) That By-law 10-053 – A By-law to Govern the Proceedings of Council and Committees of Council be repealed;

(c) That a new By-law to Govern the Proceedings of Council and Committees of Council to include amendments outlined in recommendation (a) be prepared and enacted by Council.

(d) That subsection 9.2 of By-law 10-053 – A By-law toGovern the Proceedings of Council and Committees of Council be amended by deleting the words “at least 24 hours following” and replace with “simultaneously with” to read as follows:
9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following simultaneously with the distribution set out in subsection 9.1.

CARRIED AS AMENDED

(iii) Review of the City’s Advisory Committee/Sub-Committee and Volunteer Committees (City Wide) (CL14008) (Item 4.3)

That the Report CL14008, Review of the City’s Advisory Committee/Sub-Committee and Volunteer Committees (City Wide), be received.

(iv) 2014 December Calendar – Meeting Schedule (Item 4.4)

That the 2014 December Calendar, attached hereto as Appendix “C”, be approved.

(v) Inner City/Student Accommodation Fund (Item 4.5)

That the collective financial impact of the following recommendations be finalized to form part of the 2015 City Budget deliberations:

(a) That the ‘Inner City Fund’ (ICF) be maintained for the exclusive use of Wards 2, 3, 4 and 5;

(b) That the Inner City Fund, currently at $46,838, be divided equally between the four Wards (2, 3, 4 and 5) or in a manner that has agreement amongst the respective four Ward Councillors;

(c) The base amount of $46,838 be eligible for an annual inflationary increase;

(d) That the ‘Geographic Factor’ currently at $5000 and divided equally between Wards 11 and 14 shall be reviewed and adjusted, where appropriate, based on historical actual;

(e) That a new ‘Student Accommodation Factor Benefit’* be established to assist specific Ward budgets as outlined below:

Ward 1 (presence of main campuses of McMaster University and Columbia International College).

12% benefit*(29,496) = $1769.76
Ward 8 (presence of main campuses of Mohawk College and Hillfield Strathallan College and a presence by Columbia International College).
12% benefit*(49,661) = $2979.66

Ward 10 (presence of satellite campus of Mohawk College).
5% benefit*(24,278) = $606.95

Ward 12 (presence of main campus of Redeemer University College).
7% benefit*(34,825) = $1218.88

Total: $6,575.25

Benefit* is percentage x ward population (based on 2011 census) x $0.50/person = $value.

(vi) Integrity Commissioner By-law Amendment – Referral by the Audit, Finance and Administration Committee of June 9, 2014 (Item 4.6)

That the revised draft by-law, attached hereto as Appendix “D”, which amends section 22 of the Integrity Commissioner By-law No. 08-154 and has been prepared in a form satisfactory to the City Solicitor, be approved;

(vii) Post-Employment Restrictions – “Cooling Off Period” – Referral by the Audit, Finance and Administration Committee of June 9, 2014 (Item 4.7)

That the update regarding, Post-Employment Restrictions – “Cooling Off Period”, be received.

CARRIED AS AMENDED

5. Hamilton Aboriginal Advisory Committee – Terms of Reference (FCS14041) (City Wide) (Outstanding Business List Item) (Item 8.2)

(Morrow/Pearson)
That the Terms of Reference for the Hamilton Aboriginal Advisory Committee attached as Appendix "A" to Report FCS14041, be approved.

CARRIED

6. Audit Report 2014-05 – Roster Requirements Review (AUD14023) (City Wide) (Item 8.3)

(Johnson/Pearson)
(a) That the Management Action Plans as detailed in Appendix “A” of Report AUD14023 be approved; and
(b) That the General Managers of Public Works and Corporate Services be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix “A” to Report AUD14023) implemented.

CARRIED

7. Follow Up of Report 2012-09 – City Vehicle Use, Allowances & Mileage Claims (AUD14024) (City Wide) (Item 8.4)

(Pearson/Johnson)
That Report AUD14024, respecting the follow up of Audit Report 2012-09, City Vehicle Use, Allowances & Mileage Claims, be received.

CARRIED

8. Request to Reduce Development Charges – 50 Keith Street (Outstanding Business List Item) (FCS14063) (City Wide) (Item 8.5)

(Pearson/Johnson)
That the request to reduce the City Development Charges (DC) at 50 Keith Street, Hamilton, in the amount of $28,095 by 90% be denied.

CARRIED

9. Emergency Community Assistance Program Replacement – Community Partnership Program (GRA14005) (City Wide) (Item 8.6)

(Collins/Johnson)
That funding in the amount of $30,000, for the Good Shepherd Centre Emergency Diaper and Infant Supply Program, to be funded from the 2014 Community Partnership Program, be approved.

CARRIED

10. Code of Conduct for Employees (HUR14007) (Item 8.7)

(Morrow/Pearson)
(a) That the revised Code of Conduct for Employees, as detailed in Appendix A to Report HUR14007, be approved;

(b) That staff be directed to further review ‘Former Employee’ Restrictions for addition as a separate schedule to the Code of Conduct for approval in the next term of Council.

CARRIED

11. Rygiel Supports for Community Living’s Request to Waive Development Charges – 220 Cranbrook Drive (Outstanding Business List Item) (FCS14072) (City Wide) (Item 8.8)
(Morrow/Johnson)
(a) That City Development Charges (DC) for Rygiel’s conversion of the former St. Catherine of Siena School’s existing building located at 220 Cranbrook Drive, Hamilton (20 Gemini Drive, Hamilton) currently calculated at $248,214 be waived;

CARRIED

12. Anti-Racism Resource Centre Project (FCS14044(a)) (City Wide) (Outstanding Business List Item) (Item 8.9)

(Collins/Morrow)
(a) That Council approve an 18-month pilot project of a staffed Anti-Racism Resource Centre including a telephone helpline dedicated to responding directly to individuals who experience racism and/or race-related oppression, tracking and monitoring of these incidents and the promotion of the Resource Centre through an awareness campaign with an estimated cost of $130,000;

(b) That Council approve the addition of one temporary, full-time staff position to manage the Resource Centre for an 18-month period;

(c) That the Resource Centre and associated staffing with an estimated cost of $130,000 be funded from the Tax Stabilization Reserve Fund (110046);

(d) That Council approve the establishment of a Project Steering Committee with a maximum of nine external members that would include individuals, representatives of community agencies and organizations that indicated an interest in partnering with the project;

(e) That Appendix “B”, the Anti-Racism Resource Centre Project Steering Committee Terms of Reference, be received;

(f) That the Access and Equity staff follow up with McMaster University, School of Social Work, regarding their expressed interest in the evaluation associated with the Resource Centre and supporting the project by sponsoring research grants for community-university collaboration internally with McMaster University as well as through national research funding organizations;

(g) That the Committee Against Racism report quarterly to Audit, Finance and Administration Committee on the progress of the Anti-Racism Resource Centre.

CARRIED

13. Hamilton East Food Bank (Item 9.1)

(Collins/Johnson)
That the request for funding, through the 2014 Community Partnership Program Reserves in the amount of $15,000, to offset a portion of the operating costs for
a new Hamilton East Food Bank through the end of the 2014 calendar year, be approved; contingent upon the Ward 5 Councillor providing the required 2014 application and associated documents to the Coordinator of the Community Partnership Program for review/rating of a Community Partnership Program application.

CARRIED

14. Waiver of Development Charges for the Lyonsgate Montessori School (Item 10.1)

(Collins/Morrow)
That the Development Charges payable by the Lyonsgate Montessori School, in the amount of $42,000, be waived.

CARRIED

15. Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals (Item 10.2)

(Johnson/Pearson)
That funding, in the amount of $12,000, to be financed from the Newalta Reserve (#117036) to provide the Stoney Creek Battalions Girls U14 Soccer Team the opportunity to represent the Hamilton and the Stoney Creek area by competing at the national level in a few short weeks in Charlottetown, P.E.I.; be approved.

CARRIED

16. Commercial Relationship Between the City of Hamilton and Pine Valley Enterprises Inc. (LS14018/FCS14073) (City Wide) (Item 12.1)

(Johnson/Collins)
(a) That, due to the impairment of the commercial relationship between the City of Hamilton and Pine Valley Enterprises Inc. (“Pine Valley”) that has resulted from litigation, staff be directed to reject any current and future bids, proposals or quotations received from Pine Valley Enterprises Inc. or any of its related corporate or individual entities, until and including September 23, 2016;

(b) That the City of Hamilton not enter into any contract with Pine Valley Enterprises Inc., or any of its related corporate or individual entities until and including September 23, 2016;

(c) That the contents of Report LS14018/FCS14073 remain confidential.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:
(i) Added as Item 4.1 – Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, respecting Waiver of Development Charges for Lyonsgate Montessori School (request to speak today)

(ii) Added as Item 4.2 – Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 (request to speak today)

(iii) Added as Item 4.3 - Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street (request to speak today)

(iv) Added as Item 10.1 – Waiver of Development Charges for the Lyonsgate Montessori School

(v) Added as Item 10.2 - Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals

(vi) Item 5.2 respecting Succession & Leadership Development Progress Report HUR14006 should read HUR14008

(Johnson/Pearson)
That the agenda for the September 22, 2014 Audit, Finance & Administration Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) September 8, 2014 (Item 3.1)

(Collins/Pearson)
That the Minutes of the September 8, 2014 meeting of the Audit, Finance and Administration Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (ITEM 4)

(i) Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, respecting Waiver of Development Charges for Lyonsgate Montessori School (request to speak today) (Item 4.1)

(Johnson/Pearson)
(a) That the request from Rabbi Selsberg and Rachel Lyons respecting Waiver of Development Charges for Lyonsgate Montessori School, be approved; and

(b) That the Rules of Order be waived in order for the delegate to appear before the Audit, Finance & Administration Committee at today’s meeting.

CARRIED

(ii) Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 (request to speak today) (Item 4.2)

(Johnson/Pearson)

(a) That the request from Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 be approved; and

(b) That the Rules of Order be waived in order for the delegate to appear before the Audit, Finance & Administration Committee at today’s meeting.

CARRIED

(iii) Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street (request to speak today) (Item 4.3)

(Collins/Morrow)

(a) That the request from Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street be approved; and

(b) That the Rules of Order be waived in order for the delegate to appear before the Audit, Finance & Administration Committee at today’s meeting.

CARRIED

(e) DELEGATIONS (ITEM 6)

(i) Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, respecting Waiver of Development Charges for Lyonsgate Montessori School (Item 6.1)

Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, provided a verbal presentation respecting the Waiver of Development Charges for Lyonsgate Montessori School with the aid of a handout. A copy of the handout, respecting the School Budget of September 2014-June 2015, has been included in the public record.
(Pearson/Johnson)
That the presentation respecting Waiver of Development Charges for Lyonsgate Montessori School be received.

CARRIED

(ii) Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 (Item 6.2)

Joey Coleman provided a verbal presentation respecting the Governance Review Sub-Committee Report 14-003. Mr. Coleman spoke to the Committee respecting the timing of releasing agendas of Committee and Council to the public.

(Pearson/Johnson)
That the presentation from Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 be received.

CARRIED

(iii) Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street (Item 6.3)

Kathy Cruickshanks provided a verbal presentation respecting the Request to Reduce Development Charges at 50 Keith Street. Ms. Cruickshanks provided a brief overview respecting the owners of the property and the request.

(Pearson/Morrow)
That the presentation from Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street be received.

CARRIED

(f) DISCUSSION ITEMS (Item 8)

(i) Governance Review Sub-Committee Report 14-003 (Item 8.1)

(Johnson/Morrow)
That Item 2 of the Governance Review Sub-Committee Report 14-003 be amended by adding the following:

(d) That subsection 9.2 of By-law 10-053 – A By-law to Govern the Proceedings of Council and Committees of Council be amended by deleting the words “at least 24 hours following” and replace with “simultaneously with” to read as follows:

9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following simultaneously with the distribution set out in subsection 9.1.
AMENDMENT CARRIED

For disposition of this matter, refer to Item 4.

(ii) Hamilton Aboriginal Advisory Committee – Terms of Reference (FCS14041) (City Wide) (Outstanding Business List Item) (Item 8.2)

(Morrow/Pearson)
That the item respecting the Hamilton Aboriginal Advisory Committee Terms of Reference be considered complete and removed from the Audit, Finance and Administration Committee’s Outstanding Business List.

CARRIED

For disposition of this matter, refer to Item 5.

(iii) Request to Reduce Development Charges – 50 Keith Street (Outstanding Business List Item) (FCS14063) (City Wide) (Item 8.5)

(Pearson/Johnson)
That the matter respecting “Request for a Reduction of Development Charges - Correspondence from Kathy Cruickshanks, on behalf of Dave and Linda Fenton” be considered complete and removed from the Audit, Finance, and Administration Committee’s Outstanding Business List.

CARRIED

Councilor Morrow was recorded as being opposed to the recommendation as carried.

For disposition of this matter, refer to Item 8.

(iv) Code of Conduct for Employees (HUR14007) (Item 8.7)

(Morrow/Pearson)
That item 22 from June 9, 2014 Audit, Finance & Administration Report 14-005, with respect to creation of a policy regarding tampering with any City of Hamilton Global Positioning Device (GPS), be considered complete and removed from the Audit, Finance & Administration Outstanding Business List.

For disposition of this matter, refer to Item 10.

(v) Rygiel Supports for Community Living’s Request to Waive Development Charges – 220 Cranbrook Drive (Outstanding Business List Item) (FCS14072) (City Wide) (Item 8.8)
(Morrow/Johnson)
That the matter respecting “Rygiel Supports for Community Living’s Request to Waive Development Charges – 220 Cranbrook Drive” be considered complete and removed from the Audit, Finance, and Administration Committee’s Outstanding Business List.
CARRIED

For disposition of this matter, refer to Item 11.

(vi) Anti-Racism Resource Centre Project (FCS14044(a)) (City Wide) (Outstanding Business List Item) (Item 8.9)

(Collins/Morrow)
(a) That Committee Against Racism report back to the new Council with the final Terms of Reference in the first quarter of 2015; and

(b) That the Anti-Racism Resource Centre Project Report (FCS14044) be removed from the outstanding items list.
CARRIED

Councillor Johnson was recorded as opposed to Item (c) of the recommendation as carried.

For disposition of this matter, refer to Item 12.

(g) NOTICES OF MOTION (Item 10)

(i) Waiver of Development Charges for the Lyonsgate Montessori School (Item 10.1)

Councillor McHattie introduced the following Notice of Motion:

WHEREAS, the Lyonsgate Montessori School has been run out of Melrose United Church for the past nine years and recently moved 300 metres away to Beth Jacob Synagogue;

AND WHEREAS, despite no impact on City services a Development Charge fee of $42,000 is payable, as a result of a Change of Use permit required to differentiate the Synagogue and Lyonsgate Montessori School uses;

AND WHEREAS, the small size and budget of the Lyonsgate Montessori School makes the payment of the development charges onerous;

AND WHEREAS, loss of the Lyonsgate Montessori School would negatively affect the viability of Beth Jacob Synagogue who are
experiencing declining attendance and the recent closure of their Hebrew school.

THEREFORE BE IT RESOLVED:

That the Development Charges payable by the Lyonsgate Montessori School, in the amount of $42,000, be waived.

(Johnson/Pearson)
That the Rules of Order be waived to allow for the introduction of a Motion respecting the waiver of Development Charges for the Lyonsgate Montessori School.

CARRIED

For disposition of this matter, refer to Item 14.

(ii) Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals (Item 10.2)

Councillor Clark introduced the following Notice of Motion:

WHEREAS The Stoney Creek Girls U14 team has been in existence for 8 years and has accomplished many accolades over the years;

AND WHEREAS, this past year the Team’s success has earned them a first place finish in the Ontario Youth Soccer League playing the top teams in Ontario;

AND WHERES, these girls also captured the Provincial title and have now been given the opportunity to represent Hamilton and the Stoney Creek area by competing at the national level in a few short weeks in Charlottetown, P.E.I.;

AND WHEREAS, the Stoney Creek Girls U14 Team is entirely self-funded and able to provide the girls the best training possible, with the help of some generous sponsors; however, the opportunity to play at a National level is very expensive and in only a few short weeks.

THERFORE BE IT RESOLVED:

That funding, in the amount of $12,000, to be financed from the Newalta Reserve (#117036) to provide the Stoney Creek Battalions Girls U14 Soccer Team the opportunity to represent the Hamilton and the Stoney Creek area by competing at the national level in a few short weeks in Charlottetown, P.E.I.; be approved.

(Johnson/Pearson)
That the Rules of Order be waived to allow for the introduction of a motion respecting Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals.

CARRIED

For disposition of this matter, refer to Item 15.

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

(i) Amendments to the Outstanding Business List (Item 11.1)

(Collins/Pearson)
That the following Audit, Finance & Administration Committee’s Outstanding Business List item be removed:

(aa) Item "G" – Succession Development Program
    (Item 5.2 on the agenda)

(bb) Item “Q” – Anti-Spam Legislation (Correspondence from AMO)
    (Item 5.3 on the agenda)

CARRIED

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Commercial Relationship Between the City of Hamilton and Pine Valley Enterprises Inc. (LS14018/FCS14073) (City Wide) (Item 12.1)

Pursuant to Sub-sections 8.1(f) and (e) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

For disposition of this matter, refer to Item 16.

(j) ADJOURNMENT (Item 13)

(Johnson/Pearson)
That, there being no further business, the Audit, Finance & Administration Committee, be adjourned at 11:00 a.m.

CARRIED
Respectfully submitted,

Councillor B. Clark, Vice Chair
Audit, Finance & Administration Committee

Jasmine Branton
Legislative Coordinator
Office of the City Clerk