Committee of the Whole
MINUTES 10-014

9:30 a.m.
May 10, 2010
Albion Room,
Hamilton Convention Centre

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

Absent with regrets:
Councillor M. McCarthy – Vacation
Councillor R. Powers – Illness

Also Present:
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate
Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic
Development
J. Priel, General Manager, Community Services
J. Kay, Fire Chief/General Manager HES
Dr. E. Richardson, Medical Officer of Health
M. Gallagher, Co-ordinator, Council and Committee of the
Whole/Budgets

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR
CONSIDERATION:
1. **CHANGES TO THE AGENDA**

Added Delegation Requests noted as Item 5.7 and 5.8 respectively. They are from Werner Plessl and Chris Firth-Eagland of Hamilton Waterfront Trust and Martin Lipp from Royal Hamilton Yacht Club respecting Item 7.2 West Harbour Waterfront Recreation Master Plan.

We have also received an added delegation request this morning noted as 5.9 from Bernice Flegg, Hamilton-Halton Homebuilders Association respecting Item 8.3 – Residential Development Charges.

With respect to Delegation request 5.4 from Randy Smith of the Canadian Auto Workers should committee approve the delegation request Committee may wish to entertain Mr. Smith’s presentation before the staff presentation on Item 7.2 respecting the West Harbour Marine Recreational Master Plan.

Added Correspondence from Richard Koroscil of Tradeport respecting Item 8.7 John C. Munro Hamilton International Airport Infrastructure Funding Proposal

(Whitehead/Bratina)
That Sandy MacDonald be added to the delegation requests respecting West Harbour. CARRIED.

(Duvall/Whitehead)
That Bill Thompson be added to the delegation requests respecting the Sieman’s matter. CARRIED.

(Mitchell/Pearson)
That the Tradeport Item be moved up on the agenda following the West Harbour discussions. CARRIED.

(Mitchell/Pearson)
That the agenda be adopted as amended. CARRIED.

2. **DECLARATIONS OF INTEREST**

None

3. **ADOPTION OF MINUTES**

3.1 April 13, 2010
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(Pasuta/Duvall)
That the Minutes of April 13, 2010 be adopted as presented.
CARRIED.

4. CONSENT ITEMS

(Pearson/Whitehead)
That the consent items be received. CARRIED.

4.1 Advisory Committee for Persons with Disabilities, Minutes of February 9, 2010

4.2 Advisory Committee for Persons with Disabilities, Minutes of March 9, 2010

5. DELEGATION REQUESTS

(Pearson/Feruson)
That the delegation requests be approved. CARRIED.

Requests to address Committee at a future meeting:

5.1 Request to address Committee by Simon Geoghegan respecting Hamilton CarShare – securing a revolving loan from the City

5.2 Request to address Committee by Ken Roberts, Hamilton Public Library, Jim Commerford, President, CEO, YMCA of Hamilton/Burlington/Brantford and representative from Hamilton Police Services respecting Turner Park partnership - success of facility at Turner Park

5.3 Request to address Committee by Grace McGeachie, DeGroote School of Business, McMaster University respecting Focus 2040

Requests to address Committee on May 10th:

5.4 Request to address Committee by Randy Smith, President, Canadian Auto Workers, Local 504 respecting closure of Siemen’s Plant

5.5 Request to address Committee by Herman Turkstra respecting the West Harbour Marine Recreational Master Plan

5.6 Request to address Committee by Sheri Selway, North end Neighbours respecting West Harbour Marine Recreational Master Plan
5.7 Request to address Committee by Werner Plessl and Chris Firth-Eagland respecting West Harbour Marine Recreational Master Plan

5.8 Request to address Committee by Martin Lipp from Royal Hamilton Yacht Club respecting West Harbour Marine Recreational Master Plan

Committee of the Whole met as Shareholders of Hamilton Utilities Corporation to consider the resolutions of Shareholders.
Ferguson/Pearson

6. HAMILTON UTILITIES CORPORATION

6.1 Resolutions of Shareholders

(Pearson/Ferguson)
That the resolutions be approved as follows:

Appointment of Directors

RESOLVED THAT, the following persons are hereby confirmed to continue to serve as independent Directors of Hamilton Utilities Corporation, for the remainder of the term for which they were originally elected, such remaining term commencing on June 30, 2010:

Alexander (Sandy) Adam 1 year term
Marnie Spears 1 year term
Paul Benson 2 year term

RESOLVED THAT, the following persons are hereby elected to serve as independent Directors of Hamilton Utilities Corporation for a two-year term commencing June 30, 2010:

Robert Dolan
Edward Minich

RESOLVED THAT, the following person is hereby elected to serve as independent Directors of Hamilton Utilities Corporation for a three-year term commencing June 30, 2010:

Joan Weppler

RESOLVED THAT, the Resolution of Shareholders, appointing Joe Rinaldo to the Board of Directors of Hamilton Utilities Corporation, approved by City Council on December 9, 2009 by way of Item 9 of
Committee of the Whole Report 09-035, be amended by extending the expiration of the term of office from June 30, 2011 to June 30, 2013.

These independent Directors, together with Mayor Fred Eisenberger, comprise the Hamilton Utilities Corporation Board of Directors, effective June 30, 2010.

CARRIED.

7. PRESENTATIONS

7.1 Presentation by Jack Gibbons, Ontario Clean Air Alliance respecting Coal Phase-out resolution

Mr. Gibbons addressed Committee. Highlights of his presentation included:
- burning of dirty coal
- advancing coal phase out date
- ask council to support Councillor Merulla’s phase out of coal motion

Dr. Richardson, Medical Officer of Health, was requested to address Committee on this matter.

Dr. Richardson advised that Public Health Services would support the motion to shut down the plants early. This is an issue which would address air quality as well as health impacts. The Medical Officers of Health in Ontario are also in favour of fast tracking the shutdown and it is seen as a progressive move.

(Pearson/Merulla)
That the presentation of Jack Gibbons be received. CARRIED.

(Merulla/McHattie)
That the City of Hamilton requests the Government of Ontario to direct Ontario Power Generation to put its coal plants on standby reserve immediately and only operate them if they are absolutely needed to keep the lights on in Ontario.

(Clark/Merulla)
That the Government of Ontario be requested to stop the import of coal hydro from the United States. AMENDMENT CARRIED. MOTION AS AMENDED CARRIED.
5.4 Request to address Committee by Randy Smith, President, Canadian Auto Workers, Local 504 respecting closure of Siemen’s Plant

Mr. Smith addressed Committee. Highlights of his presentation included:
- represents 350 auto workers and 550 who will be losing their jobs
- Siemen’s is a manufacturer of gas turbines
- March 11th plant closure
- addressed impacts of closure to the community including supplier companies out of the Hamilton area
- skilled workforce average age of 53 seniority of 20 years in the plant
- economic impact for job losses would be in the 38 million dollars a year including taxes, water rates
- Loss of Jobs will impact community organizations such as the United Way
- ask council to support putting the pressure on Siemen’s and the government to support workers
- ask that Committee be established to work on this issue

(Pearson/Duvall)
That the presentation be received. CARRIED.

Added Delegation: Bill Thompson respecting Siemen’s matter

Mr. Thompson address the following in his presentation:
- resident of Hamilton
- previously worked with provincial government in closing plants such as Siemen’s, currently works for Blue Green Canada
- plan a is to keep the plant manufacturing turbines
- plan b working with Siemens in the work of utility wind generators
- urge council to fight for the jobs in Hamilton and keep them here in Hamilton
- develop an aggressive plan to keep Hamilton in the game of alternate energy and mobilize the public to get behind it.
- Introduced a report titled: “Falling behind” and will provide copies for Council

Councillor McHattie addressed additional information with respect to companies that the City is going after, and questioned why have
they decided to locate in other municipalities; What are the specific impediments that we have in Hamilton? Is Hamilton competitive in this area?

Neil Everson, Economic Development addressed committee and advised:
- working on it and it is plan of economic strategy
- have a senior officer assigned to it to deal with clean technology and energy sources
- we have entertained a number of companies
- in competition with a number of other municipalities and are after them.

(Whitehead/Mitchell)
That the presentations be received. CARRIED.

(Duvall/Merulla)
(a) That job retention and the identification of new employment opportunities, for the 550 displaced workers from Siemen’s Wentworth Street North plant, be approved as a top priority for the City of Hamilton;

(b) That the Mayor, City Manager and Director of Economic Development & Real Estate be directed to continue working with Corporate staff from Siemen’s to assist with identifying and facilitating other employment opportunities for the displaced Hamilton workers;

(c) That the City of Hamilton work with both the Federal and Provincial governments for the purpose of establishing a labour adjustment Task Force for Siemen’s Hamilton. CARRIED.

7.2 West Harbour Waterfront Recreation Master Plan (PW09004/PED10108) (City Wide)

Justin Readman provided an overview of the Master Plan. Highlights of the presentation included:
- Background
- Changes to the Plan
- Commercial Opportunity
- Financial Review
- Planning review
- Next Steps
- Review of Recommendations
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(Duvall/Collins)
That the presentation be received. CARRIED.

1. **Herman Turkstra**

Mr. Turkstra addressed Committee. Highlights of the presentation included:

Historical perspective - 1960 Urban Renewal Plan to present including: 2004 NEN deal with City Of Hamilton; 2005 Agreed to Land Uses; 2005 Setting Sail; 2006 Port Authority Analysis; 2009 Official Plan approved by council

2. **Sheri Selway, North End Neighbours**

Ms. Selway addressed Committee. Highlights of the presentation included:

- President of North End Neighbours Association
- addressed interests of neighbourhood
- healthy pedestrian friendly community
- child and family friendly neighbourhood
- West Harbour Plan puts neighbourhood in pressure with respect to traffic and parking
- houses are closely package together with narrow streets
- agree with receipt of report
- concerns: Bayview park being sub-area
  - proposed use is a major undertaking that encroaches into stable neighbourhood area of north end and oppose the parking structure
  - using neighbourhood as a parking lot
  - large amounts of commercial establishments in piers 5, 6 and 7 – especially large shopping areas
- urge council that when plan is approved that it include a recommendation that north end is protected from parking and traffic impacts.

3. **Werner Plessl, Waterfront Trust**

Mr. Plessl addressed Committee. Highlights of the presentation included:
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- plan represents public access, considerably more than there is now.
- need amenities at the Waterfront to accommodate everyone’s needs
- Waterfront Trust endorses the plan

4. Martin Lipp from Royal Hamilton Yacht Club

Mr. Lipp addressed Committee. Highlights of the presentation included:
- support the development of the Waterfront
- fully endorse all the motions of January 2009 Committee of the Whole
- Generally support the plan but it is incomplete – creates issues that create further problems
- issues that need to be addressed:
  1. relocating the trail to water’s edge
  2. “The Bridge”
  3. Winter Storage
  4. Long Term Leases
- Issues should be resolved before the plan is adopted.

Councillor Collins address the issue of discussions commencing with respect to leases and addressing issues of the boating clubs. and how soon can we have some renewed leases in place to deal with some of the issues and recreational boating clubs

(Clark/Ferguson)
That staff be directed to commence renegotiations of existing leases with all recreational boating community and report back during 4th quarter of 2010. CARRIED

(Whitehead/Pearson)
That the presentation be received. CARRIED

5. Sandy MacDonald

Mr. MacDonald address Committee. Highlights of the presentation included:
- thanks for opportunity to state case
- 50th year in West Harbour location
participated on Chamber Committee for 3 years and during that time; had opportunity to convince everyone of merit of their position with respect to McDonald Marina
- no reason to close McDonald Marina
- ask Council to stop special treatment and treat same as everyone else – include in lease renewals, run business and protect equity and livelihood
- open to alternate locations
- in the absence of any compelling reason to close the business, the normal course would be to renew
- questioned where there is there anything in the plan that specifically excludes marine operation and staff advised that there is not.

(Pearson/Mitchell)
That the presentation be received. CARRIED

(Whitehead/Jackson)
(a) That the West Harbour Waterfront Recreation Master Plan, dated April 14, 2010, attached as Appendix “C” to Report PW09004a / PED10108, be received;
(b) That the West Harbour Waterfront Recreation Master Plan be referred to the General Manager, Planning and Economic Development Department for the development of an appropriate Official Plan Amendment and implementing Zoning By-Law to be presented at a Public Meeting under the Planning Act at Economic Development and Planning Committee;
(c) That the consideration of an architectural review board for West Harbour waterfront development be referred to the General Manager of Planning and Economic Development for contemplation in conjunction with the creation of the new Waterfront Development Corporation. CARRIED

8. DISCUSSION ITEMS

8.7 John C. Munro Hamilton International Airport Infrastructure Funding Proposal (PED10121) (to be distributed)

(Mitchell/Pearson)
That the City of Hamilton endorse the request to be submitted by TradePort International Corporation to both the Provincial and Federal governments as shown on the attached Appendix “A” to report PED10121. CARRIED.
Item 8.1 was deferred to just prior to Closed Session portion of agenda.

8.2 2010 Tax Policies (FCS10034) (City Wide)

Rob Rossini provided an overview of the report.

Committee members addressed:
- multi-residential tax rate;
- income threshold
- condo corporation concerns with respect to fairness and equity
- percentage for food production land for farms – what is assessment figure charged
- % equals what on average assessed home – information to be emailed

(Pearson/Whitehead)
(a) That the following optional property classes be continued for the 2010 taxation year:
   • New Multi-Residential
   • Parking Lot and Vacant Land
   • Large Industrial

(b) That, based on the 2010 final approved net levy of $673,013,178, the following final tax ratios be established for the 2010 taxation year:

   • Residential 1.0000
   • Multi-Residential 2.740
   • New Multi-Residential 1.0000
   • Commercial (residual) 1.9800
   • Parking Lot & Vacant Land 1.9800
   • Industrial (residual) 3.2918
   • Large Industrial 3.8601
   • Pipeline 1.7367
   • Farm 0.2028
   • Managed Forest 0.2500

(c) That the following tax reductions be established for the 2010 taxation year:
   • Vacant units and excess land subclass (residual commercial) 30%
   • Vacant units and excess land subclass (residual industrial)
Vacant land subclass (residual industrial) 30%
Vacant units and excess land subclass (large industrial) 30%
Farmland awaiting development (1st subclass) 25%
Farmland awaiting development (2nd subclass) 0%

(d) That the existing property tax relief deferral program for low-income seniors and disabled persons be continued for the 2010 taxation year;

(e) That the existing 40% tax rebate for eligible charities and similar organizations be continued for the 2010 taxation year;

(f) That the existing provincially mandated vacancy rebate for eligible commercial and industrial properties be continued for the 2010 taxation year;

(g) That the existing Senior’s (65+) Tax Rebate Program be continued, with the following criteria updated for the 2010 taxation year:

(i) **Income threshold (150% of GIS couple)** remain unchanged at $31,030;

(ii) **Assessment cap (120% of city-wide average)** increased to $299,800 ($283,300 in 2009);

(iii) **Rebate** increased by the CPI index to $161 ($160 in 2009);

(h) That, for the 2010 taxation year, the tax capping percentage for any assessment-related tax increases in the Commercial, Industrial and Multi-Residential property classes be set at the maximum allowable of 10%;

(i) That, for the 2010 taxation year, any capped property in the Commercial, Industrial and Multi-Residential property classes that is within $250 of its Current Value Assessment (CVA) of taxes in 2010, be moved directly to its' full Current Value Assessment (CVA) of taxes;

(j) That, for the 2010 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for
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the new construction / new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;

(k) That for the 2010 taxation year, any property in the Commercial, Industrial and Multi-Residential property class which paid full Current Value Assessment (CVA) taxes in 2009, no longer be eligible for capping protection in 2010 and future years;

(l) That, for the 2010 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;

(m) That, for the 2010 taxation year, the Area Rated Levies be approved as identified in Appendix A to report FCS10034 “2010 Tax Policies” attached hereto;

(n) That Council approve one-time funds of up to $50,000 from the tax stabilization reserve to study the cost of municipal services borne by tenants versus homeowners, as recommended by the Multi-Residential sub-committee and subsequently approved by Council April, 2009; and

(o) That the City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2010 taxation year.

CARRIED

8.3 City of Hamilton 2010 Residential Development Charges (FCS10035) (City Wide)

Rob Rossini provided an overview:

Highlights included the following:
- Development Charge Freeze
- Development Charge Indexing
- Water/Wastewater 10-year Financial Plan Peer Review
- April 2011 – Water/Wastewater Updated DC By-law
- Foregone Development Charge Revenue

Comments from councilors included:
- what is average price of new home
- What has impact been because of freeze?
- How much did the taxpayers subsidize the development industry because revenues didn’t come in due to the freeze.
- Look at outside of Ontario for review prior to next DC by-law and council term

**Added: Presentation by Bernice Flegg, Hamilton-Halton Homebuilders Association**

Ms. Flegg address the following in her presentation:
- requested that Council consider a market sensitive phasing in of the Development charges over the next year.
- thanked staff for reviewing the development charges with them
- thanked council for freezing the development charges previously.
- addressed affects of HST on housing market

(Merulla/McHattie)

(a) That the full residential development charges (DC) rates (as per Table 3 in report FCS10035) in accordance with Development Charge By-laws 09-143, 09-144 be approved and effective as of July 6, 2010;

(b) That the 2009 non-residential construction cost indexing of -1.9% in accordance with DC By-laws 09-143 and 09-144, be applied to the City’s residential and non-residential DC rates, excluding industrial DC rates, on July 6, 2010;

(c) That the Consulting Firm “CN Watson and Associates LTD.”, be single-sourced (Purchasing Policy #11) to undertake the 2011 Water/Wastewater Development Charges Background Study (estimated cost $150,000), associated By-law and a Peer Review (estimated cost $4,500) per Council instruction, regarding financial sustainability of water/wastewater growth infrastructure;

(d) That the total cost of work required, as per recommendation (c) with an estimated cost of $154,500, be funded from development charges contained within Capital Works-In-Progress DC Study Account # 3380955900 (unspent balance of $250,000);

(e) That staff include, as part of the scope of work in recommendation (c), options regarding DC rates and their impact on Provincial Places to Grow strategies including intensification and downtown renewal; and
(f) That the 2009 foregone residential DC revenue (approximately $3.5 million as per June 9, 2009, Information Update) due to the residential DC rate freeze not be added to the tax or rate levies and that growth projects, deferred due to foregone DC revenue, be added back into the next relevant DC Background Study and their costs be recouped from forecast development, where possible.

CARRIED ON A STANDING RECORDED VOTE:
Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Whitehead, McHattie, Merulla, Pasuta, Pearson,
Total: 10
Nays: Ferguson, Jackson, Mitchell
Total: 3
Absent: Councillors Powers, McCarthy, Morelli
Total: 3

8.4 Non Union Compensation Sub-Committee Report 10-001, April 26, 2010
(Ferguson/Clark)
Be received. CARRIED.

Councillors Duvall, Merulla, Whitehead, Collins opposed.

8.5 Update on Return to Work Services Enhancement Requested through 2010 Budget Process (HUR10001(a) (City Wide)
Helen Hale Tomasik answered questions on the report.
(F Clark/Pearson)
Be received. CARRIED.

3. Return to Work Services Enhancement (HUR10001) (City Wide)
(Clark/Whitehead)
(a) That the 2010 Human Resources proposed Program Enhancement for Return to Work Services related to the addition of an Occupational Health Nurse and a Return to Work Services Assistant at a total cost of $206,050, to be funded from the LTD and WSIB reserves with no net impact on the levy, be approved;

(b) That Human Resources staff be directed to report back to the Audit and Administration Committee on a quarterly basis on budget reductions and savings resulting from the Return to Work Services Program Enhancement.
Councillors Duvall, Collins, Mitchell opposed
8.6 Hamilton Renewal Power Inc. Report 10-001, April 26, 2010

(Mitchell/Pearson)

(a) That the Preliminary 2009 Year-End Financial Statements and Audit Update, attached as Appendix A be received;

(b) That the Hamilton Renewable Power Inc. 2010 Budget attached as Appendix B be approved;

(c) That the Woodward Hamilton Renewable Power Inc. Expansion Business Plan, attached as Appendix C be approved;

(d) That the Hamilton Renewable Power Inc. 5 year Forecast Based on Current Operations, attached as Appendix D be received;

(e) That the Hamilton Renewable Power Inc. 5 year Forecast based on Proposed Expansion, attached as Appendix E be received;

(f) That the HRPI Dividend Policy, attached as Appendix F be approved.

8.1 Citizens' Forum - Steering Committee Selection (CM10002a) (City Wide)

Tim Dobbie provided an overview of the report.

(Merulla/Collins) call the question.  CARRIED.

(Pearson/Mitchell)

(a) That the names submitted in Confidential Appendix A as amended to report CM10002(a) for the Citizen's Forum Steering Committee be approved;

(b) That Appendix A be released as a public document once City Council has considered and approved the membership.  CARRIED.

Councillors Duvall, Jackson, Collins opposed
10.1 Closed Session Minutes of April 13, 2010
(Merulla/Ferguson)
That the Closed Session Minutes of April 13, 2010 be approved.
CARRIED.

11. GENERAL INFORMATION/OTHER BUSINESS

Pan Am Games Update

David Adames provided an overview of the following;
- Update on the Pan Am Initiative – overview of the last six months
- Receive direction from Council on the Pan Am Stadium Plans
- Critical path for upcoming dates

Councillor Clark requested that Council be provided with dates of all meetings staff have had with the Ti-cats and notes taken.

(Clerk/Pearson)
That the update be received. CARRIED.

12. ADJOURNMENT

(Pearson/Mitchell)
The meeting adjourned at 3:55 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
May 10, 2010