



## **Committee of the Whole MINUTES**

**9:30 a.m.  
August 6, 2008  
Albion Rooms  
Hamilton Convention Centre**

---

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

**Absent with Regrets:** Councillor B. McHattie – Vacation

**Also Present:** J. Rinaldo, Acting City Manager  
D. Fisher, Acting City Solicitor  
S. Stewart, General Manager, Public Works  
T. McCabe, General Manager, Planning and  
Economic Development  
Dr. E. Richardson, Medical Officer of Health  
M. Gallagher, Coordinator, COW

Mayor Eisenberger called the meeting to order.

### **THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:**

|                                 |
|---------------------------------|
| <b>1. CHANGES TO THE AGENDA</b> |
|---------------------------------|

(Powers/Pearson)

That the agenda be adopted as circulated.

CARRIED.

**2. DECLARATIONS OF INTEREST**

**Item 36 Non-Union Part-Time & Summer Student Wage Rates  
(HUR08015) (Item 10.4)**

Councillor Mitchell declared an interest in this item as his daughter is a student employed by the city.

**3. ADOPTION OF MINUTES**

**3.1 July 9/10, 2008**

(Powers/Pearson)

That the minutes of July 9, 2008 be adopted as circulated.

CARRIED.

**4. CONSENT ITEMS**

**(Pearson/Powers)**

That Items 4.1 to 4.8 be approved as presented.

CARRIED.

**4.1 Apportionment of Taxes for Properties in Ancaster,  
Flamborough, Glanbrook and Hamilton (FCS08001(c)) (Wards  
2, 8, 11, 14, 15)**

- (a) That the 2008 property taxes, in the amount of \$2,136.33 for 1034 Sulphur Springs Rd., Ancaster, (Roll #2518 140 120 35000), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS08001(c);
- (b) That the 2008 property taxes, in the amount of \$1,676.09 for 175-177 Chudleigh St., Flamborough, (Roll #2518 303 390 40650), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS08001(c);
- (c) That the 2008 property taxes, in the amount of \$1,665.09 for 171-173 Chudleigh St., Flamborough, (Roll #2518 303 390 40655), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS08001(c);
- (d) That the 2008 property taxes, in the amount of \$3,077.87 for 112-122 Donald Bell Dr., Glanbrook, (Roll #2518 901 410 71680), be apportioned and split amongst the six newly

created parcels as set out in Appendix A to report FCS08001(c);

- (e) That the 2007 and 2008 property taxes, in the amount of \$6,525.57 for 218 Macauley St. E., Hamilton, (Roll #2518 020 171 05270), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS08001(c);
- (f) That the 2007 and 2008 property taxes, in the amount of \$3,014.76 for 0 Springvalley Cres., Hamilton, (Roll #2518 080 971 09060), be apportioned and split amongst the four newly created parcels as set out in Appendix A to report FCS08001(c); and
- (g) That the 2007 and 2008 property taxes, in the amount of \$3,014.76 for 0 Springvalley Cres., Hamilton, (Roll #2518 080 971 09050), be apportioned and split amongst the four newly created parcels as set out in Appendix A to report FCS08001(c).

**4.2 Treasurer's Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS08063) (Wards 2 & 14)**

- a) That the Treasurer, under Section 354 (3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 216 Burlington Street East (Ward 2), in the amount of \$24,645.72; and
- b) That the Treasurer, under Section 354 (4) (b) of the Municipal Act (2001), write off taxes as uncollectible on 1 Gavin Avenue (Ward 14) in the amount of \$501.04 as conducting a tax sale would be inappropriate.

**4.3 Temporary Road Closure of Ferguson Avenue from King Street to Rebecca Street for the Annual Mustard Festival (PW08088) (Ward 2) – amendment**

That the application by the International Village B.I.A. to temporarily close Ferguson Avenue North from King Street to Rebecca Street from Thursday, August 28, 2008 at 3:00 p.m. to Monday, September 1, 2008 at 1:00 a.m. for the annual Hamilton Mustard Festival, be approved subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations as may

- be required by the Chief of Police or his designate be obtained;
- (b) That the applicant provide proof of \$5,000,000 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;
  - (c) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate;
  - (d) That all barricading be supplied by and at the expense of the applicant;
  - (e) That "Temporary Road Closure" signs be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works at the sole cost of the applicant;
  - (f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer;
  - (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
  - (h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works;
  - (i) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by the International Village B.I.A. P.O. Box 91220 to serve alcohol on the road allowance on Ferguson Avenue North on Thursday August 28, 2008 from 4:00 p.m to 12:00 midnight, and Friday August 29, 2008 to Sunday September 1, 2008 from 12:00 noon to midnight each day, and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event.

**(Bratina/Whitehead)**

That the road closures be amended as follows:

Ferguson from King to King William, and King William from  
Ferguson to just east of Walnut.                      AMENDMENT CARRIED.

Motion As amended CARRIED.

**4.4 Temporary Road Closure of Locke Street South for the Annual Locke Street Festival (PW08089) (Ward 1)**

That the application by the Locke Street Merchants Association to temporarily close Locke Street South between Hunter Street and Stanley Avenue on Saturday, September 6, 2008 from 6:00a.m. to 11:00p.m. to hold a street festival, be approved subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate is received, and that such permits or authorizations that may be required by the Chief of Police or his designate are obtained;
- (b) That the applicant provide proof of \$5,000,000 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss. The certificate must be provided to the City of Hamilton prior to the event;
- (c) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant;
- (d) That warning boards be installed in advance by the Public Works Department, on the affected roadways at the cost of the applicant;
- (e) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer;
- (f) That no property owner or resident within the barricaded area be denied access to their property upon request;
- (g) That all property owners and tenants along the closed portion of the road be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works;
- (h) That the applicant pay the required full road closure permit fee of \$531.33 made payable to "The City of Hamilton" prior to the road closure;
- (i) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the applications by the West Town Bar & Grill, 214 Locke Street,

to serve alcohol on the road allowance of Locke Street on Saturday, September 6, 2008 from 11:00a.m. to 11:00p.m. and that the City has no objection to the AGCO issuance of the appropriate liquor license for this event.

**4.5 Temporary Road Closure of King Street West from Sterling to North Oval Westitalia Street Festival (PW08091) (Ward 1)**

That the application from the Westdale B.I.A. for the temporary closure of King Street West between Sterling Avenue and North Oval at 12:00 noon on Friday, September 12, 2008 until 10:00 p.m. on Sunday, September 14, 2008 for a street festival, be approved subject to the following conditions:

- (a) That the prior approval of the Chief of Police or his designate is received, and that such permits or authorizations that may be required by the Chief of Police or his designate are obtained;
- (b) That the applicant provide proof of \$5,000,000 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;
- (c) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant;
- (d) That all barricading be supplied by and at the expense of the applicant;
- (e) That "Temporary Road Closure" signs be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works at the sole cost of the applicant;
- (f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer;
- (g) That no property owner or resident within the barricaded area be denied access to their property upon request;
- (h) That all property owners and tenants along the closed portion of the road be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works;

- (i) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by The Village Diner at 988 King Street W., 1010 Bistro at 1010 King Street W., The Snooty Fox at 1011 King St. W., The Bean Bar at 1012 King Street W., and Bourbon St. Café at 1019 King Street W., to serve alcohol on the road allowance of King Street West on Friday, September 12, 2008 and Saturday, September 13, 2008 11:00 a.m. to 12:00 midnight, and on Sunday, September 14, 2008 from 11:00 a.m. to 6:00 pm, and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event.

**4.6 Temporary Road Closure – Dundas Cactus Festival and Parade (PW08090) (Ward 13)**

That the application from the Dundas Cactus Festival Committee to temporarily close the following roads during the dates and events noted:

- (a) PARADE: Thursday, August 14, 2008 from 6:00 p.m. until 10:00 p.m.
- Cross Street between the Dundas Driving Park entrance and Park Street;
  - Park Street between Cross Street to York Road;
  - York Road between Park Street and King Street West;
  - King Street West between York Road and Market Street;
  - Market Street between King Street West and the entrance to Market Street Arena;
- (b) FESTIVAL: Friday, August 15, 2008 at 5:00 p.m. to Sunday, August 17, 2008 at 6:00 p.m.
- King Street West between York Road and Market Street;
  - Ogilvie Street between King Street West and Hatt Street;

be approved, subject to the following conditions:

- (aa) That the prior approval of the Chief of Police or his designate be received, and that such permits or authorizations, as may be required by the Chief of Police or his designate, be obtained;
- (bb) That the applicant provide proof of \$5,000,000 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;

- (cc) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant;
- (dd) That "Temporary Road Closure" signs be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works at the sole cost of the applicant;
- (ee) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer;
- (ff) That no property owner or resident within the barricaded area be denied access to their property upon request;
- (gg) That all property owners and tenants along the closed portion of the road be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works;
- (hh) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by the Winchester Arms, 120 King Street West, Mike's Sports Bar at 100 King Street West, and Thirsty Cactus at 2 King Street East, to serve alcohol on the road allowance of King Street on Friday August 15, 2008 from 6:00 p.m. to 12:00 midnight, Saturday, August 16, 2008 from 11:00 a.m. to 12:00 midnight and Sunday, August 17, 2008 from 11:00 a.m. until 5:00 p.m. and that the City has no objection to the AGCO issuance of the appropriate liquor license for this event.

**4.7 Resource Limitations and Hospital Emergency Department Off-Loading (HES08006(a)) (City Wide)**

That Report HES08006(a) respecting Resource Limitations and Hospital Emergency Department Off-Loading be received.

**4.8 Minutes of the June 10, 2008 meeting of the Advisory Committee for Persons with Disabilities – FOR INFORMATION ONLY**

That the Minutes of the June 10, 2008 of the Advisory Committee for Persons with Disabilities be received for information.

**5. DELEGATION REQUESTS**

**5.1 Request to present annual report by the Chair and Members of the Poverty Roundtable at the September 9<sup>th</sup> Committee of the Whole**

(Whitehead/Mitchell)

That the delegation request be approved.

CARRIED.

**5.2 Request to address Item 7.1 respecting Tax Appeals Under Section 357 and 358 of the Municipal Act, 2001 by Cheryl Hozjan**

That the delegation request be approved.

CARRIED

**6. DELEGATIONS/PRESENTATIONS**

**6.1(a) Reverend Whitakker respecting Grants Sub-Committee Report**

Reverend Whitakker addressed Committee to freeze the fee for the next 10 years.

(Whitehead/Morelli)

That the presentation by Reverend Whitakker be received.

CARRIED.

**6.1(b) Resolution Tabled from Grants Sub-Committee Report respecting Open Air Worship in Gore Park (GRA08019)**

(Whitehead/Powers)

(i) That one half of the Fee Waiver Request, submitted by Reverend Stanley Whittaker, of the Abundant Life Group and the Gideon's, in the amount of \$730.65, be credited to the applicant's City account.

(ii) That 2008 be the final year that Community Partnership Program (CPP) funding be provided to Reverend Stanley Whittaker, of the Abundant Life Group and the Gideon's, unless future applications to the CPP comply with the required criteria.

CARRIED

Councillor T. Jackson Opposed

**6.2 Tradeport International – Presentation of the Annual Report**

Richard Koroscil presented an overview of the 2007 Annual Report.

(Powers/Mitchell)

That the presentation by Tradeport International of the 2007 Annual Report be received. CARRIED

**6.3 Request to address Item 7.1 respecting Tax Appeals Under Section 357 and 358 of the Municipal Act, 2001 by Cheryl Hozjan**

Ms. Hozjan and Mr. Connely addressed Committee and addressed the tax appeal for Church of the Rock at 2149 Hwy 6.

(Mitchell/Whitehead)

That the presentation by Cheryl Hozjan and Chris Connely be received. CARRIED

|                            |
|----------------------------|
| <b>7. DISCUSSION ITEMS</b> |
|----------------------------|

**Corporate Services**

**7.1 Tax Appeals Under Section 357 and 358 of the Municipal Act, 2001 (FCS08008(e)) (City Wide)**

(Collins/Merulla)

(a) That the tax write-offs processed under Section 357 of the Municipal Act, 2001 in the amount of \$143,952.80 be approved as set out in Appendix "A" to report FCS08008(e);

(b) That the tax appeals, due to a gross or manifest clerical error, pursuant to Section 358 of the Municipal Act, 2001, in the amount of \$33,961.27 be approved as set out in Appendix "B" to report FCS08008(e).

(Collins/Merulla)

That Appeal No. 357-07-171 – 2149 Highway 6 Church of the Rock at 2149 Highway 6 be taxed at the residential tax rate.

AMENDMENT CARRIED.  
MOTION AS AMENDED CARRIED.

Recessed from 1:10 to 1:45 pm.

**7.2 Reallocation of Funding to Support City Hall Building Automation Systems (FCS08064) (City Wide)**

(Merulla/Morelli)

That the existing funding of \$349,446.69 to support Building Automation Systems relating to City Hall be transferred to the City Hall project 3540441442 to support similar investments.

CARRIED.

**7.3 Water & Wastewater Deferred Payment Agreements (FCS08067)**

(Pearson/Mitchell)

That all Water and/or Wastewater Deferred Payment Arrangements that exceed \$100,000 be referred to the Audit and Administration Committee for approval.

CARRIED.

**7.4 2009 Tax and Rate Budget Process (FCS08080)**

(Pearson/Merulla)

That the 2009 Tax and Rate Budget Process, including the establishment of budgeting guidelines and a public consultation process, be referred to the Budget Steering Committee.

CARRIED.

Councillor Collins, Whitehead, Mitchell, Pasuta Opposed

**7.5 Impact Investigation of Flooding Events on Homeowners (City Wide) (FCS08071)**

(Powers/Whitehead)

Be received.

CARRIED.

(Merulla/Morelli)

That the Rules of Order be waived to allow the introduction of a motion respecting the Residential Municipal Relief Assistance Program for Basement Flooding.

CARRIED.

Councillor Ferguson Opposed.

**Residential Municipal Relief Assistance Program for Basement Flooding for the Events of June 22, 2008 to August 5, 2008 (City Wide)**

(Merulla/Morelli)

- (a) That for the purpose of invoking the Residential Municipal Relief Assistance Program for Basement Flooding, City

Council declare the rainstorm events of June 22, 2008 through to August 5, 2008 inclusive, as a "Disaster" for all affected properties within the City of Hamilton;

- (b) That payment of claims be based on compassionate grounds only and not to be construed as an admission of liability on the part of the City of Hamilton;
- (c) That the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program as previously approved in report FCS06007 be applied;
- (d) That the costs associated with these claims be funded from the Residential Municipal Disaster Relief Program Reserve; and
- (e) That staff be authorized to retain an independent adjuster for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the reserve. CARRIED

**7.6 Municipal Share of Slot Machine Revenues (City Wide)  
(FCS08069)**

(Whitehead/Duvall)

- (a) That the City of Hamilton support the City of Toronto in renegotiating the municipal share of slot machine revenue with the Ontario Lottery and Gaming Corporation (OLG);
- (b) That the City of Hamilton, together with all other host municipalities of Slots-at-Racetrack, jointly approach the Ontario Lottery and Gaming Corporation (OLG) and the Ministry of Energy & Infrastructure, to collectively request that the current agreement with respect to the municipal share of slot machine revenue be increased to 10% of the slot operation's gross revenues (Net Win), regardless of the number of slot machines, subject to not negatively affecting the amount currently received by the racetrack owner and horse breeders, or cause the reduction in grants provided through Ontario Trillium Foundation;
- (c) That a copy of report FCS08069 "Municipal Share of Slot Machine Revenue" be forwarded to all host municipalities of Slots-at-Racetrack, the Ontario Lottery and Gaming Corporation (OLG) and the Ministry of Energy & Infrastructure; and

- (d) That Item "I" be removed from the Audit and Administration Committee Outstanding Business List. CARRIED.

### Hamilton Emergency Services

#### 7.7 Public Access Defibrillation (PAD) (HES07005(b)) (City Wide)

(Clark/Ferguson)

- (a) That the City of Hamilton be authorized and directed to receive any available grants from the Heart and Stroke Foundation of Ontario to purchase and/or subsidize the cost of Public Access Defibrillators (PAD) and associated training and other related costs;
- (b) That the General Manager/Chief of Hamilton Emergency Services be authorized to execute as required applicable and appropriate agreement(s) between the City of Hamilton and the Heart and Stroke Foundation of Ontario in a form satisfactory to the City Solicitor, to implement the above recommendation. CARRIED.

#### 7.8 Biedermann Fire – Staff Review and Comments on the Office of the Fire Marshal (OFM) Reports and Addenda (City Wide) (HES08012)

(Powers/Jackson)

Be received.

CARRIED.

### Public Works

#### 7.9 Stoney Creek and Battlefield Creek Flood and Erosion Control Class Environmental Assessment Study (PW08086) (Wards 5, 9, 10 and 11)

(Clark/Pearson)

That the General Manager of the Public Works Department be authorized and directed to retain Hamilton Conservation Authority as a single source provider to undertake the proposed Stoney Creek and Battlefield Creek Flood and Erosion Class Environmental Study to an upset limit of \$230,000 from Project ID: 5180755701, Project ID name: Stoney Creek and Battlefield Creek Flood and Erosion Control. CARRIED.

**7.10 Proposed Outdoor Boulevard Café – 171 John Street South – “Gallagher’s Bar and Lounge” (PW08087) (Ward 2)**  
(Bratina/Jackson)

- (a) That the application of the operator of “Gallagher’s Bar and Lounge”, located at 171 John Street South (69 Augusta Street), to erect and maintain an outdoor boulevard café within the Augusta Street road allowance, be approved, subject to the following conditions:
  - (i) That the applicant and owner enter into an Outdoor Boulevard Café agreement in a form satisfactory to the General Manager, Public Works and the City Solicitor;
  - (ii) That the applicant pay the appropriate user fee and an annual fee based on 5% of the market value of the City land utilized at such time as the current moratorium end;
  - (iii) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City of Hamilton as an added insured and holding the City harmless from all actions, causes of action, interest, claims, demands, damages, expenses and loss;
  - (iv) That the applicant adhere to all of the City of Hamilton’s Barrier Free Guidelines;
  - (v) That the applicant adhere to the City Council approved Technical Specifications for Outdoor Boulevard Cafes;
  - (vi) That the applicant adheres to the Urban Design Guidelines for Outdoor Boulevard Cafes on Public Property;
- (b) That the Boulevard Café Agreement be executed by the General Manager, Public Works or his designate, in accordance with the delegated authority granted by Section 3 of the 3<sup>rd</sup> Report of the 1999 Finance and Administration Committee, adopted by the former City of Hamilton Council on February 9, 1999. CARRIED.

**Community Services**

**7.11 Approval for Alcohol as part of a Special Event (Baseball/Slo-Pitch Tournament – Fundraiser for Smith Family Trust Fund) – Turner Park - (ECS08037) (Ward 7)**  
(Duvall/Jackson)

- (a) That Montana’s Cookhouse – Ancaster be approved to host a Beer Garden at Turner Park, as part of a Fundraising Slo-

Pitch Tournament with proceeds going to the Smith Family Trust Fund on Sunday, September 14, 2008, 11:00 a.m. and 6:00 p.m.

- (b) That, if the request to host a Beer Garden is approved, the hosting organizations must comply with:
  - (i) The Ontario Liquor License Act, R.S.O. 1990, Chapter L.19 and the administration of the Act by the Alcohol and Gaming Commission of Ontario (AGCO).
  - (ii) The conditions contained within the City of Hamilton's Municipal Alcohol Guidelines, Appendix A of the Policy for Special Event Planning.
  - (iii) The applicant must provide \$5,000,000 comprehensive general liability insurance coverage (which shall include a host liquor liability endorsement), and that the City of Hamilton is named as an additional insured party to this Policy.
  - (iv) The applicant must pay all City Service costs associated with the operation of this event. CARRIED

**7.12 2008 Heat Response Plan ECS08027(b)**

(Whitehead/Duvall)

That the City's Heat Response plan be implemented on the second day of a 40 degree Celsius humidex heat event (Heat Warning stage), (the first day of a 40 degree Celsius humidex heat event is a Heat Advisory), for the remainder of the 2008 heat season as a pilot, to assess the usage and operating impacts of opening municipally-operated cooling centres as well as extended operating hours for outdoor City pools during prolonged heat events.

CARRIED.

**Internal Audit**

**7.13 Audit Report 2008-05 – Downtown Residential Loan Program (DRLP) (CM08021)**

(Clark/Ferguson)

- (a) That Report CM08021 respecting Audit Report 2008-05, Downtown Residential Loan Program, be received;
- (b) That the management action plans as detailed in Appendix "A" of Report CM08021 be approved and the General Manager of Planning and Economic Development direct the appropriate staff to have the plans implemented. CARRIED

**City Manager**

**7.14 Proposed Mitigation Options - Tax and Rate Operating Budget Variance Report to May 31, 2008 (CM08023)**

(Merulla/Jackson)

That the mitigation measures contained within the Executive Summary of CM08023, be approved.

Updated Forecasts:

- Updated projection of non-program revenue - \$500,000
- Updated projection of debt charge savings - \$1.0 million
- LCBO Interim Blue Box Funding – estimated additional \$100,000
- New funding announcement for Household Hazardous Waste Program - \$50,000

Non-Service:

- Transfer of \$1.2 million in base budget from the corporate contingency to Recreation Services (\$1.1 million) and Customer Contact Centre (\$56,000) to offset the impact of CUPE 5167 contractual changes. The contingency is available from a provision made for 5167 job evaluation (JE) impacts. The 5167 JE has been implemented and the cost was less than the contingency.
- Transfer of \$0.4 million in base budget from corporate contingency to program areas impacted by the new statutory provincial holiday ("Family Day").
- Limitations on discretionary spending.
- Delayed hiring to increase gapping in non-essential positions.

Use of Reserves:

(only implemented if the deficit remains at year-end)

- Gas Tax funding to partially offset Transit shortfall - \$800,000.
- Winter Control reserve - \$1,800,000.
- Reduce transfer to Fleet reserve by \$145,000.

Service Impacts:

- None recommended at this time. CARRIED.

Community Services were directed to report back on impact and projections for increases in Ontario works caseload to the Emergency and Community Services Committee.

**7.15 Area Rating Policy Update (City Wide) (CM08022)**

(Jackson/Duvall)

That report CM08022 "Area Rating Policy Update" be received for information. CARRIED.

(Jackson/Eisenberger)

That the City of Hamilton maintain the current area rating tax policy for 2009 and 2010.

Motion **CARRIED** on a Standing Recorded Vote:

Yeas: Eisenberger, Ferguson, Jackson, McCarthy, Pasuta, Mitchell,  
Pearson, Powers

Total: 8

Nays: Bratina, Clark, Collins, Duvall, Merulla, Morelli, Whitehead

Total: 7

Absent: McHattie

Total: 1

(Eisenberger/Whitehead)

(a) That staff be directed to bring a report back for council's consideration by the end of 2008 outlining a process for an information sharing and public consultation plan for area rated services and all services received in all communities;

(b) That the report highlight all pros and cons for area rating of these services and all areas of services received.

CARRIED.

(Clark/Morelli)

That all various area rating models be included in subsection (b).  
AMENDMENT CARRIED.

**Advisory Committee/Sub-Committee Reports**

**7.16 Advisory Committee for Persons with Disabilities Report 08-005, July 8, 2008**

(Powers/Bratina)

That the recommendation in Report 08-005 of the Advisory Committee for Persons with Disabilities be referred to staff for a report back to Committee of the Whole. CARRIED.

**7.17 Facility Naming Sub-Committee Report 08-002, August 6, 2008**  
(Pearson/Ferguson)  
**Naming of the New Park Site at 370 King Street West, Dundas**  
**(PW08092) (Ward 13) (Item 6.1)**

That the proposed name of "Fisher's Mill Park" be approved for a new park site located at 370 King Street West (Ward 13).

CARRIED

**7.18 Accountability and Transparency Report 08-004, July 29, 2008**

(Pearson/Powers)

**Recruitment Process for Integrity Commissioner (HUR08011) -**  
**(City Wide) (Item 5.1)**

- (a) That a 'request for interest' (RFI) in the position of Integrity Commissioner be sent to a list of retired judges;
- (b) That the Accountability and Transparency Sub-Committee conduct the initial evaluation of the qualified candidates; and
- (c) That the Accountability and Transparency Sub-Committee conduct interviews and recommend the preferred candidate for the position of Integrity Commissioner along with the terms and conditions of the appointment to City Council for approval.

CARRIED.

**7.18 Hamilton Renewable Power Inc. Report 08-002, July 25, 2008**

**Halton (Skyway Project) Request for Proposals (Item 5.1)**

(Powers/Collins)

That no further action, respecting the bid for the Halton Skyway project, be taken at this time.

CARRIED.

|                   |
|-------------------|
| <b>8. MOTIONS</b> |
|-------------------|

**8.1 Exemption - Multiple Licences for Like Businesses Associated with the Same Establishment**

(Powers/Pearson)

Whereas, Hamilton City Council in December of 2001 amended the City of Hamilton Licensing Code By-law No. 01-156 to exempt (except in the case of tobacco vendor licences) the need for multiple licences for like businesses associated with the same establishment;

And in July of 2006, enacted a subsequent Licensing By-law No. 06-213 (repealing by-law No. 01-156) which through error did not include the provision of the exemption for multiple licences;

THEREFORE BE IT RESOLVED, that the issue to exempt the need for multiple licences for like businesses associated with the same establishment (with the exception of tobacco vendor licences) be referred to the Manager of Licensing for review and a subsequent report to the Economic Development & Planning Committee and that in the interim, active enforcement of this section of the by-law be temporarily suspended.

(Powers/Bratina)

That the words “and that in the interim, active enforcement of this section of the by-law be temporarily suspended” be deleted.

AMENDMENT CARRIED.

MOTION AS AMENDED CARRIED.

## **8.2 Reduction of Property Taxes on 50 Creighton Rd, Dundas**

(Powers/Pearson)

That the agreement, dated January 1, 1962, made between the former Town of Dundas and the Dundas Lions Housing Ltd (DLHL) for a reduction of property taxes on 50 Creighton Rd, Dundas in exchange for the provision of subsidized housing for low income individuals at that address be continued, in perpetuity, subject to Dundas Lions Housing Ltd (DLHL), on an annual basis, providing proof of compliance with the terms of the original agreement or in an alternative manner agreed to between the City and Dundas Lions Housing Ltd (DLHL).

(Powers/Pearson)

That the motion be referred to staff for a report to the Audit and Administration Committee. CARRIED.

## **9. NOTICES OF MOTION**

### **9.1 Four Day Work Week**

That staff be directed to prepare a report for committee's consideration which explores the feasibility of moving to a four day work week at all City of Hamilton Administration Offices.

|                                     |
|-------------------------------------|
| <b>10. PRIVATE AND CONFIDENTIAL</b> |
|-------------------------------------|

(Pearson/Ferguson)

That Committee moved into closed session on Item 10.2 respecting Utilities Arrears Assistance program requires that we move into closed session as this issue may result in a litigation and Items 10.3 to 10.5 are labour relations related items and Item 10.6 is subject to solicitor/client privilege and relates to disposition of land. CARRIED.

(Jackson/Duvall)

That Committee reconvene in Open Session CARRIED.

**10.1 Minutes of Closed Session meeting, July 10, 2008**

(Pearson/Powers)

That the Closed Session Minutes of July 10, 2008 were adopted as presented and remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act. CARRIED.

**10.2 Utilities Arrears Assistance Program – Verbal report**

(Jackson/Duvall)

That the verbal update be received. CARRIED.

**10.3 Pay Equity for Non-Union Part-Time Positions (HUR08013)**

(Duvall/Jackson)

- (a) That report HUR08013 be received for information; and
- (b) That the contents of report HUR08013 respecting the pay equity for non-union part-time positions remain confidential as it contains information related to labour relations and employee negotiations. CARRIED.

**10.4 Non-Union Part-Time & Summer Student Wage Rates (HUR08015)**

(Pearson/Whitehead)

- (a) That the part-time and summer student wage administration program for non-unionized part-time staff and full-time summer student positions, as described in this report, be increased by 3% effective January 1, 2008, and that individual salaries for active employees be adjusted accordingly; and
- (b) That the contents of report HUR08015 respecting the 2008 non-union part-time & summer student adjustments remain

confidential as it contains information related to labour relations and employee negotiations. CARRIED.

Councillor Mitchell declared an interest in this item and abstained from discussion and voting on this item.

**10.5 School Crossing Guards Wage Rates (HUR08014/PED08185)**

(Whitehead/Powers)

- (a) That the salary schedule for the School Crossing Guard be approved effective January 1, 2008, and that individual salaries be adjusted accordingly;
- (b) That the travel allowance be adjusted and approved for Spare School Crossing Guards; and
- (c) That the contents of report HUR08014/PED08185 respecting the School Crossing Guards Wage Rates remain confidential as it contains information related to labour relations and employee negotiations. CARRIED.

**10.6 Consent to Assignment of Ground Lease of the Sheraton Hotel by Clocktower Hotel Limited Partnership to Hamilton 116 King West Inc. and Related Transactions, Approval of Various Agreements related to the Assignment of the Ground Lease (FCS08070)**

(Jackson/Duvall)

- (a) That the City, as landlord of the Sheraton Hotel, 116 King Street West, (the "**Hotel**"), pursuant to a ground lease dated May 3, 1983, as amended, (the "**Ground Lease**"), grant consent to each of the following transactions subject to the conditions set out in clause 2 below:
  - (i) the assignment of the Ground Lease by Clocktower Hotel Limited Partnership ("**Clocktower**") to Hamilton 116 King West Inc. (the "**Purchaser**");
  - (ii) the assignment or transfer of other related rights and obligations in connection with the Hotel by Clocktower to the Purchaser, such as the assignment of the rights and obligations of Clocktower under an interface agreement between Clocktower, the City, Second Real Properties Limited and Fourth Real Properties Limited and the transfer of Clocktower's leasehold parcel; and
  - (iii) the release of the existing guarantee by Starwood Canada Corp. ("**Starwood**") of the obligations of

Clocktower under the Ground Lease and other related agreements.

- (b) The City's consent and approval of the said transactions is subject to the following conditions:
- (i) the terms and conditions of the existing agreements;
  - (ii) the assumption by the Purchaser of all obligations of Clocktower under those agreements;
  - (iii) the execution by Darko Vranich and Darko Vranich Holdings Limited of guarantee agreements with the City, on terms no less favourable to the City than the terms of the existing guarantee from Starwood, guaranteeing the performance of the obligations of the Purchaser under the Ground Lease and other related agreements;
  - (iv) the completion of the requisite due diligence to the satisfaction of the City Solicitor and City Treasurer;
  - (v) the receipt of confirmation satisfactory to the City Solicitor that the Hotel will continue to be operated as a Sheraton;
  - (vi) the receipt by the City prior to each transaction of certified resolutions of the shareholders, partners or directors of the counterparties regarding the proposed transactions, solicitor's opinions, third party consents and other documents, all as the City Solicitor may require;
  - (ix) the registration on closing of all documents as may be required by the City Solicitor in a form satisfactory to the City Solicitor;
  - (x) the payment on closing by Clocktower or the Purchaser of the costs of the City's external legal counsel and financial advisors retained to advise the City on the proposed transactions; and
  - (xi) the carrying out of each of the transactions listed in clause 1 as one approved transaction.
- (c) That the Mayor and the City Clerk, or other staff as appropriate, be authorized to execute all documents required to implement the foregoing in a form satisfactory to the City Solicitor, including the following:
- (i) an assignment of the Ground Lease;
  - (ii) guarantees of the obligations of the Purchaser under the Ground Lease and related agreements; and
  - (iii) such other agreements regarding the Hotel as the City Solicitor may determine.
- CARRIED.

There being no further business the meeting adjourned at 6:55 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher  
Co-ordinator  
COW/Council/Budgets  
August 6, 2008