



CITY COUNCIL MINUTES 15-005

5:00 p.m.

Wednesday, March 11, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger
Deputy Mayor J. Farr
Councillors A. Johnson, M. Green, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson,
B. Johnson, A. VanderBeek, L. Ferguson, R. Pasuta, J. Partridge

Mayor Eisenberger called the meeting to order and the called upon Reverend Douglas Cottrell to lead Council in prayer.

Mayor Eisenberger acknowledged the sudden passing of former Ward 3 Councillor and member of the Committee of Adjustment, Don Drury and noted that he will be truly missed.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.13 Correspondence from the Association of Municipalities respecting a Call of Expression on Interest for a Board of Directors Position.

Recommendation: Be received.

2. ADDED MOTIONS

- 7.7 Ten Year (2015-2024) Local Transit Strategy (PW14015(a)) (City Wide)
- 7.8 A Citizen's Panel to Study and Report on Transit Options
- 7.9 Construction of the Confederation GO Station

3. ADDED NOTICE OF MOTION

- 8.1 Grant Request for the Friends of Eramosa Karst
- 8.2 44th Annual JUNO Awards (2015) – Liquor Serving Time Extensions

4. ADDED PRIVATE AND CONFIDENTIAL

- 10.2 Update respecting the Recruitment of the Integrity Commissioner/Lobbyist Registrar

Discussion of this matter is proposed in Closed Session Pursuant to Section 8.1 (b) of the City's Procedural By-law 14-300 and Section 239 Subsection (2)(f) of the Ontario Municipal Act, 2001, as amended, as it relates to personal matters about an identifiable Individual, Including Municipal or Local Board Employees

(Pearson/Conley)

That the agenda for the March 11, 2015 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

CEREMONIAL ACTIVITIES

3.1 Recognition of the International Children's Games

Mayor Eisenberger advised that tonight Council is recognizing the International Children's Games (ICG).

Councillor Brenda Johnson, ICG President Ed Dunn and coaches Leanne McConnell and Mark Wu were in attendance to assist the Mayor in presenting the plaques to the children.

ICG President Ed Dunn spoke a few words in remembrance of the late Councillor Bernie Morelli who was the former Council representative on the International Children's Games.

The following children received plaques:

Jacob Blair
Quinlan Carnegie
Sabrina Cianciosi
Kieran Dinally
Mara Faiazza
Hannah Hunt
Smitha Korah
Leanne McConnell
Veronica Nichol
Joanne Pope
Lisa Rogers
Gavin Rotsaert-Smith
Sabryna Sankar
Victoria Smith
Monica Urbina
Haydn Wain-Lowe
Ashleigh Webb
Kristina Wu
Mark Wu

APPROVAL OF MINUTES

4.1 February 25, 2015

(Pasuta/Pearson)

That the Minutes of the February 25, 2015, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Farr/Green)

That Council Communications 5.1 through 5.13 be approved as amended, as follows:

- 5.1 Correspondence from the Hamilton Civic League, respecting a request for an external audit of the Hamilton Police Services Board

Recommendation: Be received.

- 5.2 Correspondence from Viv Saunders respecting delegated authority to approve changes to Zoning By-Laws

Recommendation: Be received and referred to the General Manager of Planning & Economic Development, for review.

- 5.3 Correspondence from Matt Jelly respecting his resignation from the Property Standards Committee

Recommendation: Be received and referred to the Selection Committee.

- 5.4 Correspondence from the United Empire Loyalists' Association of Canada, respecting the annual United Empire Loyalists' Day in Ontario

Recommendation: Be received.

- 5.5 Correspondence received in support of the Tourism Strategy and Five Year Action Plan (General Issues Committee Report 15-007, Item 7.1)

- (i) Vrancor Group
- (ii) The Sheraton Hamilton Hotel
- (iii) Homewood Suites by Hilton Hamilton
- (iv) Staybridge Suites Hamilton – Downtown
- (v) International Village Business Improvement Area

Recommendation: Be received.

- 5.6 Correspondence from the Council of the Town of Aurora, respecting the request for support for a Resolution of February 10, 2015, respecting Bill 52, the Protection of Public Participation Act, 2014.

Recommendation: Be received.

- 5.7 Correspondence from Operation Lifesaver respecting Public - Rail Safety Week.

Recommendation: Be received.

- 5.8 Correspondence from the Ministers of Municipal Affairs and Housing, and, Natural Resources and Forestry respecting Growth Plan and Greenbelt Plans.

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

- 5.9 Correspondence from the Ministry of the Attorney General respecting a Provincial Offences Act Reform Consultation.

Recommendation: Be received and referred to the City Solicitor, for appropriate action.

- 5.10 Correspondence from the Corporation of the City of Kingston respecting a Resolution of March 3, 2015, respecting the establishment of a New Multi-Residential tax class.

(Pearson/A. Johnson)

Recommendation: Be received and referred to the General Manager of Finance & Corporate Services, for a report to the Audit, Finance & Administration Committee and the Planning Committee.

CARRIED

- 5.11 Correspondence from EthoSolar Inc. respecting Blanket Support Resolution for rooftop solar projects for the Feed in Tariff Program.

Recommendation: Be received and referred to the General Manager of Public Works, for a report to the Public Works Committee.

- 5.12 Correspondence from Arlene Reemeyer, on behalf of YFC/Youth Unlimited - Waterdown, respecting a Request for a Reduction of Development Charges.

(Partridge/Vanderbeek)

Recommendation: Be received and referred to the General Manager of Finance & Corporate Services, for a report to the Audit, Finance & Administration Committee.

CARRIED

- 5.13 Correspondence from the Association of Municipalities respecting a Call of Expression on Interest for a Board of Directors Position.

Recommendation: Be received (Councillor Whitehead indicated that he's is interested in being a member of the Municipal Property Assessment Corporation (MPAC) Board of Directors).

CARRIED

(Duvall/Whitehead)

That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 15-003

(Merulla/Collins)

That the THIRD Report of the Public Works Committee be adopted, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 15-004

- 6 Modifications and Updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 (PED15028) (City Wide) (Item 6.2)**

(Partridge/B.Johnson)

That Item 6 of Planning Committee Report 15-004 respecting Modifications and Updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 (PED15028) be amended by adding the following Subsection (d) and re-lettering the subsequent Subsections:

- (d) That the draft By-law, marked as Appendix "E" to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, **be further amended by adding the following new clause (a) to Section 5:**
- (a) **by adding "front yard or required" before "side yard", deleting and replacing "shall be erected only in a" with "which is located entirely within the" between "principal building" and "rear yard", and adding "and side yard combined" at the end of the first sentence in clause (iv) of Subsection (4) ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS.**

and be enacted by City Council;

The amended Item 6 to read as follows:

- (a) That approval be given to **City Initiative CI-14-H** for modifications and updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200;
- (b) That the draft By-laws, attached as Appendices “A” to “F” to Report 15-004 which have been prepared in a form satisfactory to the City Solicitor, **be amended by removing the changes to the parking space dimensions** and be enacted by City Council;
- (c) That the draft By-law, marked as Appendix “F” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, **be further amended by removing clause 3 (d) and re-lettering the subsequent clauses there in** and be enacted by City Council;
- (d) That the draft By-law, marked as Appendix “E” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, **be further amended by adding the following new clause (a) to Section 5:**
- (a) **by adding “front yard or required” before “side yard”, deleting and replacing “shall be erected only in a” with “which is located entirely within the” between “principal building” and “rear yard”, and adding “and side yard combined” at the end of the first sentence in clause (iv) of Subsection (4) ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS.**
- and be enacted by City Council;
- (e) That the draft By-law attached as appendix “G” to Report PED15028 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (f) That the changes proposed to the By-laws, in Appendices “A” to “G” to Report PED15028, are minor in nature and that any changes made after holding a public meeting on March 3, 2015, that Council determines that no further notice is required prior to the passing of the proposed By-law, pursuant to Section (34)17 of the *Planning Act*.

Amendment CARRIED
Main motion as amended CARRIED

6. **Modifications and Updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 (PED15028) (City Wide) (Item 6.2)**

(A. Johnson/Farr)

That Item 6 of Planning Committee Report 15-004 respecting Modifications and Updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 (PED15028) be amended by adding the following Subsection (e) and re-lettering the subsequent Subsections:

- (e) That the draft By-law, marked as Appendix "E" to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, **be further amended by revising Section 6 as follows:**

Changing "a" to "two", adding "s" to the end of "Subsection" and adding "and (44)" after "(43) and adding the following new Subsection (44):

- (44) The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except "Restaurants" and "Medical Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of a building existing on the effective date of this By-law, within the area shown on Schedule "R", attached as Schedule "A6" to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.

And be enacted by City Council;

The amended Item 6 to read as follows:

- (a) That approval be given to **City Initiative CI-14-H** for modifications and updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200;

- (b) That the draft By-laws, attached as Appendices “A” to “F” to Report 15-004 which have been prepared in a form satisfactory to the City Solicitor, **be amended by removing the changes to the parking space dimensions** and be enacted by City Council;
- (c) That the draft By-law, marked as Appendix “F” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, **be further amended by removing clause 3 (d) and re-lettering the subsequent clauses there in** and be enacted by City Council;
- (d) That the draft By-law, marked as Appendix “E” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, **be further amended by adding the following new clause (a) to Section 5:**
 - (a) **by adding “front yard or required” before “side yard”, deleting and replacing “shall be erected only in a” with “which is located entirely within the” between “principal building” and “rear yard”, and adding “and side yard combined” at the end of the first sentence in clause (iv) of Subsection (4) ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS.**

And be enacted by City Council;

- (e) That the draft By-law, marked as Appendix “E” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, *be further amended by revising Section 6 as follows:*

Changing “a” to “two”, adding “s” to the end of “Subsection” and adding “and (44)” after “(43) and adding the following new Subsection (44):

- (44) *The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except “Restaurants” and “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of a building existing on the effective date of this By-law, within the area shown on Schedule “R”, attached as Schedule “A6” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.*

And be enacted by City Council;

- (f) That the draft By-law attached as appendix "G" to Report PED15028 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (g) That the changes proposed to the By-laws, in Appendices "A" to "G" to Report PED15028, are minor in nature and that any changes made after holding a public meeting on March 3, 2015, that Council determines that no further notice is required prior to the passing of the proposed By-law, pursuant to Section (34)17 of the *Planning Act*.

**Amendment CARRIED
Motion as Amended CARRIED**

7. 560 Grays Road OMB Appeals RE: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes (LS15005 / PED15030) (Wards 5 and 10)

(Partridge/Pearson)

That Item 7 of Planning Committee Report 15-004 respecting 560 Grays Road OMB Appeals RE: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes (LS15005 / PED15030) (Wards 5 and 10) be amended by deleting the recommendation in its entirety and replacing it with the following therein:

~~That the staff recommendations in Report LS15005/PED15030 remain confidential until Council approval.~~

That in regards to the appeals to the Ontario Municipal Board by Silvestri Homes in respect of Official Plan Amendment (OPA-12-010) and Amended Zoning By-law Amendment (ZAC-12-027) Applications concerning lands at 560 Grays Road:

- (a) Council support the principle of the Zoning By-law Amendment application, and the associated Lakeshore Neighbourhood Plan Amendment, to establish a site specific policy area permit, a maximum of 36 townhouse units as shown on Appendix "B", subject to an Urban Hamilton Official Plan Amendment being submitted and approved by Council;
- (b) Subject to the submission of the required Urban Hamilton Official Plan Amendment application, that City staff be directed to pursue discussions with the appellant regarding options for resolution of several details regarding the proposed development by Silvestri Homes, and that the City Solicitor or her delegate be authorized to present to the Ontario Municipal Board a final position on the details of development, including a draft Zoning By-law which includes the Holding Provision attached hereto as

Appendix "F", based on direction from the Director of Planning and Chief Planner or his delegate;

- (c) That Report LS15005/PED15030 remain confidential, except in the event Council adopts recommendations (a) and (b) in which case the appendices may be made public.

**Amendment CARRIED
Main Motion as Amended CARRIED**

(Partridge/Pasuta)

That the FOURTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-007

- 6. Update respecting the Red Hill Valley Parkway Litigation – City v. Attorney General of Canada, Superior Court Action C383-04 (Item 12.3)**

Councillors S. Merulla, J. Partridge, B. Johnson and T. Whitehead indicated that they wished to be recorded as OPPOSED to subsection (a) of this item.

(Eisenberger/Partridge)

That the SEVENTH Report of the General Issues Committee be adopted and the information section received.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 15-003
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(Pearson/B. Johnson)

That the THIRD Report of the Audit, Finance and Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 15-003

(Whitehead/Duvall)

That the THIRD Report of the Emergency and Community Services Committee be adopted, and the information section received.

CARRIED

(Duvall/Whitehead)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Proposed Licensing Cat Program

(Merulla/Conley)

WHEREAS the City of Hamilton regulates and licenses dogs and Pot Bellied Pigs under the Responsible Animal Ownership By-Law 12-031

AND WHEREAS the licensing of dogs creates responsible pet ownership, provides food, shelter, medical care for lost pets, helps return lost pets to their owners and helps support adoption programs

AND WHEREAS the licensing of cats in such Cities as Calgary, Toronto and London have seen a reduction in stray cats, impound and euthanasia rates and an increase in adoptions within their perspective Cities

AND WHEREAS a Cat Licensing program would create sustainable revenue for programs such as a low cost spay/neutering program, reduce the crisis of overpopulation of cats and support a Trap/Neuter/Release program for feral cat

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to examine the feasibility of implementing a Cat Licensing Program **in the urban area** within By-law 12-031;
- (b) That staff be directed to examine any resources available to increase the microchipping registration of cats, and strategically manage the overpopulation of cats in Hamilton, thus resulting in responsible cat ownership **and report to the Planning Committee.**

CARRIED

The above motion CARRIED, as amended, on the following Standing Recorded Vote:

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 15
Nays: L. Ferguson,
Total: 1

7.2 Feasibility of Adjusting HSR Fares

(Merulla/Collins)

That Item 7.2, a motion respecting the Feasibility of Adjusting HSR Fares, be deleted in its entirety and replaced with the following in lieu thereof:

Feasibility of Adjusting HSR Fares for Children 12 and Under

~~That, to assist in the conditioning and branding of HSR and alleviating the stigma attached to public transit use in Hamilton, staff be directed to review the feasibility of a 10 cent increase to HSR fares and the implementation of a policy that would provide free transit for children under 12 years of age, and report back to the Public Works Committee.~~

That the matter respecting the feasibility of providing free HSR transit for children 12 years of age or younger, be referred to the Citizen's Panel on Transit Options for discussion.

**Amendment CARRIED
Main Motion as amended CARRIED**

Councillors J. Partridge and B. Johnson indicated that they wish to be recorded as OPPOSED to this item.

7.3 Addition of Hamilton Street Railway (HSR) to the General Levy

(Merulla/Collins)

That Item 7.3, a motion respecting the Addition of Hamilton Street Railway (HSR) be amended by adding the following subsection:

- (d) That this resolution be forwarded to the Citizen's Panel on Transit Options for discussion.

The amended motion to read as follows:

WHEREAS, transportation and public transit continue to be significant and important public policy matters;

AND WHEREAS, public transit (known as HSR) in the City of Hamilton remains a priority for Council;

AND WHEREAS, public transit is currently apportioned to residents based on geographic area and service levels;

AND WHEREAS, Council has stated on numerous occasions, it supports a system-wide approach to public transit, which includes enhancing service levels;

THEREFORE BE IT RESOLVED:

- (a) That City staff report back, as part of the 2016 Budget process, respecting the feasibility and impacts of adding HSR to the general levy; and,
- (b) That as part of this report, City staff review the feasibility and impacts of alternative transit area rating models including the possibility of a special area levy for the former City of Hamilton; and,
- (c) That the forthcoming report, respecting the feasibility and impacts of adding HSR to the general levy, align with the overall City Transit strategy.
- (d) *That this resolution be forwarded to the Citizen's Panel on Transit Options for discussion.*

(Whitehead/Duvall)

That Item 7.3 be referred to the General Issues Committee.
No vote was taken.

(Whitehead/Duvall)

That consideration of Item 7.3 be deferred until after consideration of Item 7.8.

CARRIED

For the disposition of Item 7.3 see following the disposition of Item 7.8.

7.4 Operation of Elevators in Multi-Storey Residential Buildings

(Green/Farr)

Whereas, the proper operation of elevators is essential to safety and quality of life for residents in multi-storey residential buildings;

THEREFORE BE IT RESOLVED:

That staff be directed to review enforcement options for ensuring that elevators are operational in multi-storey residential buildings and report to the Planning Committee.

CARRIED

7.5 Niagara Peninsula Conservation Authority's Levy Apportionment (Item 9.1)

(Collins/Merulla)

WHEREAS, since 2004, the Conservation Authorities of Hamilton, Halton, Grand River and Niagara Peninsula and their respective participating municipalities have operated under an agreed upon levy apportionment;

AND WHEREAS, the City of Hamilton had no prior warning during its budget deliberations that the Niagara Peninsula Conservation Authority was planning to change the levy apportionment among its participating municipalities;

AND WHEREAS, the City of Hamilton attempted to resolve its dispute with the Niagara Peninsula Conservation Authority and the participating municipalities prior to the finalization of its budget without success;

AND WHEREAS, the Niagara Peninsula Conservation Authority has approved a 2015 levy apportionment in excess of the one from 2014;

AND WHEREAS, a payment of \$1.2M to the Niagara Peninsula Conservation Authority constitutes an onerous amount on the municipal levy and does not comply with the levy apportionment which had been agreed to by the parties;

AND WHEREAS Council favours fair and rational funding for conservation;

THEREFORE BE IT RESOLVED:

- (a) That the City maintain its position that an agreement continues to subsist, among the Niagara Peninsula Conservation Authority, City of Hamilton, Niagara Region and Haldimand County regarding the levy apportionment pursuant to Ontario Regulation 670/00 under the *Conservation Authorities Act*; and make its levy payment accordingly.
- (b) That staff be directed to prepare and move forward with the appeal process to the Commissioner of Mining and Lands with respect to the Niagara Peninsula Conservation Authority's levy apportionment;
- (c) That a Councillor Brenda Johnson and staff be directed to continue to engage the Niagara Peninsula Conservation Authority, Niagara Region and Haldimand County for the purposes of exploring a resolution to the

levy apportionment dispute, which (i) honours the subsistence of the agreement for 2015, (ii) acknowledges the need for a new agreement beyond 2015, and (iii) reflects a fair representation on the Niagara Peninsula Conservation Authority board;

- (d) That the Niagara Peninsula Conservation Authority be required to provide detailed documentation of actual capital spending including, but not limited to, Binbrook Conservation Authority and Binbrook Tract supporting the special benefitting amounts levied against the City of Hamilton from 2005 to 2014, inclusive; and,
- (e) That the City request the Province of Ontario to use any and all available powers pursuant to legislation, contract or otherwise, to intervene in and assume control over the administration of the Niagara Peninsula Conservation Authority.

CARRIED

7.6 Provincial Plan Review

(B. Johnson/A. Johnson)

That Mayor Eisenberger forward a letter to the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, on behalf of Council, requesting that the Ministry of Municipal Affairs and Housing hold additional public meetings for the Provincial Plan Review of the **Greenbelt Legislation** in Hamilton's rural area and advising that a Provincial staff person is welcome to attend all of the City's own public meetings being held in the rural area.

CARRIED

7.7 Ten Year (2015-2024) Local Transit Strategy (PW14015(a)) (City Wide) (Added Item)

(Collins/Merulla)

That Item 7.7 being a motion respecting Ten Year (2015-2024) Local Transit Strategy (PW14015(a)) be amended by removing subsection (b) (vii) to read as follows:

- (a) That the Ten Year (2015 to 2024) Local Transit Strategy, as outlined in Report PW14015(a) be approved, including the following approvals for 2015 and 2016 to address system deficiencies:
 - (i) \$6M dollars annualized to be phased in over two years;
 - (ii) an additional 50 FTEs with recruitment to be phased in over two years;

- (iii) the addition of 25 buses to the fleet in 2015 at a capital cost of \$15.6M to be funded as follows:
 - (1) \$3M from development charges;
 - (2) \$5.7M from transit vehicle replacement reserve; and,
 - (3) \$6.9M unfunded capital to be requested from Metrolinx as part of recommendation (d) in Report PW14015(a);
- (iv) delay the retirement of 10 buses at a capital cost of \$0.5M to be funded from the transit vehicle replacement reserve;
- (b) That the base fare increases, as outlined in Report PW14015(a) be approved, including the following:
 - (i) 15 cents in September, 2015 and 15 cents in September, 2016 to align with the service improvements in recommendation (a) of Report PW14015(a);
 - (ii) 10 cents in September, 2017 and 2018, also to align with service improvements;
 - (iii) Annual fare increases of at least the consumer price index thereafter;
 - (iv) That the Seniors Monthly Transit Pass be increased by \$3.00 each year until it reaches \$50.50 per month;
 - (v) That, in future years, the fare be adjusted by the Cost of Living Index;
 - (vi) That the free Golden Age Pass be maintained for those 80 and older;
 - ~~(vii) That any senior in hardship would be encouraged to apply to our Existing Affordable Transit Pass Program if necessary;~~
- (c) That new Service Standards, as outlined in Report PW14015(a) be approved for the objective implementation of service;
- (d) That the City Manager be directed to develop an updated submission to Metrolinx further to what has already been submitted to the Province of Ontario in the Rapid Ready report for the unfunded capital requirements contained in the Ten Year Local Transit Strategy;

- (e) That the Outstanding Business List item related to Transit on the Hamilton Mountain be identified as complete and removed from the list; and,
- (f) That the Outstanding Business List item related to HSR Low Performing Routes be identified as complete and removed from the list.

**Amendment CARRIED
Main Motion as Amended CARRIED**

The subsections of Item 7.7 were separated for voting purposes:

Subsection (a) CARRIED unanimously on the following Standing Recorded Vote:

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 16
Nays: 0

Subsection (b), as amended, CARRIED unanimously on the following Standing Recorded Vote:

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 16
Nays: 0

Subsection (c) CARRIED unanimously on the following Standing Recorded Vote:

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 16
Nays: 0

Subsection (d) CARRIED on the following Standing Recorded Vote:

Yeas: S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, D. Conley,
M. Pearson, B. Johnson, A. VanderBeek, J. Partridge, R. Pasuta L. Ferguson
Total: 12
Nays: Mayor Eisenberger, A. Johnson, J. Farr, M. Green,
Total: 4

Subsection (e) CARRIED unanimously on the following Standing Recorded Vote

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 16
Nays: 0

Subsection (f) CARRIED unanimously on the following Standing Recorded Vote

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 16
Nays: 0

7.8 A Citizen's Panel to Study and Report on Transit Options

Mayor Eisenberger relinquished the Chair to Deputy-Mayor J. Farr to move the following motion:

(Eisenberger/Green)

WHEREAS, the City of Hamilton is committed to enhanced citizen engagement;

WHEREAS, investments in public transit will both move people and build community;

THEREFORE BE IT RESOLVED:

- (a) That Council establish a meaningful community dialogue with the people of Hamilton to discuss all higher order transit options outlined in the 10 Year Transit Plan, the Rapid Ready Report and the Transportation Master Plan along with any and all other documents related to transit in the City of Hamilton;
- (b) That Council establish a transit community engagement process based on the Citizen Forum Model of randomly selected citizens;
- (c) That staff be directed to develop the terms of reference, including and not limited to: an independent steering committee, project team, reporting mechanism, schedule, estimated cost and report back to the General Issues Committee by March 30, 2015;

- (d) That membership composition be based on 1 person from each ward for a total of 15 members, and employ the same method as the Citizen's Forum on Area Rating selection process;
- (e) That, once individual citizens are selected, the list be presented to the General Issues Committee for consideration no later than May 6, 2015.

CARRIED

Councillors Pearson, Partridge and B. Johnson indicated that they wished to be recorded as OPPOSED to this Item.

7.3 Addition of Hamilton Street Railway (HSR) to the General Levy

(Merulla/Collins)

- (a) That Item 7.3 respecting Addition of Hamilton Street Railway (HSR) to the General Levy be withdrawn;
- (b) That staff be directed to include a review of the area rating issue when preparing the Terms of Reference of the *Citizen's Panel to Study and Report on Transit Options*.

Item 7.3 CARRIED on the following Standing Recorded Vote:

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead,
Total: 9
Nays: D. Conley, M. Pearson, B. Johnson, L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 7

7.9 Construction of the Confederation GO Station

(Collins/Merulla)

WHEREAS, the expansion of GO train service in Hamilton to the Confederation Station is an integral part of the City's long-term transit strategy;

AND WHEREAS, the Province of Ontario has reaffirmed their focus and priority on Regional Express Rail (RER) and GO electrification;

AND WHEREAS, the Province of Ontario has purchased property within the vicinity of a proposed GO station at Confederation Park;

AND WHEREAS, Metrolinx has informed the City that as an interim measure a park and ride and GO bus terminal will be constructed until train service is operational;

AND WHEREAS, Metrolinx has indicated that construction is scheduled to begin in the Spring of 2016 for the park and ride and GO bus terminal;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton request that the Province of Ontario move the construction of the Confederation GO station to its 10 year capital plan;
- (b) That staff be directed to study the feasibility of additional land purchase within the vicinity in partnership with the Province of Ontario and Metrolinx; and,
- (c) That staff be directed to begin examining the required design work and planning of a GO station on Centennial Parkway in consultation with the Province of Ontario and Metrolinx.
- (d) That staff be directed to request that the Province of Ontario also include in the 10 year capital plan a rail/rail grade separation in the vicinity of the Hamilton Junction to facilitate increased GO commuter train service to Hamilton as part of the Regional Express Rail initiative.

CARRIED

7.10 Grant Request for the Friends of Eramosa Karst

(Conley/Pearson)

Whereas the Eramosa Karst Conservation Area in Stoney Creek was designated by the Ministry of Natural Resources as Ontario's first provincially significant Area of Natural and Scientific Interest in 2003;

Whereas in October 2006, the Government of Ontario donated approximately 73 hectares of this land to the Hamilton Conservation Authority to be presented as a conservation authority;

Whereas the Hamilton Conservation Authority leases 37.5 hectares of feeder lands from the Eramosa Karst by the Province of Ontario;

Whereas the Friends of the Eramosa Karst is a grass-roots organization founded to advocate for the enhancement of the Eramosa Karst Conservation area;

Whereas the Friends of Eramosa Karst have proposed a project to establish a natural hedge row along Rymal Road adjacent to the Eramosa Karst Conservation Area.

Whereas the project has a forecast budget of \$100,000 and require \$16,000 in funding to initiate the project;

Whereas the City of Hamilton accrues royalty fees in relation to refuse deposited at the Terrapure (Newalta) landfill in Stoney Creek;

Therefore, be it resolved,

That the City of Hamilton provide a grant of \$16,000 to the Friends of Eramosa Karst to be funded from the Stoney Creek Compensation Royalties (Newalta Landfill) Reserve 117036.

CARRIED

7.11 44th Annual JUNO Awards (2015) – Liquor Serving Time Extensions

(Whitehead/Duvall)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from O Ultra Lounge Inc. that they wish to obtain approval to sell alcohol beyond their normal hours of operation, during the 2015 JUNO Awards taking place in Hamilton, Ontario, on March 13, 14 and 15, 2015;

AND WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance;

AND WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the 44TH Annual JUNO Awards, being held in the city of Hamilton, Ontario from March 13, 2015 to March 15, 2015 inclusive, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Mr. Guilio Palazzo, O Ultra Lounge, located at 612 Upper James Street, Hamilton, Ontario L9C 2Z1

CARRIED

NOTICES OF MOTIONS

8.1 Grant Request for the Friends of Eramosa Karst

Councillor Conley presented the following Notice of Motion:

Whereas the Eramosa Karst Conservation Area in Stoney Creek was designated by the Ministry of Natural Resources as Ontario's first provincially significant Area of Natural and Scientific Interest in 2003;

Whereas in October 2006, the Government of Ontario donated approximately 73 hectares of this land to the Hamilton Conservation Authority to be presented as a conservation authority;

Whereas the Hamilton Conservation Authority leases 37.5 hectares of feeder lands from the Eramosa Karst by the Province of Ontario;

Whereas the Friends of the Eramosa Karst is a grass-roots organization founded to advocate for the enhancement of the Eramosa Karst Conservation area;

Whereas the Friends of Eramosa Karst have proposed a project to establish a natural hedge row along Rymal Road adjacent to the Eramosa Karst Conservation Area.

Whereas the project has a forecast budget of \$100,000 and require \$16,000 in funding to initiate the project;

Whereas the City of Hamilton accrues royalty fees in relation to refuse deposited at the Terrapure (Newalta) landfill in Stoney Creek;

Therefore, be it resolved,

That the City of Hamilton provide a grant of \$16,000 to the Friends of Eramosa Karst to be funded from the Stoney Creek Compensation Royalties (Newalta Landfill) Reserve 117036.

(Conley/Pearson)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Grant Request for the Friends of Eramosa Karst.

CARRIED

For disposition of this matter refer to Item 7.10.

8.2 44th Annual JUNO Awards (2015) – Liquor Serving Time Extensions

Councillor Whitehead introduced the following Notice of Motion:

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from O Ultra Lounge Inc. that they wish to obtain approval to sell alcohol beyond their normal hours of operation, during the 2015 JUNO Awards taking place in Hamilton, Ontario, on March 13, 14 and 15, 2015;

AND WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance;

AND WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the 44TH Annual JUNO Awards, being held in the city of Hamilton, Ontario from March 13, 2015 to March 15, 2015 inclusive, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Mr. Guilio Palazzo, O Ultra Lounge, located at 612 Upper James Street, Hamilton, Ontario L9C 2Z1

(Whitehead/

That the Rules of Order be waived to allow for the introduction of a motion respecting 44th Annual JUNO Awards (2015) – Liquor Serving Time Extensions.

CARRIED

For disposition of this matter refer to Item 7.11.

8.3 Establishment of an Annualized Audit of the Hamilton Police Services Board

Councillor Whitehead introduced the following Notice of Motion:

Whereas, the Hamilton Police Services Board budget is the single largest board budget in terms of cost to the City of Hamilton;

And whereas, the Hamilton Police Services Board budget is currently part of the consolidated budget for the City of Hamilton;

And whereas, the sample size for the Hamilton Police Services Board budget is small when it is part of the greater consolidated budget;

And whereas, a recent poll conducted showed that 82% of respondents would like to see an annual independent audit;

And whereas, the residents of the City of Hamilton expect a greater level of clarity and accountability when it comes to public spending;

And whereas, the Hamilton Public Library as well as other boards with significantly smaller budgets already have independent annual audits:

Therefore, be it resolved:

That City Council endorse an annual external independent auditor to perform an annualized audit of the Hamilton Police Service to begin with the 2016 budget year.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – Council, February 25, 2015

(Jackson/Farr)

- (a) That the Closed Session Minutes of the February 25, 2015 meeting be approved as presented;

- (b) That Closed Session Minutes of the February 25, 2015 meeting remain private and confidential and restricted from public disclosure.

CARRIED

10.2 Update respecting the Recruitment of the Integrity Commissioner/Lobbyist Registrar (Added Item)

(Pearson/Vanderbeek)

That Council move into Closed Session at 9:30 p.m. pursuant to Section 8.1 (b) of the City's Procedural By-law 14-300 and Section 239 Subsection (2)(f) of the *Ontario Municipal Act, 2001*, as amended, as it relates to personal matters about an identifiable Individual, Including Municipal or Local Board Employees

CARRIED

Council reconvened in Open Session at 10:45 p.m.

Direction was given to staff in Closed Session with nothing to report in open session.

BY-LAWS

(Duvall/Whitehead)

That Bills No. 15-064 to No. 15-079 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 064** To Amend By-law No. 01-215, To Regulate Traffic
Schedule 5 – Stop Signs
- 065** To Amend By-law No. 01-215, To Regulate Traffic
Schedule 2 – Speed Limits
Schedule 13 – Designated Traffic Lanes
- 066** 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 9 – Alternate Side Parking
Schedule 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
- 067** To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Modifications and Updates
- 068** To Amend Zoning By-law No. 3581-86 (Dundas)
Respecting Modifications and Updates
- 069** To Amend Zoning By-law No. 90-145-Z (Flamborough)
Respecting Modifications and Updates

- 070** To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Modifications and Updates
- 071** To Amend Zoning By-law No. 6593 (Hamilton), as amended
Respecting Modifications and Updates
- 072** To Amend Zoning By-law No. 05-200
Respecting Modifications and Updates
- 073** To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Modifications and Updates
- 074** Being a By-law to Permanently Close a Portion of the Road Allowance of
Kingsview Drive abutting 2 Tamarack Place, established by Plan 62M-399, City
of Stoney Creek, now City of Hamilton, designated as Parts 1, 2, 4 and 5 on Plan
62R-17984
- 075** Respecting Removal of Part Lot Control
Lots 68 to 71 Inclusive and Lot 73, Registered Plan of Subdivision 62M-1150
"Summerlea West, Phase 2A"
3, 9, 15, 21, 27, and 33 Binhaven Boulevard
- 076** Respecting Removal of Part Lot Control
Block 149, Registered Plan of Subdivision No. 62M-1204 "Paramount"
38, 40, 42, 44, 46, 48, 50, 54, 56, 58, 60, 62, 76, 78, 80, 84, 86, 88, 90, 92 & 94
Westbank Trail, 71, 73, 75, 77, 79, 81 & 83 Echovalley Drive and 11 Stockbridge
Gardens, Stoney Creek
- 077** Respecting Removal of Part Lot Control
Block 148, Registered Plan of Subdivision No. 62M-1204, "Paramount"
201, 207, 209, 211, 213, 215, 217, 219, 221, 225, 227, 229, 231, 233, and 235
Westbank Trail, Stoney Creek
- 078** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 586 Beach
Road (Hamilton)
- 079** To Confirm the Proceedings of City Council

(B. Johnson/Pasuta)

That there being no further business, the City Council meeting be adjourned at 10:50 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

R. Caterini
City Clerk