



CITY COUNCIL MINUTES 17-001

5:00 p.m.

Wednesday, January 25, 2017

Council Chamber

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor J. Partridge
Councillors A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
D. Skelly T. Jackson, D. Conley, M. Pearson, B. Johnson, and
A. VanderBeek

**Absent with
Regrets:** Councillors L. Ferguson, T. Whitehead and R. Pasuta, Personal

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish With One Spoon” wampum agreement.

The Mayor called upon Pastor Glenn Cordery of Heritage Green Baptist Church to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. RESCHEDULED CEREMONIAL ACTIVITY

- 3.3 Presentation of an Award by the Mundialization Committee respecting the World Citizen Photo Contest Winner.

2. ADDED COMMUNICATIONS

- 5.10 Correspondence respecting the Demolition of Heritage Properties on King Street East (Gore Park):
- (c) Richard Longley
 - (d) Diana Paprica
 - (e) Raychyl Whyte

Recommendation: Be received and referred to Item 4 of the Planning Committee Report 17-001.

- 5.13 Correspondence from Dan Dos Santos, respecting By-law Amendment for 10 Dennis Avenue, Flamborough (PED17009).

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

- 5.14 Correspondence from Herman Turkstra, respecting the Proposed Noise By-law Amendment.

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

3. ADDED NOTICES OF MOTION

- 8.2 Amendment to Appendix "A" to Item 11 of the General Issues Committee Report 16-029, respecting Report FCS16085 - 2017 Tax Supported User Fees

4. ADDED BY-LAW

- 014 To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program

5. ADDED PRIVATE AND CONFIDENTIAL ITEM

- 10.1 Stadium Litigation Update (no copy)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before Administrative Tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Green/A. Johnson)

That the agenda for the January 25, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES

3.1 Presentation of Awards respecting the Sovereign's Medal for Volunteers

Mayor Eisenberger presented the Sovereign's Medal for Volunteers to the following recipients:

- Linda Plourde, a resident of Stoney Creek, who has been advocating for the safety of Canadian children for over 10 years through the two organizations she founded: Protecting Canadian Children and the Children's Army;
- Ron Arner from Dundas who for 32 years, has volunteered with the Hamilton Unit Council of the Canadian Cancer Society;
- William Campbell Thomas a resident of Dundas who has been assisting veterans for over 20 years as an executive member and volunteer chaplain with many organizations.

3.2 Award of Merit for the Waterdown Rotary Memorial Park Skating Loop from the Hamilton-Burlington Society of Architects

Mayor Eisenberger advised that the Hamilton-Burlington Society of Architects recently recognized a special and innovative project in our City. The Society bestowed the Architectural Award of Merit for the Waterdown Memorial Park Skating Loop.

The Mayor invited Councillor Partridge and Graham McNally, who nominated the City for the award, to the podium for the presentation

APPROVAL OF MINUTES

4.1 December 14, 2016

(VanderBeek/Pearson)

That the Minutes of the December 14, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Partridge/B. Johnson)

That Council Communications 5.1 through 5.14 be approved, ***as amended***, as follows:

- 5.1 Correspondence from Viv Saunders respecting the Use of Social Media Accounts.

Recommendation: ***Be received.***

- 5.2 Correspondence from Teresa Chagrin, Animal Care and Control Specialist, Cruelty Investigations Department, People for the Ethical Treatment of Animals, respecting their support for Cat Licensing.

Recommendation: Be received.

- 5.3 Correspondence from Elizabeth Slomke, Clerk, Town of Fort Frances, respecting the Inequity in Property Taxation on Railway Right-of-Ways Collected by Municipalities in Ontario.

Recommendation: Be received.

- 5.4 Correspondence from the Hon. Kathleen Wynne, Premier, respecting an Audit of the Niagara Peninsula Conservation Authority.

Recommendation: Be received.

- 5.5 Correspondence from Keanin Loomis, President and CEO, Hamilton Chamber of Commerce, respecting the Licensing of Uber or Like Ride-Sharing Applications.

Recommendation: Be received and referred to Item 8 of General Issues Committee Report 17-001.

- 5.6 Correspondence from Randy Hillier, MPP, respecting Support for Bill 77 - the Kickstarting Public Participation Act, 2016.

Recommendation: Be received.

- 5.7 Correspondence from Bonnie Nistico-Dunk, City Clerk, City of St. Catharines, respecting a Request to the Niagara Peninsula Conservation Authority (NPCA) Board to Pass a Motion to Approve an Independent Investigation.

Recommendation: Be received.

- 5.8 Correspondence from Dino Bagnariol, P. Eng., Director, Highway Standards Branch, Ministry of Transportation, respecting the Standardization of Truck Traffic Signs.

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

- 5.9 Correspondence from Susan M. Beckel, Clerk, Greater Napanee, regarding a Resolution Requesting a Moratorium on the Accommodation Review Process.

Recommendation: Be received.

- 5.10 Correspondence respecting the Demolition of Heritage Properties on King Street East (Gore Park):

Recommendation: Be received and referred to Item 4 of the Planning Committee Report.

- (a) Dolores Perryman
- (b) Katy Yelovich
- (c) Richard Longley
- (d) Diana Paprica
- (e) Raychyl Whyte

5.11 Correspondence from Carol Hoblyn respecting Noise By-law Proposals.

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

5.12 Correspondence from Linda Shuker, President, Winona Peach Festival, respecting a Request for a Loan for Electrical Updates to Winona Park.

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

5.13 Correspondence from Dan Dos Santos, respecting By-law Amendment for 10 Dennis Avenue, Flamborough (PED17009).

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

5.14 Correspondence from Herman Turkstra, respecting the Proposed Noise By-law Amendment.

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

CARRIED

(Merulla/Collins)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 17-001

6. Proposed Permanent Closure and Sale of Portions of Public Unassumed Alleys Abutting 222 Barton Street East, 263 and 265 Wellington Street North, Hamilton (PW16053) (Ward 2) (Added Item 8.2)

(VanderBeek/Farr)

That Item 6 (b)(iii) of Public Works Committee Report 17-001 be amended by deleting the words “for a nominal fee” and replacing them with “at fair market value” to read as follows:

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

Amendment CARRIED

The Item as amended to read as follows:

- (a) That the application of 467052 Ontario Limited, to permanently close and purchase portions of public unassumed alleys abutting 222 Barton Street East, 263 and 265 Wellington Street North, Hamilton, as shown in Appendix C to PW Report 17-001, be approved, subject to the following conditions:
 - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close the Subject Lands;
 - (ii) That the General Manager, Public Works or his designate sign the appropriate documentation to obtain the order;
 - (iii) That the documentation regarding the application to the Ontario Superior Court of Justice be prepared by the applicant, to the satisfaction of the City Solicitor;
 - (iv) That the applicant deposit a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section and that the applicant deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (b) That provided the application to the Ontario Superior Court of Justice to permanently close the Subject Lands is approved:
 - (i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;
 - (ii) That the appropriate by-law be introduced and enacted by Council;
 - (iv) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the Subject Lands in accordance with the

Procedural By-law for the Sale of Land, By-law No. 04-299 ~~for a nominal fee at fair market value;~~

- (v) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;
- (vi) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;
- (vii) That the Public Works Department publish a notice of the City's intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton;
- (viii) That the applicant enters into any required easement agreements with public utilities.

Main Motion as Amended CARRIED

(VanderBeek/Jackson)

That the FIRST Report of the Public Works Committee be adopted, as amended, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 17-001

(Eisenberger/VanderBeek)

That the FIRST Report of the Board of Health be adopted, as presented and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 17-001

4. Hamilton Municipal Heritage Committee Report 16-010, December 15, 2016 (Item 8.1)

(b) Heritage Permit Application HP2016-028, under Part IV of the Ontario Heritage Act, for the Demolition of the Buildings at 24 and 28 King Street East, Hamilton (PED16193(a)) (Ward 2) (Item 8.1)

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

13. The Disposition of Municipal Lands Located at 278 Wilson Street East, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity

(Green/Farr)

That Item 13 of Planning Committee Report 17-001 respecting The Disposition of Municipal Lands Located at 278 Wilson Street East, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity be amended by deleting the word "East" and by deleting and replacing subsection (a) to read as follows:

13. The Disposition of Municipal Lands Located at 278 Wilson Street ~~East~~, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity

WHEREAS, the Municipal Act requires municipalities to enact a by-law pursuant to and in accordance with the requirements of the Act, to establish procedures for the sale of real property owned by the municipality;

WHEREAS, before selling any land the Council of the City of Hamilton shall, by by-law or resolution, declare the lands to be surplus;

WHEREAS, before selling any land the Council of the City of Hamilton shall give notice to the public of the intended sale of real properties; and

WHEREAS, the City of Hamilton has circulated 278 Wilson Street ~~East~~ to declare the property surplus;

THEREFORE BE IT RESOLVED:

~~(a) That the Real Estate Section be directed to prepare an Offer of Purchase for the sale of 278 Wilson Street East in the City of Hamilton, to the Hamilton Community Land Trust in partnership with Habitat for Humanity and other community stakeholders and partners, subject to any easements, on an as is basis for a nominal fee of \$2.00;~~

(a) That the Real Estate Section be directed to prepare an Offer of Purchase for the sale of 278 Wilson Street in the City of Hamilton, subject to any easements, on an as is basis for a nominal fee of \$2.00 to the Hamilton Community Land Trust, who will administer the project in partnership with Habitat for Humanity and other community stakeholders and partners;

(b) That the City Solicitor is directed to complete the real estate transaction on the terms and conditions set out herein.

**Amendment CARRIED
Main Motion as Amended CARRIED**

14. Settlement of OMB Appeal (OMB Case Number PL140601) by 549367 Ontario Ltd. Regarding the Fruitland-Winona Secondary Plan and Purchase of Land for a Community Park (PED17014 / LS17004) (Ward 11) (Item 12.2)

(Pearson/B. Johnson)

That the recommendation of Item 14 of Planning Committee Report 17-001 respecting Settlement of OMB Appeal (OMB Case Number PL140601) by 549367 Ontario Ltd. Regarding the Fruitland-Winona Secondary Plan and Purchase of Land for a Community Park (PED17014 / LS17004) be deleted in its entirety and replaced with the following in lieu thereof:

~~That the recommendations contained in Report PED17014 / LS17004 respecting Settlement of OMB Appeal (OMB Case Number PL140601) by 549367 Ontario Ltd. Regarding the Fruitland-Winona Secondary Plan and Purchase of Land for a Community Park be approved and remain confidential until Council approval.~~

- (a) That an Option to Purchase executed by 549367 Ontario Ltd. on November 29, 2016, (Major Terms and Conditions summarized in attached Appendix "A" to Report PED17014 / LS17004) that is scheduled to close on or before March 28, 2017, granting the City the right to purchase a 13.5 +/- acre vacant parcel of land described as Part Lot 13, Concession 2, Saltfleet; being the west part of the PIN 17354-0123(LT), located south of Barton Street and west of Jones Road, Stoney Creek, as shown on Appendix "B" attached to Report PED17014 / LS17004, be approved and completed, and that the City Solicitor be authorized to accept the Option to Purchase;
- (b) That the funding for the property acquisition, consisting of the market value of the land, all Real Estate and Legal Services administrative fees, land transfer tax, environmental site assessments, property maintenance, contingency and other related costs, as outlined in Appendix "C" attached to Report PED17014 / LS17004, be approved;
- (c) That the City Solicitor be authorized and directed to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (d) That the City of Hamilton Legal enter into a settlement of the appeal of the Fruitland Winona Secondary Plan / Urban Hamilton Official Plan Amendment No. 17 by 549367 Ontario Ltd if it is in accordance with the content of the Minutes of Settlement attached to Report PED17014 / LS17004 as Appendix "D" and if said Minutes of Settlement are first executed by 549367 Ontario Ltd.;
- (e) That the City Solicitor or her designate is hereby authorized to execute the Minutes of Settlement attached as Appendix "D" to Report PED17014 / LS17004 if first executed by 549367 Ontario Ltd and any additional documents to implement the resulting settlement and make such

amendments to the Minutes of Settlement as she deems fit so long as they are consistent with the intent of the settlement as described in Appendix "D";

- (f) That the City Solicitor be authorized and directed to execute all necessary documents, in a form satisfactory to the City Solicitor, regarding the purchase contemplated in the Option to Purchase agreement;
- (g) That Report PED17014 / LS17004 remain confidential except that once executed by all parties, the Minutes of Settlement attached to Report LS14027 / PED14142 as Appendix "D" may be released to the public.

Amendment CARRIED
Motion, as Amended CARRIED

(Pearson/A. Johnson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-001

8. Licensing Uber or Like Ride-Sharing Applications (PED16099(a) (City Wide) (Item 7.4)

(Pearson/Conley)

- (a) That Section 64(1)(n) of Schedule 25 to the Hamilton Licensing By-law 07-170, as amended, which reads as follows, be deleted and replaced with the following in lieu thereof:

~~64.(1)(n) each taxicab must be equipped with an emergency lighting warning system mounted on the exterior of the vehicle as approved by the Issuer of Licences to provide safety to the taxicab driver;~~

64.(1)(n) it is optional for an emergency lighting warning system to be mounted on the exterior of the vehicle.

- (b) That Appendix "B" to Report PED16099(a), respecting Licensing Uber or Like Ride-Sharing Applications be amended by adding a new Section 18, to read as follows, and renumbering the balance of the Sections accordingly:

18. 64.(1)(n) it is optional for an emergency lighting warning system to be mounted on the exterior of the vehicle.

- (c) That sub-section (e) to Item 8 of the General Issues Committee Report 17-001, respecting Report PED16099(a) - Licensing Uber or Like Ride-Sharing Applications (PED16099(a), be amended by adding the word "further" in between the words "as" and "amended", to read as follows:

- (e) That subject to approval of Recommendation (a), the amendments outlined in the By-law attached hereto as Appendix "B", as **further** amended, to Report PED16099(a), amending Schedule 25 of Licensing By-law No. 07-170 relating to taxicabs, which has been prepared in a form satisfactory to the City Solicitor, be approved, and be effective immediately, as described in this Report;

Amendment CARRIED

Main Motion as Amended CARRIED

9. Biosolids Management Project – PPP Canada Funding (PW11098(d)) (City Wide) (Item 7.5)

Councillors B. Johnson, Green, Merulla and Collins indicated that they wished to be recorded as OPPOSED to this Item.

(Eisenberger/VanderBeek)

That the FIRST Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 17-001
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(Skelly/Jackson)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 17-001

(A. Johnson/Merulla)

That the FIRST Report of the Emergency & Community Services Committee be adopted, as presented, and the information section received.

CARRIED

(Merulla/Collins)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 New Urban Agenda

Councillor Green withdrew his motion at this time for further review. It will be placed on a future agenda.

7.2 Tastebud's Program - Social Planning and Research Council

(A. Johnson/Farr)

That \$65,000 be provided to Social Planning and Research Council for the 2017 Tastebud's Program to be funded from the 2016 Ward 1 Area Rating budget.

CARRIED

7.3 Amendment to Item 3 of General Issues Committee Report (Rate Budget) 16-033

(B. Johnson/VanderBeek)

That the General Issues Committee Report (Rate Budget) 16-033, which was approved by Council on November 23, 2016, be amended by adding Item 3, which reads as follows:

3. Sewer Lateral Cross Connection Program Extension (PW14028(a)) (City Wide) (Item 6.1)

That Report PW14028(a), respecting the Sewer Lateral Cross Connection Program Extension, be received.

CARRIED

7.4 Geraldine Copps Parkette

(Merulla/Collins)

WHEREAS, Geraldine Copps served the City of Hamilton as the Alderman for Ward 4, as well as a regional Councillor, between 1985 and 2000,

WHEREAS, Geraldine Copps worked tirelessly on behalf of her constituents and all Hamiltonians,

WHEREAS, Geraldine Copps was an advocate for persons with disabilities, a supporter of environmental causes and a compassionate and caring individual,

WHEREAS, Geraldine Copps lived most of her life within a one kilometre circumference of Kenilworth Avenue and used the Pipeline Trail to walk to school,

WHEREAS, the Copps family has publically expressed their support for renaming the Pipeline Trail Parkette in her honour,

THEREFORE BE IT RESOLVED:

- (a) That the Pipeline Trail Parkette be renamed to the Geraldine Copps Parkette;

- (b) That any costs associated with the renaming of the Parkette be funded (at an upwards cost of \$3500) from Miscellaneous Corporate Services Dept ID 258005;
- (c) That a copy of this resolution be sent to the Facility Naming Sub-Committee for their endorsement.

CARRIED

7.5 Naming of Ancaster Old Town Hall Forecourt to Ann Sloat Forecourt

(Pearson/VanderBeek)

WHEREAS Ann Sloat served as the Mayor of Ancaster from 1973 to 1984; a Member of Provincial Parliament in 1985; and a Wentworth Regional Councillor and Deputy Mayor of Ancaster before amalgamation in 2000;

WHEREAS Ann Sloat has contributed to the Ancaster community not only through her elected positions as Mayor and Deputy Mayor but also served on the Ancaster Hydro Commission for 11 years, as well as an Ancaster school trustee, and Chair of the Wentworth County Board of Education from 1971 to 1972.;

WHEREAS the Forecourt of the Old Town Hall, 310 Wilson St. E, Ancaster has never been officially named;

WHEREAS Ann Sloat's health is failing and her family have approved and feel it is appropriate to name this area in the Ancaster Village Core in front of the Old Town Hall the Ann Sloat Forecourt; and

WHEREAS the request for naming of this Forecourt meets the guidelines and regulations for the naming of municipal property and buildings in the City of Hamilton

THEREFORE BE IT RESOLVED:

- (a) That staff begin the process of naming the facility forecourt feature located at 310 Wilson Street East, Ancaster as the Ann Sloat Forecourt, with a report to come to the Facility Naming Sub-Committee for its review and approval at the February 2, 2017 meeting; and
- (b) That any costs associated with the naming of the Ann Sloat Forecourt be funded (at an upwards cost of \$3500) from Heritage Building Repairs Account 54401-792601.

CARRIED

7.6 Funding Accounts for Claremont Access Repairs**(VanderBeek/Skelly)**

WHEREAS, the 2016/2017 short term repair work for the Claremont Access will total \$1.1 Million and was not identified in the 2017 – 2026 Capital Project Forecast,

THEREFORE BE IT RESOLVED:

- (a) That a new Capital Project (#4041714001 - 2017 Claremont Access Stabilization Repair) for the budgeted amount of \$1.1M be approved;
- (b) That the required \$1.1M for the Claremont Access Repair be funded from the \$2.2M available in the Roads, Bridges and Traffic Capital Reserve (108041);
- (c) That the approximately \$350,000 in expenditures and commitments to date for the Claremont Access Stabilization that has been charged to the 2017 Escarpment Slope and Appurtenance Stabilization Capital Project be transferred to Capital Project 4041714001.

CARRIED

7.7 Amendment to Appendix "A" to Item 11 of the General Issues Committee Report 16-029, respecting Report FCS16085 - 2017 Tax Supported User Fees**(Merulla/Collins)**

- (a) That Appendix "A" to Item 11 of the General Issues Committee Report 16-029, respecting Report FCS16085 - 2017 Tax Supported User Fees, as approved by Council on November 23, 2016, be amended by deleting and replacing the original Page 1 of Appendix "A" with the revised Page 1 of Appendix "A" (both attached hereto; and,
- (b) That sub-section (a) to Report FCS16085 be amended by adding the words "as amended" following the words "Appendix "A"", to read as follows:

11. 2017 Tax Supported User Fees (FCS16085) (City Wide) (Item 8.5)

- (a) That the 2017 User Fees contained in Appendix "A", **as amended**, to Report 16-029 - "2017 Tax Supported User Fees" be approved and implemented; and,
- (b) 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 user fees contained within this report.

CARRIED

NOTICES OF MOTION

Councillor Jackson introduced the following Notice of Motion:

8.1 Review of Pawnbrokers and Cash for Gold Businesses in Hamilton

WHEREAS the City of Hamilton has 112 Pawnbrokers and Cash for Gold locations;

WHEREAS pursuant to Part IV of the *Municipal Act*, a municipality may pass by-laws with respect to business licensing;

WHEREAS the City of Hamilton Licensing By-law 07-170 regulates the operating procedures of Jewellery and Precious Metals and Pawnbrokers businesses, in addition to the *Pawnbrokers Act*;

WHEREAS the current *Pawnbrokers Act*, passed in the 19th century, is outdated and needs to be reviewed to include new business models such as Cash for Gold and Jewellery and Precious Metals trades; and,

WHEREAS the City of Hamilton is currently updating Schedule 22 of Business Licensing By-law 07-170 to better reflect business practices that ensures consumer protection and the return of stolen property.

THEREFORE BE IT RESOLVED:

- (a) That Licensing Division staff be directed to review Schedule 22 of Business Licensing By-law 07-170 – Salvage and Second-hand Goods, Pawnbrokers and Jewellery and Precious Metals Businesses to strengthen regulatory requirements to ensure accountability to prevent, mitigate or redress losses to, or practices which may negatively impact property owners, and report back to the Planning Committee;
- (b) That the Mayor request the Province to review and update the *Municipal Act* and the *Pawnbrokers Act* to ensure accountability to prevent, mitigate or redress losses to, or practices which may negatively impact property owners; and,
- (c) That the Chair of the Hamilton Police Services Board be requested to have the Police Service review the current policies and practices in relation to Schedule 22 of the Business Licensing By-law, the *Pawnbrokers Act* and Cash for Gold vendors, and report back to the Board on the status of Pawnbrokers and Cash for Gold Vendors in Hamilton.

Councillor Merulla introduced the following Notice of Motion:

8.2 Amendment to Appendix "A" to Item 11 of the General Issues Committee Report 16-029, respecting Report FCS16085 - 2017 Tax Supported User Fees

- (a) That Appendix "A" to Item 11 of the General Issues Committee Report 16-029, respecting Report FCS16085 - 2017 Tax Supported User Fees, as approved by Council on November 23, 2016, be amended by deleting and replacing the original Page 1 of Appendix "A" with the revised Page 1 of Appendix "A" (both attached hereto; and,
- (b) That sub-section (a) to Report FCS16085 be amended by adding the words "as amended" following the words "Appendix "A"", to read as follows:

11. 2017 Tax Supported User Fees (FCS16085) (City Wide) (Item 8.5)

- (a) That the 2017 User Fees contained in Appendix "A", **as amended**, to Report 16-029 - "2017 Tax Supported User Fees" be approved and implemented; and,
- (b) 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 user fees contained within this report.

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting an Amendment to Appendix "A" to Item 11 of the General Issues Committee Report 16-029, respecting Report FCS16085 - 2017 Tax Supported User Fees.

CARRIED

For disposition of this matter, please refer to Item 7.7.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Partridge/Conley)

That Council move into Closed Session at 7:07 p.m. respecting:

Item 10.1 the Stadium Litigation Update, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f)

of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session at 8:20 p.m.

(i) Stadium Litigation Update (Added Item 10.1)

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

BY-LAWS

(Partridge/VanderBeek)

That Bills No. 17-001 to No. 17-015 be passed, as amended, and that the Corporate Seal be affixed thereto, and that the By-laws, as amended, be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- | | |
|------------|---|
| 001 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 5 (Stop Control) |
| 002 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 3 (Flashing School Zones – Reduced Speed Limit)
Schedule 29 (Weight Restrictions on Bridges) |
| 003 | To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones) |
| 004 | To Impose Watermain and Storm Sewer Charges upon owners of land abutting Baseline Road from Lockport Way to East Limit of Subdivision, in the City of Hamilton |
| 005 | To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2017 |
| 006 | To Authorize an Interim Tax Levy for 2017 |
| 007 | To Adopt Official Plan Amendment No. 67 to the Urban Hamilton Official Plan, Respecting 55 Rymal Road East (Hamilton) |
| 008 | To Amend Zoning By-law No. 6593, as amended by By-law No(s). 86-273, 90-306, and 98-115, Respecting Lands located at 55 Rymal Road East, Hamilton ZAC-16-010 |
| 009 | To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands located at 10 Dennis Avenue (Flamborough) ZAC-16-050 |

- 010** To Amend Zoning By-law No. 6593, as amended by By-law Nos. 96-124 and 99-43, Respecting Lands Located at 775-779 Upper Wentworth Street, Hamilton
ZAR-16-052
- 011** To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
- 012** To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
Schedule 25 (Taxicabs)
- 013** To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
Schedule 24 (Personal Transportation Providers)
- 014** To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program
- 015** To Confirm the Proceedings of City Council

CARRIED

(B. Johnson/Skelly)

That, there being no further business, City Council be adjourned at 8:25 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk