



CITY COUNCIL MINUTES 16-024

5:00 p.m.

Wednesday, November 23, 2016

Council Chamber

Hamilton City Hall

71 Main Street West

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

Mayor Eisenberger called the meeting to order and called upon Reverend Douglas James Cottrell, of the Many Mansions Spiritual Centre, to provide the invocation.

CEREMONIAL ACTIVITY

3.1 Business Appreciation Awards (Wards 9 to 15)

Mayor Eisenberger recognized and congratulated the following Business Appreciation Award recipients:

Ward 9 – Councillor Doug Conley:

- (i) Highland Tire & Auto Service
- (ii) Fortino's Upper Centennial

Ward 10 – Councillor Maria Pearson:

- (i) Hodgkinson Home Hardware
- (ii) Vartanian Rugs

Ward 11 – Councillor Brenda Johnson:

- (i) Binbrook Agricultural Society
- (ii) Winona Gardens

Ward 12 – Councillor Lloyd Ferguson:

- (i) A.M.T.S. Limited
- (ii) Cavallo Nero

Ward 13 – Councillor Arlene VanderBeek:

- (i) McMaster Gallery & Custom Framing
- (ii) Eccles Auto Service Inc.

Ward 14 – Councillor Robert Pasuta:

- (i) McCann Professional Dog Trainers
- (ii) Greensville Gourmet

Ward 15 – Councillor Judy Partridge:

- (i) Regional Tractor Sales Ltd.
- (ii) Bennett Mechanical Installations (2001) Ltd.

Neil Everson, retiring Director of Economic Development was warmly recognized for his many years of service to both the City of Hamilton and the community.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CORRESPONDENCE

Items 5.1 and 5.2 below are reversed in the printed agenda, and will be renumbered accordingly:

- ~~5.2~~ Correspondence from the Hamilton Policy Services Board respecting Council
5.1 Follow-up Notice dated July 8, 2016 with respect to Hamilton Police Service's Investigative Services Building.

Recommendation: Be received.

- ~~5.4~~ Correspondence from Kathleen Wynne, Premier of Ontario, respecting Hamilton
5.2 City Council's resolution regarding housing for domestic violence survivors in the City of Hamilton.

Recommendation: Be received.

2. MOTIONS

- 7.2 REVISED – Selected Light Rail Transit Matters to go Directly to the General Issues Committee

(A. Johnson/Merulla)

That the following two motions will be moved up on the Agenda to be addressed immediately following Item 5 of the Planning Committee Report 16-020, respecting Report PED16208 – Cat Licensing:

- (i) Animal Licensing (Item 7.4)
- (ii) Hamilton Cat Strategy (Item 7.5)

3. NOTICES OF MOTION

- 8.1 Code of Conduct and Education Training Program for Council Appointed Bodies
- 8.2 Amendment to Item 13 of the General Issues Committee Report 16-011, respecting Rotary Creekside Parkette, Dundas
- 8.3 Mackenzie Hughes, Dundas Native – RSM Golf Classic Winner
- 8.4 Review of the Implementation of the Renovation and/or Repairs to the Parking Lot Project at 395 Mohawk Road East, Hamilton
- 8.5 Commemorative Designation of Cormorant Road

4. BILL LIST

A correction has been made to the Draft Bill list; numbering should read 16-305 to 16-311.

(Partridge/A. Johnson)

That the agenda for the November 23, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor M. Green declared an interest to Item 2 of the Emergency & Community Services Committee Report 16-011, respecting Report CES16063 – Autism Advocacy Update, as his spouse is an IBI Therapist.

Councillor Ferguson declared an interest to Item 11 of the General Issues Committee Report 16-029, respecting the 2017 Tax Supported User Fees, as his family has an interest in the Taxi industry.

APPROVAL OF MINUTES

4.1 November 9, 2016**(Pasuta/Conley)**

That the Minutes of the November 9, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(B. Johnson/Conley)

That Council Communications 5.1 through 5.4 be approved, ***as amended***, as follows:

- 5.1 Correspondence from the Hamilton Policy Services Board respecting Council Follow-up Notice dated July 8, 2016 with respect to Hamilton Police Service's Investigative Services Building.

Recommendation: Be received.

- 5.2 Correspondence from Kathleen Wynne, Premier of Ontario, respecting Hamilton City Council's resolution regarding housing for domestic violence survivors in the City of Hamilton.

Recommendation: Be received.

- 5.3 Correspondence from the Association of Municipalities Ontario respecting legislative changes introduced that have direct impact for Municipal Governments

Recommendation: Be received, and referred to staff for a report to the General Issues Committee.

- 5.4 Resolution from MPP Lorne Coe respecting Bill 9 *End Age Discrimination Against Stroke Recovery Patients Act*, 2016

Recommendation: Be received.

(Skelly/Jackson)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 16-019

6. **Pilot Study Assessment of Increase in Lot Coverage in Rurally Serviced Roadway Neighbourhoods, Community of Ancaster (PW16100) (Ward 12) (Item 8.3)**

Councillor M. Green wished to be recorded as OPPOSED to Item 6 above.

(Whitehead/Skelly)

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

CARRIED

BOARD OF HEALTH 16-011

(Skelly/Whitehead)

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

CARRIED

PLANNING COMMITTEE REPORT 16-020

5. **Cat Licensing (PED16208) (City Wide)**

(Merulla/Green)

That Item 5 of Planning Committee Report 16-020, respecting Cat Licensing, be amended by deleting the recommendation in its entirety and inserting the following therein:

~~That Report PED16208 respecting Cat Licensing be received.~~

- (a) That the proposed City of Hamilton Cat Licensing Program, attached as Appendix "A" to Report PED16208, be approved and implemented for the urban area of the City of Hamilton, subject to approval of the following:
- (i) That the annual licensing fees be established as follows:

- (1) \$20 for an altered cat;
 - (2) \$45 for an unaltered cat;
- (ii) That one (1) full-time employee (FTE) be approved to support the Cat Licensing Program, funded from Cat Licensing Revenue;
- (b) That a Licensing Reserve Account be established and the net surplus generated through cat licensing fees be directed into Reserve Account No. 108121 to fund cat management initiatives;
- (c) That the draft by-law attached as Appendix “B” to Report PED16208 to amend By-law 12-031 – For Responsible Animal Ownership, which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (d) That staff be directed to report back to the Planning Committee in Q2 2017 on the proposed utilization of the net surplus from the Cat Licensing Program for cat management initiatives.

The above Motion was DEFEATED on the following Standing Recorded Vote:

Yeas: Conley, Pearson, Partridge, Eisenberger, Whitehead, Merulla, Green, Farr
 Total: 8
 Nays: Ferguson, VanderBeek, Pasuta, Skelly, B. Johnson, Jackson, Collins, A. Johnson
 Total: 8

9. 971 Beach Boulevard (formerly 975 Beach Boulevard), Hamilton, Proposed Settlement of Appeal (LS16028/ PED16258) (Item 12.1)

(Pearson/Collins)

That Item 9 of Planning Committee Report 16-020 respecting 971 Beach Boulevard (formerly 975 Beach Boulevard), Hamilton, Proposed Settlement of Appeal (LS16028/ PED16258) be amended by deleting the recommendation in its entirety and replacing it with the following therein:

~~That the recommendations of Report LS16028/PED16258 respecting 971 Beach Boulevard (formerly 975 Beach Boulevard), Hamilton, Proposed Settlement of Appeal be approved and remain confidential until Council approval.~~

With regard to the appeal to the Ontario Municipal Board (the "Board" or "OMB") by Terri Laan, Owner / Appellant, for a minor variance to permit a reduced side yard setback on the lands located at 971 Beach Blvd. (formerly 975 Beach Blvd.) (the “subject lands”), as shown on Appendix A” to Report LS16028/ PED16258:

- (a) That City of Hamilton staff be directed to settle the appeal made by Development Engineering respecting the subject lands;
- (b) That City of Hamilton staff be directed to present and/or provide evidence in support of the settlement to the Ontario Municipal Board (OMB), as may be necessary;
- (c) That the City Solicitor or her designate be authorized to draft and finalize Minutes of Settlement or a Draft Order substantially in accordance with the recommendations of Report LS16028/PED 16258; and,
- (d) That Report LS16028/PED16258, respecting 971 Beach Boulevard (formerly 975 Beach Boulevard), Hamilton, Proposed Settlement of Appeal remain confidential.

CARRIED

(Pearson/B. Johnson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-029

6. CityLAB Hamilton Feasibility Study Review (CM16016) (City Wide) (Item 7.2)

Councillors L. Ferguson and D. Skelly wished to be recorded as OPPOSED to Item 6, above.

Information Item (g) – HSR Fares for Post-Secondary Students with Disabilities

(Merulla/Collins)

That subsection (i) to Information Item (g), to the General Issues Committee Report 16-029, respecting HSR Fares for Post-Secondary Students with Disabilities, be amended by adding the words “***review the feasibility of***” after the word “Disabilities”; and by adding the letters “***ing***” onto the end of the word “establish” to read as follows:

- (i) That HSR staff be directed to work with the post-secondary institutions in Hamilton and members of the Advisory Committee for Persons with Disabilities ***to review the feasibility of*** establishing a process to either waive or reimburse fees for the annual HSR bus passes for post-secondary students with disabilities; and

CARRIED

(i) PRIVATE & CONFIDENTIAL**(i) City of Hamilton v Canada Post Litigation (LS15018(a)) (City Wide)
(Item 12.1)****(Skelly/Jackson)**

That Item (i)(i), of the General Issues Committee Report 16-029, respecting Report LS15018(a), City of Hamilton v Canada Post Litigation, be lifted from the Information Section and added as Private and Confidential Item 19 to the General Issues Committee Report 16-029, to be discussed in Closed Session, 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.

CARRIED**19. City of Hamilton v Canada Post Litigation (LS15018(a)) (City Wide) (Item 12.1)****(Whitehead/Conley)**

That, so as to treat Canada Post in a manner consistent with telecommunications businesses and utilities by recognizing municipal authority to reasonably regulate the installation of mail receptacles on or in road allowances, the Mayor, on behalf of City Council, request that the Federal and Provincial Governments make regulatory amendments as follows:

- (i) That the Government of Canada amend section 3 of the Mail Receptacles Regulations under the *Canada Post Corporation Act*; and,
- (ii) That the Province of Ontario amend the Fees and Charges Regulation under the *Municipal Act*.

CARRIED**(B. Johnson/Pearson)**

That the TWENTY-NINTH Report of the General Issues Committee be adopted, **as amended**, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE (2017 RATE BUDGET) REPORT 16-030**2. 2017 Recommended Water, Wastewater and Stormwater Budget (FCS16079) (City Wide) (Item 5.3)**

The Main Motion CARRIED on the following Standing Recorded Vote:

Yeas: A. Johnson, Farr, Green, Merulla, Collins, Skelly, B. Johnson,
Eisenberger, Pasuta, VanderBeek, Ferguson, Pearson, Conley
Total: 13
Nays: Jackson, Whitehead, Partridge
Total: 3

(Eisenberger/Partridge)

That the THIRTIETH Report of the General Issues Committee, 2017 Rate Budget, be adopted, as presented, and the information section received.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 16-017**(Skelly/Jackson)**

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 16-011**3. Standardization of Ambulance Fleet Purchases (CES16058) (City Wide)**

Councillor Ferguson wished to be recorded as OPPOSED to Item 3 above.

(Green/Merulla)

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

CARRIED

(Whitehead/Jackson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

Councillor Partridge withdrew the following Motion:

7.1 Reconsideration of Subsections (d) and (g) of Item 8 of General Issues Committee Report 15-015 respecting Fostering the Light Rail Transit (LRT) Project (CM15014)

That subsections (d) and (g) to Item 8 of the General Issues Committee Report 15-015, respecting Fostering the Light Rail Transit (LRT) Project (CM15014), which were approved by Council on August 14, 2015 and which read as follows, be reconsidered:

- (d) That a Light Rail Transit Sub-Committee of Council be created in accordance with the Terms of Reference attached as Appendix "C" to Report 15-015;
- (g) That the following Councillors be appointed to the Light Rail Transit Sub-Committee for the balance of the 2014-2018 term of Council:
 - (i) T. Whitehead
 - (ii) L. Ferguson

7.2 Selected Light Rail Transit Matters to Go Directly to the General Issues Committee

(Partridge/Farr)

That the following matters, as they relate to the Hamilton Light Rail Transit (LRT) project be brought forward directly to the General Issues Committee, as they arise:

- (i) Any binding agreements between the City of Hamilton, Metrolinx and any other parties related to the LRT project including, but not limited to, the Master Agreement and the Operating and Maintenance Agreement;
- (ii) Any LRT project related items that require funding from the City of Hamilton; and,
- (iii) The final report of the Transit Project Assessment Process (TPAP) and any future amendments to the TPAP, as necessary.

CARRIED

7.3 Recommendation from the Hamilton Municipal Heritage Committee regarding Heritage Permit Application HP2016-038, Under Part V of the *Ontario Heritage Act*, for the Erection of a Detached Garage at 24 Union Street, Flamborough (Waterdown) (PED16222) (Ward 15)

(Partridge/Pearson)

WHEREAS, the owner of the lands located at 24 Union Street in Waterdown is proposing to construct a new detached garage within the Mill-John-Union-Griffin Heritage District (HCD), which requires a Heritage Permit (HP2016-038) and approval by Council;

WHEREAS, the Heritage Permit was approved by the Hamilton Municipal Heritage Committee on November 17, 2016, where staff recommended approval of the Heritage Permit;

WHEREAS, the Heritage Permit is scheduled to be heard by Planning Committee on December 6, 2016 and Council on December 14, 2016; and,

WHEREAS, the applicant requires the construction of the detached garage to occur on November 24, 2016;

THEREFORE BE IT RESOLVED:

That Heritage Permit Application HP2016-038 be approved for the erection of a detached garage at 24 Union Street, Flamborough (Waterdown) within the Mill-John-Union-Griffin Heritage District (HCD), as shown in Appendix "A" to Report PED16222, subject to the following Heritage Permit conditions:

- (a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,
- (b) That the proposed construction, in accordance with this approval, shall be completed no later than November 30, 2018. If the construction is not completed by November 30, 2018, then this approval expires as of that date and no construction shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

7.4 Animal Licensing

(Merulla/Pearson)

WHEREAS, some Hamilton Council members believe that the Licensing of animals, for example cats, by a municipality, is a tax grab;

WHEREAS, the belief that the purpose of an animal license, is for the sole purpose of a tax grab;

WHEREAS, the City of Hamilton has been licensing dogs for years, subjecting thousands of Hamilton residents to this unfair and alleged tax grab; and,

WHEREAS, the belief that the sole purpose of licensing an animal is allegedly due to a tax grab, thereby, deeming the program redundant:

THEREFORE BE IT RESOLVED:

That the City of Hamilton abolish the alleged redundant animal licensing tax grab program, victimizing the thousands of hard working Hamilton residents, who have been unfairly over taxed for decades by this alleged tax grab.

The above Motion was DEFEATED on the following Standing Recorded Vote:

Yeas: Pearson, Merulla

Total: 2

Nays: Conley, Ferguson, VanderBeek, Pasuta, Partridge, Eisenberger,
Whitehead, Skelly, Jackson, Collins, Green, Farr, A. Johnson, B.
Johnson

Total: 14

7.5 Hamilton Cat Strategy

(A. Johnson/B. Johnson)

WHEREAS, Hamilton Animal Services staff perform excellent, professional and compassionate animal welfare work every day:

THEREFORE BE IT RESOLVED:

That Hamilton Animal Services staff report to the Planning Committee, in Q1 of 2017, on the best next steps for a formal Hamilton Cat Strategy, involving Hamilton Animal Services, the Hamilton veterinary medical community, and relevant community stakeholder organizations, with the aim to improve inter-organizational coordination and provision of welfare services for cats, with a zero net impact on the levy.

(A. Johnson/Farr)

That the motion above, respecting a Hamilton Cat Strategy, be amended by adding the words "***including the Hamilton Burlington SPCA***" after the word "organizations", to read as follows:

That Hamilton Animal Services staff report to the Planning Committee, in Q1 of 2017, on the best next steps for a formal Hamilton Cat Strategy, involving Hamilton Animal Services, the Hamilton veterinary medical community, and relevant community stakeholder organizations, ***including the Hamilton Burlington SPCA***, with the aim to improve inter-organizational coordination and provision of welfare services for cats, with a zero net impact on the levy.

AMENDMENT CARRIED

(Eisenberger/A. Johnson)

That the motion above, respecting a Hamilton Cat Strategy, be further amended by:

- (a) deleting the words “***with a zero net impact on the levy***”, to read as follows:

That Hamilton Animal Services staff report to the Planning Committee, in Q1 of 2017, on the best next steps for a formal Hamilton Cat Strategy, involving Hamilton Animal Services, the Hamilton veterinary medical community, and relevant community stakeholder organizations, ***including the Hamilton Burlington SPCA***, with the aim to improve inter-organizational coordination and provision of welfare services for cats, ***with a zero net impact on the levy***; and,

- (b) That all work to-date that has been completed by staff and all relevant information be included as a foundation of the forthcoming report.

AMENDMENT CARRIED

(A. Johnson/B. Johnson)

That the Main Motion, ***as amended***, which reads as follows, be TABLED:

WHEREAS, Hamilton Animal Services staff perform excellent, professional and compassionate animal welfare work every day;

THEREFORE BE IT RESOLVED:

That Hamilton Animal Services staff report to the Planning Committee, in Q1 of 2017, on the best next steps for a formal Hamilton Cat Strategy, involving Hamilton Animal Services, the Hamilton veterinary medical community, and relevant community stakeholder organizations, with the aim to improve inter-organizational coordination and provision of welfare services for cats, with a zero net impact on the levy.

- (a) That Hamilton Animal Services staff report to the Planning Committee, in Q1 of 2017, on the best next steps for a formal Hamilton Cat Strategy, involving Hamilton Animal Services, the Hamilton veterinary medical community, and relevant community stakeholder organizations, ***including the Hamilton Burlington SPCA***, with the aim to improve inter-organizational coordination and provision of welfare services for cats; and,
- (b) That all work to-date that has been completed by staff and all relevant information be included as the foundation of the forthcoming report.

CARRIED

7.6 Code of Conduct and Education Training Program for Council Appointed Bodies (Item 8.1)

(A. Johnson/Eisenberger)

WHEREAS, it is desirable that Council-appointed members to various bodies have appropriate guidelines respecting their conduct, demeanour and ethics;

THEREFORE BE IT RESOLVED:

That staff be directed to report back to the General Issues Committee with recommendations for appropriate mechanisms, including a code of conduct, and a program of education and training, which will support accountability and best practices for the City of Hamilton's Council-appointed bodies.

CARRIED

7.7 Amendment to Item 13 of the General Issues Committee Report 16-011, respecting Rotary Creekside Parkette, Dundas (Item 8.2)

(VanderBeek/Pasuta)

That Item 13 of the General Issues Committee Report 16-011, respecting Rotary Creekside Parkette, Dundas, which was approved by Council on April 27, 2016, be amended by deleting the words "**by December 31, 2016**" to read as follows:

13. Rotary Creekside Parkette, Dundas (Item 9.4)

WHEREAS, Project ID 4401456102 for the development of a new park at 2555 Creekside Drive, Dundas, to be funded from fundraising by community groups was approved in the 2014 Capital Budget;

WHEREAS, at its meeting of April 9, 2014, City Council approved Item 4 of General Issues Committee Report 14-008, respecting Report PW14036, 2555 Creekside Drive Park Development – Rotary Club of Dundas Lease for the Purposes of Permitting Construction by the Rotary Club of Dundas, to allow the Rotary Club of Dundas to enter into a lease with the City of Hamilton for the purpose of permitting the Rotary Club (in conjunction with the Condominium Corporations at Creekside Drive and Amica Mature Lifestyles Inc.) to construct and develop the Park in accordance with City standards and practices;

WHEREAS, at its meeting of June 24, 2015, Council approved Item 7.8, which permitted the extension of the construction lease to provide additional time to complete the construction of the park;

WHEREAS, the Rotary Club of Dundas and its partner community groups have raised \$503,000, which has been spent on the construction of the park; and,

WHEREAS, there was extensive and unexpected underground mechanical and drainage infrastructure required and time lags, which

have resulted in unforeseen cost increases to the project, and have escalated the actual cost from \$550,000 to approximately \$750,000;

THEREFORE BE IT RESOLVED:

That the Ward Councillor be authorized to utilize the Ward 13 Priority Discretionary Infrastructure Funds, if required, to a maximum of \$250,000 for the construction and development of the Rotary Creekside Parkette in Dundas, ~~by December 31, 2016~~, subject to the following conditions:

- (a) That the funds be utilized to complete the Rotary Creekside Parkette in Dundas, in accordance with the plan approved by the City;
- (b) That sufficient funds be released and paid to the Rotary Club of Dundas, on a project-by-project basis related to the Rotary Creekside Parkette in Dundas, subject to approval by the relevant City staff and the Ward 13 Councillor; and,
- (c) That the Rotary Club of Dundas be required to provide proof of each project's completion and dispersal of the funds, to the satisfaction of the General Manager of Finance & Corporate Services and the Ward 13 Councillor.

CARRIED

7.8 Mackenzie Hughes, Dundas Native – RSM Golf Classic Winner (Item 8.3)

(VanderBeek/Ferguson)

WHEREAS, Mackenzie Hughes, a native of Dundas, became the first Hamiltonian and the first rookie to win a PGA tournament in two decades, at the RSM Golf Classic on Monday, November 21, 2016 in Sea Island Georgia;

WHEREAS, Mackenzie Hughes had only played in nine PGA events, including the RSM Golf Classic;

WHEREAS, only 13 other Canadians have won on at a PGA tournament;

WHEREAS, the victory has earned Mackenzie Hughes a PGA exemption through 2019 and entry into the 2017 Masters Tournament; and,

WHEREAS, Mackenzie Hughes, is a great ambassador for Hamilton, the community of Dundas and his home Club; Dundas Valley Golf and Curling;

THEREFORE BE IT RESOLVED:

That the Mayor send a congratulatory letter, on behalf of the all members of Council, to Mr. Mackenzie Hughes on his exemplary accomplishment at the RSM Golf Classic on Monday, November 21, 2016.

CARRIED

7.9 Review of the Implementation of the Renovation and/or Repairs to the Parking Lot Project at 395 Mohawk Road East, Hamilton (Item 8.4)

(Skelly/Jackson)

WHEREAS, as its meeting of October 28, 2015, Council approved Item 5 of the General Issues Committee Capital Budget Report 15-019, which provided that \$800,000 to be funded from the Ward 7 Area Rating Reserve account No. 108057, be provided to CityHousing Hamilton for the renovation and/or repair of Ward 7 housing units;

WHEREAS, \$350,000 of those funds were allocated to change the entrance to and increase the number of parking spaces at 395 Mohawk Road East;

WHEREAS, the Operating Agreement between the City of Hamilton (as the Service Manager) and CityHousing Hamilton outlines that the City (Director of Audit Services) has the authority to conduct an audit of CityHousing Hamilton; and,

WHEREAS, Council at its meeting of April 27, 2016 (Item 7 of Audit, Finance & Administration Committee Report 16-006) approved an audit of CityHousing Hamilton;

THEREFORE BE IT RESOLVED:

- (a) That the Director of Audit Services be directed to immediately undertake a review of the implementation of the renovation and/or repairs to the parking lot project at 395 Mohawk Road East and report back to the Audit, Finance & Administration Committee; and,
- (b) That, subject to the findings of the 2017 audit of the renovation and/or repairs to the parking lot project at 395 Mohawk Road East and upon approval from the Ward 7 Councillor, the balance of the project continue to be funded through the Ward 7 Area Rating budget.

CARRIED

7.10 Commemorative Designation of Cormorant Road (Item 8.5)

(Collins/Farr)

WHEREAS, Neil Everson, Director, Economic Development, City of Hamilton will be retiring on December 31, 2016;

WHEREAS, during his term of service, Neil Everson has been directly involved in the attraction and retention of hundreds of businesses to the City of Hamilton;

WHEREAS, through his leadership, Neil Everson has assisted in the creation and retention of thousands of living wage jobs for the residents of the City of Hamilton;

WHEREAS, Neil Everson's efforts have opened up additional shovel ready land opportunities for new industry and employment in the City of Hamilton; and,

WHEREAS, Neil Everson has been directly involved in well over one million square feet of new non-residential development in the Ancaster Industrial Business Park including the Global Headquarters for Stackpole International, Tim Horton's Coffee Roasting facility, Activation Labs and SUEZ Environment;

THEREFORE BE IT RESOLVED:

That the entire length of Cormorant Road have a commemorative designation as "Neil Everson Way" in recognition of Neil Everson's outstanding contributions to the City of Hamilton's economy.

The Motion above CARRIED unanimously on the following Standing Recorded Vote:

Yeas:	Eisenberger, Whitehead, Skelly, Jackson, Collins, Merulla, Green, Farr, A. Johnson, Conley, Pearson, B. Johnson, Ferguson, VanderBeek, Pasuta, Partridge
Total:	16

NOTICES OF MOTION

Councillor A. Johnson introduced the following Notice of Motion:

8.1 Code of Conduct and Education Training Program for Council Appointed Bodies

WHEREAS, it is desirable that Council-appointed members to various bodies have appropriate guidelines respecting their conduct, demeanour and ethics;

THEREFORE BE IT RESOLVED:

That staff be directed to report back to the General Issues Committee with recommendations for appropriate mechanisms, including a code of conduct, and a program of education and training, which will support accountability and best practices for the City of Hamilton's Council-appointed bodies.

(A. Johnson/Eisenberger)

That the Rules of Order be waived in order allow for the introduction of a motion respecting a Code of Conduct and Education Training Program for Council appointed Bodies.

CARRIED

For disposition of this matter, please refer to Item 7.6.

Councillor VanderBeek introduced the following Notice of Motion:

8.2 Amendment to Item 13 of the General Issues Committee Report 16-011, respecting Rotary Creekside Parkette, Dundas

That Item 13 of the General Issues Committee Report 16-011, respecting Rotary Creekside Parkette, Dundas, which was approved by Council on April 27, 2016, be amended by deleting the words “**by December 31, 2016**” to read as follows:

13. Rotary Creekside Parkette, Dundas (Item 9.4)

WHEREAS, Project ID 4401456102 for the development of a new park at 2555 Creekside Drive, Dundas, to be funded from fundraising by community groups was approved in the 2014 Capital Budget;

WHEREAS, at its meeting of April 9, 2014, City Council approved Item 4 of General Issues Committee Report 14-008, respecting Report PW14036, 2555 Creekside Drive Park Development – Rotary Club of Dundas Lease for the Purposes of Permitting Construction by the Rotary Club of Dundas, to allow the Rotary Club of Dundas to enter into a lease with the City of Hamilton for the purpose of permitting the Rotary Club (in conjunction with the Condominium Corporations at Creekside Drive and Amica Mature Lifestyles Inc.) to construct and develop the Park in accordance with City standards and practices;

WHEREAS, at its meeting of June 24, 2015, Council approved Item 7.8, which permitted the extension of the construction lease to provide additional time to complete the construction of the park;

WHEREAS, the Rotary Club of Dundas and its partner community groups have raised \$503,000, which has been spent on the construction of the park; and,

WHEREAS, there was extensive and unexpected underground mechanical and drainage infrastructure required and time lags, which have resulted in unforeseen cost increases to the project, and have escalated the actual cost from \$550,000 to approximately \$750,000;

THEREFORE BE IT RESOLVED:

That the Ward Councillor be authorized to utilize the Ward 13 Priority Discretionary Infrastructure Funds, if required, to a maximum of \$250,000 for the construction and development of the Rotary Creekside Parkette in Dundas, **by December 31, 2016**, subject to the following conditions:

- (a) That the funds be utilized to complete the Rotary Creekside Parkette in Dundas, in accordance with the plan approved by the City;

- (b) That sufficient funds be released and paid to the Rotary Club of Dundas, on a project-by-project basis related to the Rotary Creekside Parkette in Dundas, subject to approval by the relevant City staff and the Ward 13 Councillor; and,
- (c) That the Rotary Club of Dundas be required to provide proof of each project's completion and dispersal of the funds, to the satisfaction of the General Manager of Finance & Corporate Services and the Ward 13 Councillor.

(VanderBeek/A. Johnson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting an amendment to Item 13 of the General Issues Committee Report 16-011, respecting Rotary Creekside Parkette, Dundas.

CARRIED

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

Councillor VanderBeek introduced the following Notice of Motion:

8.3 Mackenzie Hughes, Dundas Native – RSM Golf Classic Winner

WHEREAS, Mackenzie Hughes, a native of Dundas, became the first Hamiltonian and the first rookie to win a PGA tournament in two decades, at the RSM Golf Classic on Monday, November 21, 2016 in Sea Island Georgia;

WHEREAS, Mackenzie Hughes had only played in nine PGA events, including the RSM Golf Classic;

WHEREAS, only 13 other Canadians have won on at a PGA tournament;

WHEREAS, the victory has earned Mackenzie Hughes a PGA exemption through 2019 and entry into the 2017 Masters Tournament; and,

WHEREAS, Mackenzie Hughes, is a great ambassador for Hamilton, the community of Dundas and his home Club; Dundas Valley Golf and Curling;

THEREFORE BE IT RESOLVED:

That the Mayor send a congratulatory letter, on behalf of the all members of Council, to Mr. Mackenzie Hughes on his exemplary accomplishment at the RSM Golf Classic on Monday, November 21, 2016.

(VanderBeek/Pearson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Mackenzie Hughes, Dundas Native – RSM Golf Classic Winner.

CARRIED

For disposition of the above matter, please refer to Item 7.8.

Councillor Skelly introduced the following Notice of Motion:

8.4 Review of the Implementation of the Renovation and/or Repairs to the Parking Lot Project at 395 Mohawk Road East, Hamilton

WHEREAS, as its meeting of October 28, 2015, Council approved Item 5 of the General Issues Committee Capital Budget Report 15-019, which provided that \$800,000 to be funded from the Ward 7 Area Rating Reserve account No. 108057, be provided to CityHousing Hamilton for the renovation and/or repair of Ward 7 housing units;

WHEREAS, \$350,000 of those funds were allocated to change the entrance to and increase the number of parking spaces at 395 Mohawk Road East;

WHEREAS, the Operating Agreement between the City of Hamilton (as the Service Manager) and CityHousing Hamilton outlines that the City (Director of Audit Services) has the authority to conduct an audit of CityHousing Hamilton; and,

WHEREAS, Council at its meeting of April 27, 2016 (Item 7 of Audit, Finance & Administration Committee Report 16-006) approved an audit of CityHousing Hamilton;

THEREFORE BE IT RESOLVED:

That the Director of Audit Services be directed to immediately undertake a review of the implementation of the renovation and/or repairs to the parking lot project at 395 Mohawk Road East and report back to the Audit, Finance & Administration Committee.

(Skelly/Partridge)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a Review of the Implementation of the Renovation and/or Repairs to the Parking Lot Project at 395 Mohawk Road East, Hamilton.

CARRIED

(Collins/Merulla)

That, subject to the findings of the 2017 audit of the renovation and/or repairs to the parking lot project at 395 Mohawk Road East; and, upon approval from the Ward 7 Councillor, the balance of the project continue to be funded from the Ward 7 Area Rating budget.

AMENDMENT CARRIED

For disposition of this matter, please refer to Item 7.9.

Councillor Collins introduced the following Notice of Motion:

8.5 Commemorative Designation of Cormorant Road

WHEREAS, Neil Everson, Director, Economic Development, City of Hamilton will be retiring on December 31, 2016;

WHEREAS, during his term of service, Neil Everson has been directly involved in the attraction and retention of hundreds of businesses to the City of Hamilton;

WHEREAS, through his leadership, Neil Everson has assisted in the creation and retention of thousands of living wage jobs for the residents of the City of Hamilton;

WHEREAS, Neil Everson's efforts have opened up additional shovel ready land opportunities for new industry and employment in the City of Hamilton; and,

WHEREAS, Neil Everson has been directly involved in well over one million square feet of new non-residential development in the Ancaster Industrial Business Park including the Global Headquarters for Stackpole International, Tim Horton's Coffee Roasting facility, Activation Labs and SUEZ Environment;

THEREFORE BE IT RESOLVED:

That the entire length of Cormorant Road have a commemorative designation as "Neil Everson Way" in recognition of Neil Everson's outstanding contributions to the City of Hamilton's economy.

(Collins/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Commemorative Designation of Cormorant Road.

CARRIED

For disposition of the matter above, please refer to Item 7.10.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Pasuta/Pearson)

That Council move into Closed Session respecting Item 19 of the General Issues Committee Report 16-029, respecting Report LS15018(a) – City of Hamilton v Canada Post Litigation, 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.

(i) City of Hamilton v Canada Post Litigation (LS15018(a)) (City Wide) (Item 19)

For disposition of this matter, please refer to Item 19 of the General Issues Committee Report 16-029.

BY-LAWS

(B. Johnson/Pearson)

That Bills No. 16-305 to No. 16-311 be passed, 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:

By-law No.

- | | |
|------------|---|
| 305 | 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 16 (Taxi Zones)
Schedule 20 (School Bus Loading Zones) |
| 306 | To Amend By-law No. 06-147, Being a By-law to Authorize the City to Enter into Extension Agreements |
| 307 | To Incorporate City Land Designated as Block O on Plan 62M-1121 into Bittern Street |
| 308 | To Amend Zoning By-law No. 464, as amended by By-law No. 03-312, respecting lands located at 8 Kingsborough Drive (Glanbrook)
ZAH-16-053 |
| 309 | To Amend By-law No. 87-57 (Ancaster), Respecting Lands located at 555 Highvalley Road (Ancaster)
ZAC-16-042 |
| 310 | To Repeal By-law No. 16-242 and Removal of Part Lot Control, Lot 15, Registered Plan of Subdivision No. M-101, municipally known as 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140 and 142 Shoreview Place; and, 98 Shoreview Place, units 1-53
PLC-16-036 |
| 311 | To Confirm the Proceedings of City Council |

CARRIED

(Pearson/Conley)

That, there being no further business, City Council be adjourned at 11:11 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk