CITY COUNCIL
MINUTES 16-020

5:00 p.m.
Wednesday, October 26, 2016
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Councillor A. VanderBeek – Personal

Mayor Eisenberger called the meeting to order and called upon Pastor Steve Swets from the Rehoboth United Reformed Church to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.9 Correspondence from Sid Catalano, Director of Legislation, Pattison Outdoor Advertising LLP respecting a Digital Signage Budget Enhancement Opportunity.

Recommendation: Be received and referred to Item 4 of the Planning Committee Report 16-018.

2. ADDED COMMITTEE REPORT

6.7 General Issues Committee (Budget) Report 16-025 – October 21, 2016

3. ADDED BY-LAWS

288 To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council

289 To Amend By-law No. 14-300, the Council Procedural By-law

290 Council Code of Conduct

(Conley/B. Johnson)
That the agenda for the October 26, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES

3.1 Recognition of Jim Lamont and Chantel Chervet for their life-saving actions in helping a City of Hamilton employee

Mayor Eisenberger thanked Jim Lamont and Chantel Chervet for assisting City of Hamilton employee, Bill McKay, when he was stung by a bee in his throat. Jim and Chantel noticed Bill's distress, called 911 and performed CPR on an unconscious Bill until paramedics arrived. The paramedics believe Jim and Chantel's actions saved Bill's life.

APPROVAL OF MINUTES

4.1 October 12, 2016

(Partridge/Pasuta)
That the Minutes of the October 12, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Skelly/Jackson)
That Council Communications 5.1 through 5.9 be approved, ***as amended***, as follows:

5.1 Correspondence from J.W. Tiernay, Executive Director, Ontario Good Roads Association (OGRA) respecting Nominations to the OGRA Board of Directors.

(B.Johnson/Ferguson)
Recommendation: **Be received.** ~~For the consideration of Council.~~

5.2 Correspondence from Ken Hall, Senior Advisor, Public Affairs, Eastern Region Operations, Enbridge Pipelines Inc. respecting Notification of Pipeline Integrity Excavations.

Recommendation: To be received.

5.3 Correspondence from Lynn Dollin, President, Association of Municipalities of Ontario seeking Support for their resolution respecting the looming fiscal gap facing Ontario's municipalities.

Recommendation: Be endorsed.

5.4 Correspondence from Walter Furlan respecting his resignation from the Hamilton Municipal Heritage Committee.

Recommendation: Be received and referred to the Selection Committee.

5.5 Correspondence from Sharon Vokes, Clerk/Director of Council Services, Grey County respecting support for a resolution regarding hydro costs.

Recommendation: Be endorsed.

5.6 Correspondence from Beatrice Joan Jeffrey respecting her concerns with the plans for Hamilton's waterfront development.

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

5.7 Correspondence from the Corporation of the Township of Madawaska Valley requesting support for their resolution respecting Bill 21, An Act to amend the Ministry of Correctional Services Act about the parole system.

Recommendation: Be endorsed.

5.8 Correspondence from Erin Lindeboom respecting her resignation from the Advisory Committee for Persons with Disabilities.

Recommendation: Be received and referred to the Selection Committee.

5.9 Correspondence from Sid Catalano, Director of Legislation, Pattison Outdoor Advertising LLP respecting a Digital Signage Budget Enhancement Opportunity.

Recommendation: Be received and referred to Item 4 of the Planning Committee Report 16-018.

(Jackson/Skelly)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 16-017

2. Blanket Support Resolution for Rooftop Solar Projects for the Feed in Tariff Program (PW12069(c)) (City Wide) (Item 5.3)

Councillors Jackson and Skelly wished to be recorded as OPPOSED to Item 2.

(Collins/Merulla)
That the SEVENTEENTH Report of the Public Works Committee be adopted, as presented, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 16-010

(Eisenberger/Partridge)
That the TENTH Report of the Board of Health be adopted, as presented and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 16-018

1. Hamilton Municipal Heritage Committee Report 16-008

(Pearson/Partridge)
That Item 1 of the Planning Committee Report 16-018 respecting the Hamilton Municipal Heritage Committee Report 16-008, be amended by adding the following as sub-sections (b) and (c):

(a) **Heritage Permit Application HP2016-027, Under Part IV of the *Ontario Heritage Act*, for Façade Retention and Penthouse Addition of 18-22 King Street East, Hamilton (PED16194) (Ward 2)**

That pursuant to Subsection 33 (5) and 34 (2) of the Ontario Heritage Act, the applicant's request to extend the timeframe for Council to make a decision on the Heritage Permit Application HP2016-027, Under Part IV of the Ontario Heritage Act, for Façade Retention and Penthouse Addition of 18-22 King Street East, Hamilton to January 26, 207, with staff reports to be referred to a future meeting of the Hamilton Municipal Heritage Committee, be approved; and,

(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) (Ward 2)**

That pursuant to Section 33 (5) and 34 (2) of the Ontario Heritage Act, the applicant's request to extend the timeframe for Council to make decision on the 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 to January 26, 2017, with staff reports to be referred to a future meeting of the Hamilton Municipal Heritage Committee, be approved.

Amendment CARRIED
Main Motion as *Amended* CARRIED

4. Digital Signage Budget Enhancement Opportunity (FCS16082 / PED16196) (City Wide) (Item 8.1)

(Collins/Merulla)
That information Item (i)(i)(b) of Planning Committee Report 16-018 respecting the Outstanding Business List be amended as follows:

(b) That the following Item ***remain*** on the Planning Committee Outstanding Business List:

Item "FF" – That staff be directed to present to the Planning Committee an updated digital sign by-law.

Amendment CARRIED

Councillors B. Johnson and Pasuta indicated that they wished to be recorded as OPPOSED to subsection (c) to (g) of Item 4.

6. Update and instructions regarding Ontario Municipal Board appeals of Rural Hamilton Official Plan Amendment 9 and Zoning By-law 2015-173 (PL150805/LS16001(a)) (City Wide) (Item 12.1)

(B. Johnson/Skelly)
That the recommendation in Item 6 of Planning Committee Report 16-018 respecting Update and instructions regarding Ontario Municipal Board appeals of Rural Hamilton Official Plan Amendment 9 and Zoning By-law 2015-173 (PL150805) (LS16001(a)) be deleted in its entirety and the following be inserted therein:

~~That the recommendations of Report LS16001(a) be approved and remain confidential until Council approval.~~

(a) That the site specific settlement proposal contained in Report LS16001(a) be approved, subject to the settlement resolving the appeals of By-law 150173 and RHOPA No. 9 by Pharm Meds Limited in their entirety;

(b) That the City Solicitor be authorized and directed to take any steps necessary to implement the settlement respecting Pharm Meds Limited;

(c) That Report LS16001(a), respecting Update and instructions regarding Ontario Municipal Board appeals of Rural Hamilton Official Plan Amendment 9 and Zoning By-law 2015-173 (PL150805) and its appendix, remain confidential.

Amendment CARRIED
Main Motion as *Amended* CARRIED

(B. Johnson/Pearson)
That the EIGHTEENTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-024

Councillor Skelly relinquished the Chair to Mayor Eisenberger

3. Potential Cross-Promotional Partnership with the Royal Botanical Gardens (Item 6.1)

(Farr/Skelly)
That Item 3 of the General Issues Committee Report 16-024 respecting a Potential Cross-Promotional Partnership with the Royal Botanical Gardens be amended as follows:

That the appropriate staff, from Horticulture and Recreation, be requested to enter into ***immediate*** discussions with the Royal Botanical Gardens (RBG), respecting the feasibility of promoting the RBG, at no cost to the RBG, through the City's Horticulture Median and Boulevard Program and other cross-promotional opportunities including, but not limited to, ongoing winter activities at Cootes Paradise, that may benefit the RBG and the City of Hamilton ***and report back to the General Issues Committee by December 7th, 2016***.

Amendment CARRIED
Main Motion as *Amended* CARRIED

6. Amendments to Integrity Commissioners By-law and Council Code of Conduct Recommended by the Integrity Commissioner (LS16022) (City Wide)

(Green/Merulla)
That Item 6(a)(ii) of General Issues Committee Report 16-024, respecting the requirement of a $100 fee, be deleted.

DEFEATED

The Motion was DEFEATED on a Recorded Vote as follows:

Yeas:	A. Johnson, Farr, Green, Merulla
Total Yeas:	4
Nays:	Collins, Jackson, Whitehead, Eisenberger, Partridge, Pasuta, Ferguson, B. Johnson, Pearson, Conley, Skelly
Total Nays:	11
Absent:	VanderBeek
Total Absent:	1

(Jackson/Skelly)

(a) That sub-section (c) to Item 6 of the General Issues Committee Report 16-024, be amended by deleting the words "as amended," and "and replacing" to read as follows:

(c) That the by-law, attached as Appendix "B", ~~**as amended,**~~ to Report LS16022, being a by-law to amend Procedure By-law 14-300, by deleting ~~**and replacing**~~ Appendix "H" to Procedure By-law 14-300, the Code of Conduct for Members of Council, be enacted; and,

(b) That a new sub-section (d), which reads as follows, be added:

(d) That the by-law, attached as Appendix "C" to Report LS16022, being a by-law respecting the Code of Conduct for Members of Council, be enacted.

(c) That the proposed Integrity Commissioner By-law No. 16-288 be amended by deleting sub-section 11 (4) and renumbering the following sub-sections accordingly.

Amendment CARRIED
Main Motion as *Amended* CARRIED

Councillor Skelly assumed the Chair.

Councillor Farr wished to be recorded as OPPOSED to Item 6 (a)(ii).

(Eisenberger/Pasuta)
That the TWENTY-FOURTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 16-015

(A. Johnson/Farr)
That the FOURTEENTH Report of the Audit, Finance and Administration Committee be adopted, as presented, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 16-010

(Green/Farr)
That the TENTH Report of the Emergency & Community Services Committee be adopted, as presented, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE (BUDGET) REPORT 16-025

(Eisenberger/Ferguson)
That the TWENTY-FIFTH Report of the General Issues Committee (Budget) be adopted, as presented, and the information section received.

CARRIED

(Jackson/Skelly)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Collective Arts Brewery Application for the Manufacturing of Cider

(Farr/Green)
WHEREAS Council has previously supported the issuance of a Manufacturer's Limited Liquor Sales License for Collective Arts at 207 Burlington St. E., Hamilton (also known as 201 Burlington St. E.) for their beer products; and,

WHEREAS Collective Arts is manufacturing a new cider product in addition to beer; and,

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) classifies cider as a wine product; and,

WHEREAS the AGCO requires a separate written notice from the Council of the Municipality within which the applicant's manufacturing site is located confirming that it has passed a resolution in support of the issuance of a Manufacturer's Limited Liquor Sales License for wine (cider),

THEREFORE BE IT RESOLVED:

That Council confirms their support for the issuance of a wine/cider manufacturing licence for Collective Arts Brewing Limited located at 207 Burlington St. E., Hamilton.

CARRIED

7.2 Hosting the Ontario Football Conference Championship at Tim Hortons Field

(Farr/Green)
WHEREAS the cost to rent Tim Hortons Field is $3,900.00 for 5 hours; and,

WHEREAS the Ontario Football Championship occurs on November 6th – the day after Hamilton Tiger Cats play on Saturday November 5th; and,

WHEREAS if our beloved and historic Hamilton Hurricanes win in St. Catharines this weekend, they will host the Championship; and,

WHEREAS due to an affordability issue , the Hamilton Hurricanes have had to contemplate St. Catharines as their home field for hosting the Ontario Football Conference Championship; and,

WHEREAS the Hamilton Hurricanes' deep and lasting history in football includes, but is not limited to, developing players to the highest level (the pros), philanthropy in our local communities and providing programs and services for children in need; and,

WHEREAS the optics of hosting the Ontario Football Conference Championship as a Hamilton event, but on a St. Catharines field is terrible - particularly when Tim Hortons Field is both available and is the optimum venue to host such a prestigious event,

THEREFORE BE IT RESOLVED:

That the appropriate staff from Facilities, Recreation, Culture and Tourism be requested to meet with potential host, the Hamilton Hurricanes, in an effort to host the Ontario Championship in Hamilton where it belongs and negotiate a fee not to exceed $1500.

CARRIED

NOTICES OF MOTION

Councillor Farr introduced the following Notice of Motion:

8.1 Hosting the Ontario Football Conference Championship at Tim Hortons Field

WHEREAS the cost to rent Tim Hortons Field is $3,900.00 for 5 hours; and,

WHEREAS the Ontario Football Championship occurs on November 6th – the day after Hamilton Tiger Cats play on Saturday November 5th; and,

WHEREAS if our beloved and historic Hamilton Hurricanes win in St. Catharines this weekend, they will host the Championship; and,

WHEREAS due to an affordability issue , the Hamilton Hurricanes have had to contemplate St. Catharines as their home field for hosting the Ontario Football Conference Championship; and,

WHEREAS the Hamilton Hurricanes' deep and lasting history in football includes, but is not limited to, developing players to the highest level (the pros), philanthropy in our local communities and providing programs and services for children in need; and,

WHEREAS the optics of hosting the Ontario Football Conference Championship as a Hamilton event, but on a St. Catharines field is terrible - particularly when Tim Hortons Field is both available and is the optimum venue to host such a prestigious event,

THEREFORE BE IT RESOLVED:

That the appropriate staff from Facilities, Recreation, Culture and Tourism be requested to meet with potential host, the Hamilton Hurricanes, in an effort to host the Ontario Championship in Hamilton where it belongs and negotiate a fee not to exceed $1500.

(Farr/Green)
That the Rules of Order be waived to allow for the introduction of a motion respecting the.

CARRIED

For disposition of this matter, please refer to Item 7.2

STATEMENT BY MEMBERS

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

BY-LAWS

(Jackson/Whitehead)
That the Bill list be amended by adding the following Bills and renumbering the balance accordingly:

288 To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council

289 To Amend By-law No. 14-300, the Council Procedural By-law

290 Council Code of Conduct

CARRIED

(Jackson/Whitehead)
That Bills No. 16-279 to No. 16-291 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:

Bill No.

279 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Section 56(6)(a)

280 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 9 (Alternate Side Parking)
Schedule 10 (Alternate Side Parking)
Schedule 12 (Permit Parking Zones)

281 Respecting Removal of Part Lot Control from Block 187 of Registered Plan of Subdivision 62M-1210, municipally known as 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 27, 29, 41, 43, and 45 Bonhill Boulevard
PLC-16-026

282 Respecting Removal of Part Lot Control, Blocks 74 and 75 of Registered Plan 62M-1233 and Block 110 of Registered Plan 62M-1128 (Part 78 of Registered Plan 62R-18865) known as “Binbrook Heights Addition – Phase 1” (Glanbrook) (Ward 11)
PLC-16-032

283 Respecting Removal of Part Lot Control, Lots 1-8 (inclusive), 58-70 (inclusive) and Part of Lot 2, Block 4, Concession 3 in the Geographic Township of Binbrook on Registered Plan 62M-1233 (Plan 62R-20437) known as “Binbrook Heights Addition – Phase 1” (Glanbrook) (Ward 11)
PLC-16-033

284 To Amend By-law No. 10-197, a By-law respecting Signs

285 To extend the time period of Interim Control By-laws respecting certain lands in the former City of Hamilton, generally fronting on King Street East between Wellington Street and Victoria Avenue, James Street North between Cannon Street and Strachan Street
CI 15-F

286 To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 195 Annabelle Street, Hamilton
ZAR-16-023

287 To Amend Zoning By-law No. 90-145-Z (Flamborough) Respecting Lands Located at 470 Parkside Drive and 493 Dundas Street East (Flamborough)
ZAH-16-055

288 As amended To Establish and Govern the Office of Integrity Commissioner and Provide for the Resolution of Allegations of Contravention of the Code of Conduct by Members of Council

289 To Amend By-law No. 14-300, the Council Procedural By-law

290 Council Code of Conduct

291 To Confirm the Proceedings of City Council

CARRIED

(B. Johnson/Conley)
That, there being no further business, City Council be adjourned at 7:14 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk