CITY COUNCIL
MINUTES 17-016

5:00 p.m.
Wednesday, September 13, 2017
Council Chamber
Hamilton City Hall
71 Main Street West

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

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 Mark Koehler and Pastor Peter Gatluak, of Pilgrim Lutheran Church to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.8 Correspondence respecting Area Rating Funds:

(a) Gabriel Nicholson
(b) Viv Saunders

Recommendation: Be received and referred to the consideration of Item 7.6

5.9 Correspondence from Viv Saunders respecting the Hamilton Waterfront Trust.

Recommendation: Be received and referred to the consideration of Item 3 of the Audit, Finance and Administration Committee Report 17-012.

5.10 Correspondence from Viv Saunders respecting the Student Accommodation Factor – Ward Office Budgets.

Recommendation: Be received and referred to the consideration of Item (k)(ii) of the Audit, Finance and Administration Committee Report 17-012.

2. WITHDRAWN MOTION

7.5 Hamilton Police Service Requested to Actively Enforce Current Laws Prohibiting the Sale of Marijuana under the Criminal Code

3. ADDED NOTICES OF MOTION

8.2 Parkdale Landing Affordable Housing Project - Phase 1

8.3 217 Lottridge Street, Hamilton (Formerly: B.I.Z. Mechanical Inc. O/A: E.Z. Waste)

8.4 Community Grants for Ward 3

4. ADDED PRIVATE AND CONFIDENTIAL

10.3 Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update (to be distributed)

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.

5. CHANGE TO THE ORDER OF ITEMS

As Item 7.7 is contingent on the outcome of Item 8.1, the Acting Clerk recommended that Council consider 8.1 and Councillor Jackson's proposed amendment prior to the consideration of Item 7.7.

(Green/Whitehead)
That the agenda for the September 13, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

APPROVAL OF MINUTES

4.1 August 18, 2017

(Whitehead/Pasuta)
That the Minutes of the August 18, 2017 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Ferguson/Conley)
That Council Communications 5.1 through 5.10 be approved, ***as amended***, as follows:

5.1 Correspondence from the Presidents of the Niagara North, Hamilton-Wentworth, Niagara South, Brant County, Norfolk, Haldimand and Halton Region Federations of Agriculture requesting the Council pass a resolution to endorse provincial public investment for natural gas expansion.

Recommendation: ***Be endorsed and referred to the Agriculture and Rural Affairs Advisory Committee, for their information.***

5.2 Correspondence from the Anil Arora, Chief Statistician of Canada, Statistics Canada respecting updated language data from the 2016 Census of Population.

Recommendation: Be received.

5.3 Correspondence from Brock Carlton, Chief Executive Officer, Federation of Canadian Municipalities respecting the first payment to the City of Hamilton in regards to the Green Municipal Fund Grant Agreement for the Hamilton Bike Share Everyone Rides Pilot Initiative.

Recommendation: Be received.

5.4 Correspondence from the Honourable Bill Mauro, Minister of Municipal Affairs in response to the comments submitted by the City of Hamilton on Schedule 3 of Bill 139.

Recommendation: Be received.

5.5 Correspondence from the Honourable Jane Philpott, Minister of Health in response to Mayor Eisenberger's invitation to discuss funding opportunities to support the City of Hamilton's opioid response.

Recommendation: Be received and referred to the Medical Officer of Health for information and appropriate action.

5.6 Correspondence respecting Report PED17140, Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3100-3140 Regional Road 56 and Block 131 of the Elizabeth Gardens Phase 3 Plan of Subdivision (62M-1062), Glanbrook (Ward 11):

(a) Daryl and Erin Gair
(b) Jean Rigg-Brown
(c) Jean & Carl Besseling

Recommendation: Be received and referred to the consideration of Item 5 of the September 5, 2017 Planning Committee Report.

5.7 Correspondence from April Almeida respecting that the month of October is "Dysautonomia Awareness Month".

Recommendation: Be received ***and referred to the Office of the Mayor, for their information.***

5.8 Correspondence respecting Area Rating Funds:

(a) Gabriel Nicholson
(b) Viv Saunders

Recommendation: ***Be received.***

5.9 Correspondence from Viv Saunders respecting the Hamilton Waterfront Trust.

Recommendation: Be received and referred to the consideration of Item 3 of the Audit, Finance and Administration Committee Report 17-012.

5.10 Correspondence from Viv Saunders respecting the Student Accommodation Factor – Ward Office Budgets.

Recommendation: Be received and referred to the consideration of Item (j) of the Audit, Finance and Administration Committee Report 17-012.

CARRIED

(Farr/Green)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

PLANNING COMMITTEE REPORT 17-014

5. Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3100-3140 Regional Road 56 and Block 131 of the Elizabeth Gardens Phase 3 Plan of Subdivision (62M-1062), Glanbrook (PED17140) (Ward 11) (Item 6.5)

(B. Johnson/Pearson)

(a) That the Item 5, respecting the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3100-3140 Regional Road 56 and Block 131 of the Elizabeth Gardens Phase 3 Plan of Subdivision (62M-1062), Glanbrook (PED17140) (Ward 11) be TABLED for two weeks until the next Council meeting to give the applicant and staff time to negotiate a possible resolution; and

(b) That Council Communications 5.6(a),(b), and (c), be forwarded to the Planner on the file for information.

CARRIED

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-018

(Eisenberger/Ferguson)
That Item (e)(ii) of the General Issues Committee Report 17-018, respecting the 2030 Commonwealth Games 100th Anniversary (PED17133), be lifted from the Information Section and added as Item 9 for discussion.

9. 2030 Commonwealth Games 100th Anniversary (PED17133) (City Wide) (Item 8.2)

(Eisenberger/Whitehead)
(a) That staff be directed to send a letter, under the signature of the Mayor, to Commonwealth Games Canada (CGC) expressing a non-binding interest in the City of Hamilton hosting the 100th Anniversary Commonwealth Games in 2030; and

(b) That staff be directed to prepare a Business Proposal for Council that outlines, at a high-level, the requirements for hosting this event and report back to the General Issues Committee in Q1, 2018.

CARRIED

9. 2030 Commonwealth Games 100th Anniversary (PED17133) (City Wide) (Item 8.2)

(Eisenberger/Whitehead)
(a) That staff be directed to send a letter, under the signature of the Mayor, to Commonwealth Games Canada (CGC) expressing a non-binding interest in the City of Hamilton hosting the 100th Anniversary Commonwealth Games in 2030; and

(b) That staff be directed to prepare a Business Proposal for Council that outlines, at a high-level, the requirements for hosting this event and report back to the General Issues Committee in Q1, 2018.

(B. Johnson/A. Johnson)
That the question respecting 2030 Commonwealth Games 100th Anniversary (PED17133), be called.

DEFEATED

The above motion respecting 2030 Commonwealth Games 100th Anniversary (PED17133) was DEFEATED on the following Standing Recorded Vote:

Yeas:	F. Eisenberger, T. Whitehead, D. Conley, M. Pearson, and R. Pasuta
Total:	5
Nays:	A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins, T. Jackson, D. Skelly, B. Johnson, J. Partridge, and A. VanderBeek
Total:	10
Absent:	L. Ferguson
Total:	1

(Eisenberger/VanderBeek)
That the consideration of Item 8, Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update (LS17015(b)); the General Issues Committee Report 17-018 and the motion to Rise from Committee of the Whole be deferred until after the Closed Session portion of the meeting.

CARRIED

Deputy Mayor Ferguson relinquished the Chair to Councillor Farr, as he had to leave for a previously scheduled event.

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 17-012

(Skelly/Jackson)
That the TWELFTH Report of the Audit, Finance and Administration Committee be adopted, as presented, and the information section received (attached hereto).

CARRIED

MOTIONS

7.1 Kegs4Cncr – Special Occasion Permit Liquor Licence

(Farr/Green)
WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Jennifer Pavicich on behalf of Collective Arts Brewing, Hamilton Health Sciences and Nickle Brook Brewing Co., that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on September 23, 2017 between the hours of 7:00 p.m. and 1:00 a.m. at Collective Arts Brewery, 207 Burlington Street East, Hamilton, Ontario during the Kegs4Cncr taking place in Hamilton, Ontario;

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 Kegs4Cncr, being held in the City of Hamilton, Ontario on September 23, 2017, 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) Collective Arts Brewing, Hamilton Health Sciences and Nickle Brook Brewing Co. c/o Jennifer Pavicich, Burlington, Ontario.

CARRIED

7.2 Amending the 2017 Council/Committee Meeting Calendar

(Pearson/B. Johnson)
WHEREAS, the contractor installing the upgraded components of the audio/visual equipment in the Council Chambers requires three consecutive weeks in the Council Chamber free of meetings to complete the upgrade; and

WHEREAS, by moving the meetings during the week of December 11, 2017 would provide the contractor with the three consecutive weeks in the Council Chamber free of meetings to complete the upgrade.

THEREFORE BE IT RESOLVED:

(a) That the Audit, Finance and Administration Committee meeting scheduled on December 11, 2017 be rescheduled to December 7, 2017;

(b) That the Emergency and Community Services Committee meeting scheduled on December 11, 2017 be rescheduled to December 7, 2017; and

(c) That the City Council meeting scheduled on December 13th at 9:30 a.m., be rescheduled to December ***8***, 2017 at 9:30 a.m.

CARRIED

7.3 Valley Park Construction Project – Heritage Green Community Trust Funding

(Conley/Pearson)
WHEREAS, the City of Hamilton (“the City”) owns the Valley Park Branch Library located in the City of Hamilton;

WHEREAS, the City and the Hamilton Public Library Board (the “Board”) wish to construct an addition on the existing facility: the Valley Park Community Centre and the Valley Park Branch Library;

WHEREAS, the capital project for Valley Park Library Expansion #7501741601 was approved by Council in the 2017 capital budget;

WHEREAS, the Heritage Green Community Trust (“the Trust”) is prepared to fund part of the Valley Park Construction Project, specifically the construction of two (2)

new multi-purpose rooms of at least 1,500 square feet each (the "Multi-Purpose Room Project");

WHEREAS, the Trust has agreed to make available to the City and the Board up to one million, two hundred and fifty thousand dollars ($1,250,000) to fund the Multi-Purpose Room Project, subject to terms and conditions to be set forth in an agreement to be signed by the City, the Board and the Trust;

WHEREAS, the report seeking authority for the Board to enter into the agreement was approved by the Hamilton Public Library Board June 21, 2017, and;

WHEREAS, staff also require authority to negotiate an agreement on behalf of the City;

THEREFORE BE IT RESOLVED:

(a) That the General Manager, of the Public Works Department, be authorized and directed to negotiate an agreement between the City of Hamilton, the Hamilton Library Board and the Heritage Green Community Trust (the "Trust") to give effect to the funding of part of the Valley Park Construction Project, specifically the construction of two (2) new multi-purpose rooms of at least 1,500 square feet, of up to one million, two hundred and fifty thousand dollars ($1,250,000) to be provided by the Trust; and,

(b) That the Mayor and the City Clerk be authorized and directed execute an agreement and any ancillary documents, between the City of Hamilton, the Hamilton Library Board and the Heritage Green Community Trust (the "Trust") to give effect to the funding of part of the Valley Park Construction Project, specifically the construction of two (2) new multi-purpose rooms of at least 1,500 square feet, of up to one million, two hundred and fifty thousand dollars ($1,250,000) to be provided by the Trust,with content acceptable to the General Manager of Public Works and in a form satisfactory to the City Solicitor.

CARRIED

7.4 Amendment to sub-section (b)(i) of Item 3 of the Audit, Finance and Administration Committee Report 17-008 – Grants Sub-Committee Report 17-002.

(B. Johnson/M. Green)
3. Grants Sub-Committee Report 17-002, May 11, 2017 (Added Item 8.1)

WHEREAS, a few of the applicants to the 2017 City Enrichment Fund inadvertently provided the name of the group, event or program, in place of the legal name on their respective accounts; leaving staff without authority to release the funding;

THEREFORE BE IT RESOLVED:

(a) That Appendix "A" to sub-section (b)(i) of Item 3 of the Audit, Finance & Administration Committee Report 17-008, which was approved by Council on May 24, 2017, be amended by:

(i) deleting the words "Megan May Dance" under the Program Name heading for ART D-8, and replacing them with the words "***Megan May***"; and,

(ii) deleting the words "Bad Timing Productions" under the Program Name heading for ART D-11, and replacing them with the words "***Amos Crawley***".

CARRIED

7.6 Playground Revitalization Contribution for Memorial City School and Adelaide Hoodless Elementary School

(Green/Jackson)
WHEREAS, improving our green spaces, and playgrounds will help strengthen and build a community with even more opportunities for all;

WHEREAS, the Hamilton-Wentworth District School Board has agreed to a match contributions for the revitalization of the Adelaide Hoodless Elementary School and Memorial City School parks and playgrounds dollar-for-dollar;

THEREFORE BE IT RESOLVED:

(a) That $150,000 as the City's contribution, to be funded from the Ward 3 Area Rating Reserve (108053), be provided to the Hamilton-Wentworth District School Board for the revitalization of the Memorial City School park and playground; and,

(b) That $150,000 as the City's contribution, to be funded from the Ward 3 Area Rating Reserve (108053), be provided to the Hamilton-Wentworth District School Board for the revitalization of the Adelaide Hoodless Elementary School playground.

CARRIED

7.8 Reconsideration of the Demolition of the City-Owned Surplus School at 155 East 26th Street, known as Eastmount Park Elementary School

(Jackson/Whitehead)
WHEREAS, as per the direction in Report PED15127 - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, which was approved by Council on February 10, 2016, the City of Hamilton has purchased and now owns the Surplus School Property at 155 East 26th Street, known as Eastmount Park Elementary School;

WHEREAS, staff were authorized and directed to demolish the existing surplus school structure and finish the property with a grassed area, subject to the successful acquisition of the property at 155 East 26th Street, known as Eastmount Park Elementary School;

WHEREAS, staff were verbally directed at the November 2, 2016 General Issues Committee (GIC) meeting, to hold off on the demolition of the former Eastmount Park Elementary School building, until such time as staff reported back to GIC in response to the motion put forward at that same November 16, 2016 meeting, respecting the feasibility of a fashion incubator at the Eastmount School site that would include, but not be limited to: fashion and related businesses; opportunities for community groups; operating costs offset by partnerships with the private sector; and, steps to transform the former elementary school into a place for creative people to work, connect with peers, and learn to further their trades;

WHEREAS, Report PED17144, respecting Creating a Fashion Incubator Including Opportunities for Community Groups at the Former Eastmount School Site, was TABLED at the August 14, 2017 General Issues Committee meeting, pending further information regarding the Council approved resolution currently on the record (Report PED15127 - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, which was approved by Council on February 10, 2016);

WHEREAS, there is interest in the Community to keep the surplus school structure and use the building for community use; and,

WHEREAS, capital funding requirements for medium and long-term building occupancy, as well as operating enhancements/pressures at full occupancy at 30,000 square feet, have not yet been reported to Committee.

THEREFORE BE IT RESOLVED:

That sub-section (a)(iii)(1) to Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, which was approved by Council on February 10, 2016 and reads as follows, be reconsidered:

11. School Board Properties Sub-Committee Report 16-001, January 15, 2016 (Item 8.8)

(a) Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School (PED15127(a)) (Ward 7) (Item 12.2)

(iii) That subject to a successful acquisition under Recommendation (a) of Report PED15127(a):

(1) Staff be authorized and directed to demolish the existing surplus school structure and finish the property with a grassed area;

CARRIED on a 2/3rds Majority

7.9 School Board Properties Sub-Committee Report 16-001, January 15, 2016 (Item 8.8)

(Jackson/Whitehead)
That sub-section (a)(iii)(1) to Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, which was approved by Council on February 10, 2016 and reads as follows, be deleted in its entirety and replaced with the following in lieu thereof:

11. School Board Properties Sub-Committee Report 16-001, January 15, 2016 (Item 8.8)

(a) Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School (PED15127(a)) (Ward 7) (Item 12.2)

(iii) That subject to a successful acquisition under Recommendation (a) of Report PED15127(a):

~~(1) Staff be authorized and directed to demolish the existing surplus school structure and finish the property with a grassed area;~~

(1) That Public Works staff be directed to report to the 2018 budget process (General Issues Committee) with the following, as it relates to the former Eastmount School property, and to include a funding source(s) for each:

(i) the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements;

(ii) the capital funding required over the next 10 years to maintain the facility; and,

(iii) the required Corporate Facilities operating enhancements and pressures to maintain and operate the facility with full occupancy at 30,000 square feet.

CARRIED

7.7 Reallocation of the Previously Approved Funding for the Remediation and the Demolition of the Surplus School Property at 155 East 26th Street know as Eastmount Park Elementary School

(Skelly/Jackson)
(a) That, concurrent with staff reporting to the 2018 budget process (General Issues Committee), as it relates to the former Eastmount School property, the previously approved funding for the remediation and the demolition, as

outlined in Private & Confidential Appendix "B" to Report PED15127(a), respecting the Surplus School Property at 155 East 26th Street know as Eastmount Park Elementary School, be reallocated to fund all or a portion of the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements; and,

(b) That Tourism & Culture staff be directed to review alternative uses for the property at 155 East 26th Street, known as the Eastmount Park Elementary School site, as it would relate to opportunities for not-for-profit community groups and report back to the General Issues Committee.

(Partridge/Pasuta)
That the recommendations for the Reallocation of the Previously Approved Funding for the Remediation and the Demolition of the Surplus School Property at 155 East 26th Street know as Eastmount Park Elementary School, be amended by adding the phrase "***of $600,000***" after the word "funding", and by adding the word "***possibly***" after the phrase "reallocated to" in sub-section (a), to read as follows:

(a) That, concurrent with staff reporting to the 2018 budget process (General Issues Committee), as it relates to the former Eastmount School property, the previously approved funding ***of $600,000*** for the remediation and the demolition, as outlined in Private & Confidential Appendix "B" to Report PED15127(a), respecting the Surplus School Property at 155 East 26th Street know as Eastmount Park Elementary School, be reallocated to ***possibly*** fund all or a portion of the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements; and

***Amendment* CARRIED**

(Pearson/Conley)
That the following subsection (c) be added:

(c) That no money be spent until the report coming through the 2018 budget process is completed.

***Amendment* CARRIED**

Main motion ***as amended*** motion to read as follows:

(a) That, concurrent with staff reporting to the 2018 budget process (General Issues Committee), as it relates to the former Eastmount School property, the previously approved funding ***of $600,000*** for the remediation and the demolition, as outlined in Private & Confidential Appendix "B" to Report PED15127(a), respecting the Surplus School Property at 155 East 26th Street know as Eastmount Park Elementary School, be reallocated to ***possibly*** fund all or a portion of the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements;

(b) That Tourism & Culture staff be directed to review alternative uses for the property at 155 East 26th Street, known as the Eastmount Park Elementary

School site, as it would relate to opportunities for not-for-profit community groups and report back to the General Issues Committee***; and***

(c) That no money be spent until the report coming through the 2018 budget process is completed.

Main Motion, *as Amended*, CARRIED

7.10 Parkdale Landing Affordable Housing Project - Phase 1

(Merulla/Collins)
WHEREAS, Indwell Community Homes has purchased the derelict property at the corner of Melvin and Parkdale and are undertaking a two phase redevelopment to transform the site into a housing and community hub. Phase 1 includes 57 affordable housing units with significant tenant supports; and

WHEREAS, the Parkdale Landing Affordable Housing Project (57 units) Phase 1 has a total budget of $12,731,554. The sources of funding include $5.5M Federal/Provincial Capital Grant, community donations of $2.05M, Financing of $4,891,304 leaving the project $290,250 unfunded.

THEREFORE BE IT RESOLVED

(a) That the unfunded costs in the amount of $290,250 for the Parkdale Landing Affordable Housing Project (57 units) Phase 1 Development be funded as a grant from the Ward 4 Councillor's Capital Reserve; and

(b) That staff be granted delegated authority to enter into a funding agreement on behalf of the City with the following terms:

(i) That 50% of the $290,250 payment be made immediately after the funding agreement has been signed by all parties and the balance of the grant paid out on January 15, 2019;

(ii) That Indwell's must forward to City Finance staff their Annual Financial statements upon their Board's approval of same.

CARRIED

7.11 217 Lottridge Street, Hamilton (Formerly: B.I.Z. Mechanical Inc. O/A: E.Z. Waste)

(Green/Merulla)
WHEREAS, the City of Hamilton conditionally approved Site Plan Control application, DA-08-030 on April 9, 2008, for the construction of a 648 square metre waster transfer station for dry non-hazardous waste at 217 Lottridge Street, Hamilton;
WHEREAS, on November 24, 2008, the Ministry of the Environment issued a Certificate of Approval, for a Waste Disposal Site at 217 Lottridge Street, Hamilton, establishing guidelines for the activities of the operation in a way that protects the environment, as well as identifying protocol for addressing complaints regarding the operation of the Site;

WHEREAS, the City of Hamilton Final Approved Site Plan Control, DA-08-030, on March 30, 2009, for a Waste Disposal Site at 217 Lottridge Street, Hamilton, in accordance with a Letter of Undertaking that was signed and acknowledged by the property owner of the subject lands, on March 10, 2009, that the owner shall comply with the content of the plans and drawings and not to vary there from;

WHEREAS, residents located adjacent to, and surrounding the existing waste transfer station at 217 Lottridge Street, Hamilton, have directed complaints to the Ward Councillor, relating to noise, dust, odour, outdoor storage, a lack of visual barriers, screening, and vegetation, and to date, the owner/operator have been non-responsive; and

WHEREAS, the City of Hamilton, Ward 3 Councillor, filed a letter on September 26, 2016 to the Ministry of the Environment and Climate Change requesting follow-up on the complaints that have been raised by local area residents for the Waste Disposal Site located at 217 Lottridge Street, Hamilton;

THEREFORE BE IT RESOLVED:

That staff be directed to advise the Ministry of the Environment and Climate Control that the Certificate of Approval that was issued on November 24, 2008, and further amended on September 29, 2009, March 7, 2011, and August 11, 2015, for a Waste Disposal Site at 217 Lottridge Street, Hamilton, be reviewed for compliance, and, potentially revoked, based upon further investigation of the operation as it currently exists.

CARRIED

7.12 Community Grants for Ward 3

(Green/Merulla)
WHEREAS, cell tower revenues from Ward 3 of $87,266.81 are available in project 3301609603 to provide financial support to community led projects and initiatives that benefit Ward 3;

THEREFORE BE IT RESOLVED:

That the funding for the following programs and initiatives, to be financed from the Cell Tower Revenues Project 3301609603, be approved:

(a) That a grant provided to McMaster Indigenous Student Community Alliance (MISCA) in partnership with OPIRG McMaster, PACBIC, the McMaster Peace Studies, Engineering, and Social Work Faculties, and various student groups to provide the following: $1,500 for the Event, 150 years of Resilience: an Untold Story, $1,500 for a blanket exercise regarding the history of colonization, $1,000 for the 2017 Cultural Gathering, and $1,000 for the Indigenous Social Forum.

CARRIED

NOTICES OF MOTION

8.1 Reconsideration of the Demolition of the City-Owned Surplus School at 155 East 26th Street, known as Eastmount Park Elementary School

Councillor T. Jackson introduced a Notice of Motion respecting the Reconsideration of the Demolition of the City-Owned Surplus School at 155 East 26th Street, known as Eastmount Park Elementary School.

(Jackson/Whitehead)
That the Rules of Order be waived to allow for the Reconsideration of the Demolition of the City-Owned Surplus School at 155 East 26th Street, known as Eastmount Park Elementary School.

CARRIED

For disposition of this matter, refer to Items 7.8 and 7.9.

8.2 Parkdale Landing Affordable Housing Project - Phase 1

Councillor S. Merulla introduced a Notice of Motion respecting the Parkdale Landing Affordable Housing Project - Phase 1.

(Merulla/Collins)
That the Rules of Order be waived to allow for the introduction of a motion the Parkdale Landing Affordable Housing Project - Phase 1.

CARRIED

For disposition of this matter, please refer to Item 7.10.

8.3 217 Lottridge Street, Hamilton (Formerly: B.I.Z. Mechanical Inc. O/A: E.Z. Waste)

Councillor M. Green introduced a Notice of Motion respecting 217 Lottridge Street, Hamilton (Formerly: B.I.Z. Mechanical Inc. O/A: E.Z. Waste).

(Green/Merulla)
That the Rules of Order be waived to allow for the introduction of a motion respecting 217 Lottridge Street, Hamilton (Formerly: B.I.Z. Mechanical Inc. O/A: E.Z. Waste).

CARRIED

For disposition of this matter, please refer to Item 7.11.

8.4 Community Grants for Ward 3

Councillor M. Green introduced a Notice of Motion respecting Community Grants for Ward 3.

(Green/Merulla)
That the Rules of Order be waived to allow for the introduction of a motion respecting Community Grants for Ward 3.

CARRIED

For disposition of this matter, please refer to Item 7.12.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Green/Jackson)
That Council move into Closed Session at 8:42 p.m. to discuss Ombudsman's Preliminary Report, Ombudsman's Preliminary Report (CL17008 / LS17031), and Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update, pursuant to Section 239(3)(b) of the Ontario Municipal Act, 2001, 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

Council reconvened in Open Session at 9:31 p.m.

10.1 Ombudsman's Preliminary Report

There was nothing to report in Open Session respecting the Ombudsman's Preliminary Report.

10.2 Ombudsman's Preliminary Report (CL17008 / LS17031)

There was nothing to report in Open Session respecting the Report CL17008 / LS17031- Ombudsman's Preliminary Report.

10.3 Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update

(Whitehead/Conley)
(a) That the direction provided to staff in Closed Session, respecting the Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update, be approved ***as amended***; and,

(b) That the information respecting the Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update, and its appendices, remain confidential.

CARRIED

Councillors A. Johnson, M. Green, B. Johnson, R. Pasuta, and J. Partridge requested to be recorded as OPPOSED to the aforementioned motion.

GENERAL ISSUES COMMITTEE REPORT 17-018 (Continued)

8. Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update (LS17015(b)) (City Wide) (Item 12.3)

(Eisenberger/VanderBeek)

(a) That the direction provided to staff in Closed Session, respecting Report LS17015(b), respecting the Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update, be approved ***as amended***; and,

(b) That Report LS17015(b), respecting the Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update, and its appendices, remain confidential.

CARRIED

(A. Johnson/Green)
That the EIGHTEENTH report of the General Issues Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED

(Farr/Green)
That the committee of the Whole Rise and Report.

CARRIED

BY-LAWS

(VanderBeek/Conley)
That Bills No.17-190 to No.17-195 be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be renumbered, be signed by the Mayor and the City Clerk to read as follows:

Bill No.	
190	To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 6 (One Way Streets) Schedule 9 (No Turn on Red) Schedule 13 (Designated Traffic Lanes) Schedule 18 (Bicycle Lanes) Ward: 1, 2
191	To Amend By-law No. 06-147, Being a By-law to Authorize the City to Enter into Extension Agreements Ward: City Wide
192	Respecting Removal of Part Lot Control, Block 6, Registered Plan No. 62M-1011, known as Flamborough Industrial Park PLC-17-019

Ward: 15

193 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 100 Hamilton Street North (Flamborough)
ZAR-15-058
Ward: 15

194 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 5 (Parking Meters)
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 10 (Alternate Side Parking)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 15 (Commercial Vehicle Loading Zones)
Ward: 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15

195 To Confirm the Proceedings of City Council

CARRIED

(Green/Farr)
That, there being no further business, City Council be adjourned at 9:35 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting City Clerk