CITY COUNCIL
MINUTES 16-019

5:00 p.m.
Wednesday, October 12, 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, T. Jackson, T. Whitehead, D. Conley, B. Johnson, L. Ferguson, A. VanderBeek, J. Partridge, and R. Pasuta

Absent with Regrets: Councillors M. Pearson and C. Collins – Personal

Mayor Eisenberger called the meeting to order and called upon Pastor Henry Kranenburg from Immanuel Christian Reformed Church to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.16 Correspondence respecting the Light Rail Transit project:

(a) Jason Allen

(b) Gibson Landsdale Community Planning Team

(c) Lee Edward McIlmoyle, The Stinson Creative Lab

(d) Jeff Chuchman

(e) Craig Burley

(f) Margaret Wilding

Recommendation: Be received and referred to the October 25, 2016, Special General Issues Committee meeting respecting Light Rail Transit.

5.17 Correspondence from Joel D. Farber respecting Corporate Strategic Growth Initiatives (Item 3 of GIC Report 16-023) (CM16013)

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

5.18 Correspondence from Valerie Righton respecting a Site Specific Exemption from a Change to the Zoning By-law Amendment for 165 Queenston Road

Recommendation: Be received and referred to Item 2 of the Planning Committee Report 16-017

2. ADDED NOTICES OF MOTION

8.1 City of Hamilton Endorsement of Indwell Community Homes

3. ADDED PRIVATE AND CONFIDENTIAL

10.1 Legal Opinion received whether certain Motions respecting the LRT, constitute a reconsideration

Pursuant to Section 8.1, Sub-Section (f) of the City's Procedural By-law 14-300, and Section 239(2),Sub-section (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Ferguson/VanderBeek)
That the agenda for the October 12, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest with respect to Information Item (e)(i) of the General Issues Committee Report 16-023 as his family is involved in the taxi industry.

APPROVAL OF MINUTES

4.1 September 28, 2016

(B. Johnson/Merulla)
That the Minutes of the September 28, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Skelly/Whitehead)
That Council Communications 5.1 through 5.18 be approved, as amended, as follows:

5.1 Correspondence from Peter Hiscocks, Chair, Committee on Light Pollution, Royal Astronomical Society of Canada, Toronto Chapter respecting the impact of light on our communities.

Recommendation: Be received.

5.2 Correspondence in response to the City of Hamilton's letter respecting the Proposed Urgent Care Facility on the South Hamilton Mountain:

(a) Michael Shea, Board Chair, Hamilton-Niagara Haldimand Brant LHIN

(b) Rob MacIsaac, President and Chief Executive Officer, Hamilton Health Sciences

Recommendation: Be received.

5.3 Correspondence from Lisa Lyons, Town Clerk, Town of Aurora to the Honourable Kathleen Wynne, Premier of Ontario, requesting support for the Town of Aurora Council Resolution of September 13, 2016, Report No. CS16-020 – Ontario Municipal Board (OMB) Reform Update.

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

5.4 Correspondence from Alan Whitehead, President, Canadian Association of Radon Scientists and Technologists (CARST) respecting the potential liability of not enforcing Ontario Building Code regarding Radon Gas.

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

5.5 Correspondence from Ina Lila, Project Coordinator, Abundant Solar Energy, requesting that the City of Hamilton provide them with Municipal Council Support Resolutions for a 2 ground mount solar projects located in the City of Hamilton.

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

5.6 Correspondence from Robert James, respecting the attempted privatization and request for sale of the unassumed alleyway behind Syndenham Street in Dundas.

Recommendation: Be received and referred to the General Manager of the Public Works Department.

5.7 Correspondence respecting the Light Rail Transit project:

(a) Umair Niazi

(b) Nathan Czorny

(c) Dennis Martin

Recommendation: Be received and referred to the October 25, 2016, Special General Issues Committee meeting respecting Light Rail Transit.

5.8 Correspondence from Matt MacDonald, Acting Director of Corporate Services/City Clerk, City of Belleville to Lisa Thompson, MPP, Huron-Bruce requesting support for the City of Belleville Council Resolution on Supporting Agricultural Experts in Their Fields.

Recommendation: Be received.

5.9 Correspondence from Mayor Bill Vrebosch, Municipality of East Ferris, AMO Board Rural Caucus, ROMA Zone 9, Chair, Under 6,000, respecting the Clean Water and Wastewater Fund which has been amended to include all rural communities.

Recommendation: Be received.

5.10 Correspondence from Maddie Bemrose, Agroclimate Analyst, Agriculture and Agri-Food Canada encouraging all those involved in the agriculture industry to become a Agroclimate Impact Reporter (AIR) volunteer.

Recommendation: Be received.

5.11 Correspondence from David Lodewyks respecting 500 Garner Road West / Book Road Lands.

(Ferguson/Green)
Recommendation: ***Be received*** ~~and referred to the General Manager of Planning and Economic Development.~~

5.12 Correspondence from Minister Chris Ballard, Ministry of Housing respecting the City of Hamilton's allocation of Community Homelessness Prevention Initiative (CHPI) funding, which is contingent on provincial budget approvals.

Recommendation: Be received.

5.13 Correspondence from Reverend Doctor Robert M. Kiffman respecting Veteran's Parking Permit – Pilot Program.

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

5.14 Correspondence from Minister Judy Foote, Ministry of Public Services and Procurement in response to the Mayor's letter respecting postal banking through Canada Post.

Recommendation: Be received.

5.15 Correspondence from Minister Kathryn McGarry, Ministry of Natural Resources and Forestry respecting the introduction of legislation to amend the *Aggregate Resources Act.*

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

5.16 Correspondence respecting the Light Rail Transit project:

(a) Jason Allen

(b) Gibson Landsdale Community Planning Team

(c) Lee Edward McIlmoyle, The Stinson Creative Lab

(d) Jeff Chuchman

(e) Craig Burley

(f) Margaret Wilding

Recommendation: Be received and referred to the October 25, 2016, Special General Issues Committee meeting respecting Light Rail Transit.

5.17 Correspondence from Joel D. Farber respecting Corporate Strategic Growth Initiatives (Item 3 of GIC Report 16-023) (CM16013)

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

5.18 Correspondence from Valerie Righton respecting a Site Specific Exemption from a Change to the Zoning By-law Amendment for 165 Queenston Road

Recommendation: Be received and referred to Item 2 of the Planning Committee Report 16-017

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

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE REPORT 16-022

(Eisenberger/Partridge)
That the TWENTY-SECOND Report of the General Issues Committee be adopted, as presented, and the information section received (attached hereto).

CARRIED

PUBLIC WORKS REPORT 16-016

2. Everyone Rides Initiative Pilot Project (PW16086) (Item 5.2)

(Farr/Green)

(a) That sub-section (c) and (d) be referred back to Public Works so that the appropriate staff may meet with Hamilton Bike Share Inc. and assist where applicable with the organization's financial statements; and

(b) That the Public Works and Finance and Corporate Services staff review the Terms of Reference agreement between Sobi Bicycles Inc., New York City, and the City of Hamilton and Metrolinx, with a report back to the appropriate committee on this agreement.

CARRIED

(Whitehead/Skelly)
That the SIXTEENTH Report of the Public Works Committee be adopted, as amended and the information section received (attached hereto).

CARRIED

PLANNING COMMITTEE REPORT 16-017

2. City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1-4) (Item 6.1)

(Merulla/B. Johnson)
That Item 2 of the Planning Committee Report 16-017 respecting the City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1-4), be amended by adding the following as sub-section (e):

(e) That staff be directed to:

(i) Amend Zoning Map 1091 in Zoning By-law No. 05-200, to remove the property located at 165 Queenston Road from the Mixed Use (TOC1) Zone; and,

(ii) Delete and replace Map 1091 in the Zoning By-law Amendment to By-law 05-200 respecting the Transit Oriented Corridor Zones; and,

(iii) Include the subject lands in the Commercial and Mixed Use Zoning process.

Amendment CARRIED
Main Motion as *Amended* CARRIED

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-023

(Eisenberger/Pasuta)
That the TWENTY-THIRD Report of the General Issues Committee be adopted, as presented, and the information section received (attached hereto).

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 16-014

Councillors Jackson and Pasuta advised that although they are not members of the Audit, Finance and Administration Committee, they were present at the meeting on October 6, 2016.

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

CARRIED

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

CARRIED

MOTIONS

7.1 Hamilton Home Energy Retrofit Opportunity (Hamilton H.E.R.O. Program)

(Green/Farr)
WHEREAS, the City of Hamilton has developed a Community Climate Change Action Plan which directs priority actions that will mitigate green house gases, adapt to the risks associated with climate change and will help make Hamilton a resilient and prosperous community in the face of climate action as outlined in Mayor Fred Eisenberger's Community Climate Change Action Plan Implementation Team approved by Council on June 22nd 2016;

WHEREAS the City's Government Relations and Infrastructure Funding Update included information that the Federal Minister of Infrastructure and Communities announced the intention to spend $60 Billion including a $5 Billion investment in green infrastructure;

WHEREAS the Federal 2016 budget approved in March included additional funding for Innovative Green Municipal Projects providing an additional $125 million over the next two years to the Federation of Canadian Municipalities to enhance the Green Municipal Fund, including projects that reduce greenhouse gas emissions. This Fund, established in partnership with municipalities in 2000, finances and funds innovative, municipal green infrastructure priorities, and has provided over $700 million to projects across the country since its inception;

WHEREAS Environment Hamilton has identified like projects successfully introduced in Halifax, Toronto, and Guelph, for example the Halifax Solar City program, which reduced the City's carbon footprint by 16.1 million kg of CO2, implemented water measures to save an estimated 30 million litres of water, kept $500,000 in the local economy that was previously leaving it in energy costs, created 40+ local jobs in the green energy sector, and won the municipality several awards for climate leadership. Environment Hamilton and the Hamilton Association for Renewable Energy have proposed that the city of Hamilton seize this opportunity to launch a home energy improvement plan for Hamilton that

uses LICs to make building efficiency improvements more accessible for citizens and meet the goals outlined in the city's existing climate change action plan;

WHEREAS the Ontario provincial government has announced in its recent climate change plan the establishment of a Green Bank dedicated to assisting homeowners in navigating municipal, federal, and provincial grants and programs dedicated to energy efficiency, with a specific focus on assistance for low income households; and

WHEREAS the *Ontario Municipal Act* has updated legislation regarding Local Improvement Charge (LIC) loans to facilitate the implementation of home energy LICs, and the mechanism is one that Hamilton already uses for the replacement of lead water intake pipes and administering it is already established as a familiar mechanism to the city.

THEREFORE BE IT RESOLVED:

That the appropriate staff report back to ~~the Audit, Finance & Administration Committee~~ ***the next appropriate General Issues Committee meeting to allow for Environment Hamilton to request a delegation, and prior to reporting*** on the feasibility of creating a Local Improvement Charge Loan program similar but not limited to like building energy efficiency programs as in Halifax, Toronto and Guelph.

Amendment CARRIED
Main Motion as *Amended* CARRIED

7.2 City of Hamilton Endorsement of Indwell Community Homes

(A. Johnson/Merulla)

(a) That the City of Hamilton endorses Indwell Community Homes in its efforts to achieve the ambitious targets for environmental sustainability set out in the City of Hamilton's Community Climate Change Action Plan, approved at the October 28, 2015 meeting of Council, in particular through adopting Passive House design strategies for its upcoming housing projects in Wards 2 and 4;

(b) That the City anticipates working with Indwell to explore new building technologies, and relevant supporting strategies to enable local and national action on climate change, acknowledging the role of the charitable, private, and public sectors – including research through our universities, Natural Resources Canada, and industry partners***; and***

(A. Johnson/Merulla*)*

(c) That this motion is for the purposes of a grant application with Natural Resources Canada, Energy Innovation Partnership, with a deadline of October 31, 2016

Amendment CARRIED
Main Motion as *Amended* CARRIED

NOTICES OF MOTION

Councillor A. Johnson introduced the following Notice of Motion:

8.1 City of Hamilton Endorsement of Indwell Community Homes

That the City of Hamilton endorses Indwell Community Homes in its efforts to achieve the ambitious targets for environmental sustainability set out in the City of Hamilton's Community Climate Change Action Plan, approved at the October 28, 2015 meeting of Council, in particular through adopting Passive House design strategies for its upcoming housing projects in Wards 2 and 4; and

That the City anticipates working with Indwell to explore new building technologies, and relevant supporting strategies to enable local and national action on climate change, acknowledging the role of the charitable, private, and public sectors – including research through our universities, Natural Resources Canada, and industry partners.

(A. Johnson/Farr)
That the Rules of Order be waived to allow for the introduction of a motion respecting the City of Hamilton's Endorsement of Indwell Community Homes.

CARRIED

For disposition of this matter, please refer to Item 7.2

PRIVATE AND CONFIDENTIAL

10.1 Legal Opinion received whether certain Motions respecting the LRT, constitute a reconsideration

(B. Johnson/Partridge)

(a) That Private and Confidential Item 10.1 respecting the Legal Opinion received whether certain Motions respecting the LRT constitute a reconsideration be REFERRED to the October 25, 2016 Special General Issues Committee meeting; and

(b) That Mr. Rust-D'Eye be requested to be in attendance at the Special GIC meeting on Oct 25th, 2016 to respond to questions regarding his legal opinion.

CARRIED

Mayor Eisenberger and Councillors A. Johnson, Farr, Green and Merulla requested to be recorded as OPPOSED to the motion.

STATEMENT BY MEMBERS

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

BY-LAWS

(Skelly/Whitehead)
That Bills No. 16-262 to No. 16-278 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.

262 To Amend By-law No. 10-221, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property

263 Respecting Removal of Part Lot Control from Lot 118 on Registered Plan 62M-1218, "Waterdown Meadows – Phase 3", Flamborough
PLC-16-030

264 To Adopt Official Plan Amendment No. 65 to the Urban Hamilton Official Plan Respecting Text and Schedule/Mapping Amendment to Implement Transit Oriented Corridor Zoning for Wards 1-4

265 as amended To Amend By-law No. 05-200 to Create New Transit Oriented Corridor Zones for the City of Hamilton

266 To Adopt Official Plan Amendment No. 235 to the City of Hamilton Official Plan Respecting Lands located on the north side of Barton Street West and opposite Ray Street North, Hamilton

267 To Amend Zoning By-law No. 6593 Respecting Lands Located at 280 Barton Street West
ZAC-16-015
OPA-16-06

268 To Amend Zoning By-law No. 05-200, as amended, Respecting Lands Located at 280 Barton Street West, Hamilton
ZAC-16-015
OPA-16-06

269 To Adopt Official Plan Amendment No. 66 to the Urban Hamilton Official Plan Respecting Lands Located at 1575 Upper Ottawa Street, Hamilton

270 To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 5 (Stop Control)

271 To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)

272 To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 27 (Truck Routes)
Schedule 30 (Heavy Traffic Restricted to Right Lane)

273 To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 9 (No Right Turns on Red)
Schedule 10 (No Left Turns)
Schedule 27 (Truck Routes)

274 To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)

275 To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)

276 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 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones)

277 A By-law of the City of Hamilton to Authorize the Borrowing Upon Serial Debentures in the Principal Amount of $128,415,000.00 Towards the Cost of Water Program Capital Improvements, Various Waste Management Projects, Wastewater & Storm Sewer Capital Improvements, Various Municipal Roads, MacNab North Bridge and Burlington Street Overpass A, Various Recreation Infrastructure, Various Parks and Emerald Ash Borer, Corporate Facilities Infrastructure and McMaster Health Campus

278 To Confirm the Proceedings of City Council

CARRIED

(Farr/Merulla)
That, there being no further business, City Council be adjourned at 7:35 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk